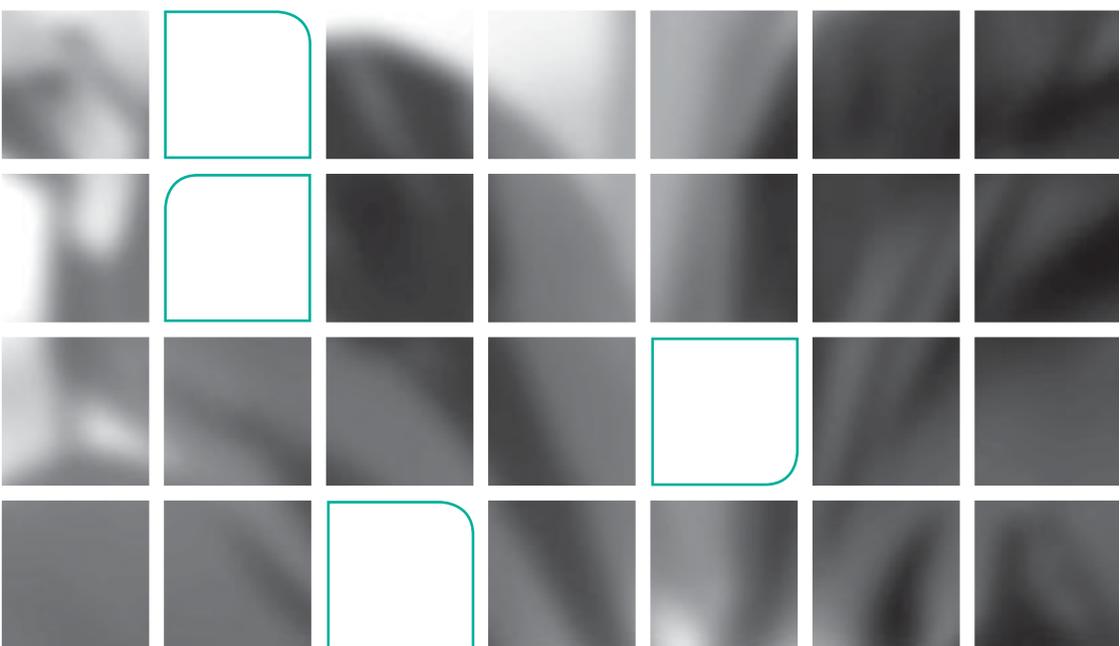


THINKING ABOUT MOVING INTO A

care home?



SCOTTISH EXECUTIVE



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care home?

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part 1

INTRODUCTION

INTRODUCTION

This booklet is for people who may need to move into a care home and their carers and relatives.

If you are in that position, this leaflet explains:

- how your local social work service can help you;
- your right to have your care needs assessed;
- your right to choose the care home you want to live in;
- how the social work service will work out how much you will pay towards the cost; and
- what will happen to your current home.

This booklet is primarily aimed at people considering entering a care home. This type of care will not be suitable for all people. Your social work service will be able to advise you on other types of accommodation and services that are available to help people remain at home.

You may wish to go through this booklet with a relative or carer, or someone who can give you support or advice.

The term 'social work service', used throughout this booklet, refers to the office in your local authority which has responsibility for social welfare services, such as day care and home helps, as well as for care home accommodation. Part 2 of the booklet explains how to contact the social work service.

Further advice is available from your local social work service, from a number of voluntary organisations, and from the homes themselves.

Telephone help-lines are also available.

One of these is Help the Aged's Freephone Senior Line on 0808-8006565. You can also contact Age Concern's Scottish helpline for Older People on 0845 125 9732.

What if I am already in a care home?

This booklet may also be helpful if you are already living in a care home. For example, it includes information about any contribution you make towards the cost of your care, about the resources you should have available for your personal expenses, and about arrangements if you wish to move to a different home.

What if I am in hospital?

Part 3 of this booklet explains further about moving into a care home from hospital.



part 2

MOVING INTO A CARE HOME

- Regulation and inspection of care homes – the Care Commission
- Contacting the social work service
- How will my care needs be assessed?

MOVING INTO A CARE HOME

What is a care home?

A care home is a place where people can live and be looked after by trained staff day and night in homely surroundings. Care homes were previously known as either nursing or residential homes.

- Care homes have staff who have been trained to look after you in accordance with set standards.
- Care homes can also provide additional equipment and trained nurses on duty day and night to provide skilled nursing care when you need it.
- Care homes are registered and inspected by the **Care Commission**.

The Care Commission

Care homes in Scotland are regulated by the Scottish Commission for the Regulation of Care (the Care Commission), taking account of the National Care Standards. There are five sets of standards for adult care homes including a set for care homes for older people. The standards are based on a set of principles that reflect your rights as a citizen such as dignity, choice and privacy. They describe what you can expect from the service provider. You should be able to see the standards at your local library and online at

www.scotland.gov.uk/health/standardsandsponsorship

Copies are also available from Blackwell's Bookshop
53-62 South Bridge, Edinburgh EH1 1AY

Telephone 0131 622 8222

Accessing inspection reports on care homes

The latest inspection report should be available to prospective residents and their relatives from the Care Commission.

You can contact the Care Commission at:

The Scottish Commission for the Regulation of Care
Compass House
11 Riverside Drive
Dundee DD1 4NY
Tel: 01382 207100
Lo-call: 0845 603 0890
Website: www.carecommission.com

If you think you may need to move into a care home, you should contact your local social work service who can help you to:

- decide whether you should really move to a care home;
- find a suitable home; and
- understand your eligibility for financial support, including free nursing and personal care.

If you need assistance to arrange and/or pay for the care that you feel you need in a care home, the social work service will formally assess your care needs and ability to contribute towards the care costs. (See part 4.)



If you can afford to pay for a place in a care home, and want to take advantage of the payments available for the costs of nursing care or personal care, you must first have your need for such care assessed by the social work service. (See part 5.)

If you can afford to pay for a place in a care home, you can choose to go into residential care without first contacting the social work service. However, whilst you are free to do this, it cannot be guaranteed that the social work service will assess you as being in need of personal and/or nursing care should you apply for this funding assistance *after* entering the home.

Contacting the social work service

If you already receive help from the social work service, you can ask your careworker, home help or social worker to arrange for the appropriate person in the service to contact you.

If you are not already in contact, you will find the address and telephone number in your 'phone book under 'social work' or your local authority's name, or at your local library or council offices. If you have trouble finding these details, your doctor's surgery or Citizens Advice Bureau will be able to help you.

If you are currently in hospital, a hospital social worker will be able to assist you.

How will the social work service decide what your needs are?

First an 'assessment' of your care needs will be undertaken depending on the difficulties you are having. The assessment may be carried out by one of a number of different people (e.g. nurse, social worker, occupational therapist). You will be asked some questions about yourself, for example:

- What do you have difficulty in doing?
- What would you like to be able to do?
- What help do you already get from family, friends or other carers?
- Why are you thinking of moving into a care home?

You may want to have a relative, friend or carer with you during the assessment. If you do not have anyone to give you this support, there may be a local 'advocacy' scheme that can help you. The Scottish Independent Advocacy Alliance can provide details of advocacy workers in your area. Their telephone number is 0131 455 8183. Their website can be found at: www.siaa.org.uk

If you agree, the person doing the assessment will also probably ask your doctor about your health. She (or he) will also talk to any friends or relatives who already help you and will consider their needs and views as well.



If you are considering moving into a care home, the social work service must get medical advice if it is thought that you need nursing care.

Assessments of people with complex needs may take longer than for other people. You should be given a copy of the results of your assessment. If you are not, you should ask for one. After finding out what your needs are, the person who assesses you will discuss with you the kinds of help that you can get. The assessment may suggest that moving into a care home is not the best way to meet your needs.

The person who assesses you may suggest that you carry on living in your current home if it is considered that would be best for you. If you need help to make it easier for you to do that, he or she will arrange it. This help might include meals on wheels, home help, day centre care, a short break or respite care to give you the chance to have different experiences and a change of setting. The person who assessed you may suggest that you apply to move into sheltered housing. Sheltered housing is adapted to suit older people and people with special needs. It also has staff who will help to make sure you are as safe and secure as possible. The Age Concern Scotland publication *Should I Move – Housing Choices For Older People*, includes advice on other care options available to you.

What if I disagree with the assessment?

If you disagree with the assessment and the types of help suggested for you, you can ask for a review. If you are still not satisfied with the results of the assessment, or the way in which it was carried out, you can make a formal complaint. (See part 6.)



part 3

YOUR RIGHT TO CHOOSE WHERE YOU LIVE

- How will the National Care Standards help me?
- Choosing a home
- Can I stay in hospital instead of moving into a care home?

YOUR RIGHT TO CHOOSE WHERE YOU LIVE

When you and your social work service have decided that a move into a care home is the best option for you, the next step will be to find a home that suits you.

How will the National Care Standards help me?

The National Care Standards can help you decide which home to choose. The Standards make it clear that everything about the care home service should lead to your enjoying a good quality of life. They should guide the owner or manager of the care home about building requirements (such as the size of rooms), whom to employ and how they should manage the service. Standard 1 sets out the type of information that the care home should give you to help you make your decision (such as the accommodation and service provided). Each care home can supply you with a copy of the most recent inspection report.

Do I have to find a care home myself?

No. The social work service must find a suitable home for you, if you do not wish to do so yourself. The Care Commission can supply a list of registered care homes in your area or other areas in Scotland.

Do I have to move into a home near where I live now?

Most people will want to stay in the community in which they live, but that is not a requirement. You can choose to move anywhere in Great Britain to be close to family and friends, provided your social work service can agree

the arrangements. You will want to think carefully about deciding to move a great distance from where you live now. It is your decision.

Can I choose the home?

The social work service must give you a choice about which home you use, even though in most cases it will be paying at least some of the costs.

You may not feel up to finding your own home and may want help to choose a home. Your social work service is there to help and will give you information to help you choose – for example, a list of suitable homes in your locality. It can help you to visit any home you are considering. The National Care Standards say that you can visit the home at least once to help you reach a decision in your own time about moving in. They also say that, if you want, family members, friends, carers or an independent representative may be involved in these visits. The social work service can probably arrange a trial stay so that you can see if you like the home.

How will my social work service help me choose a home?

Local social work service staff can help you in a number of ways:

- They will give you any information you need to help you choose, such as details of the size, situation and facilities of homes.

- They will be able to help you to access recent inspection reports of care homes.
- They can also advise on what points you should consider when choosing a home.

If you wish, they may suggest some homes that they think you might like. You may find this helpful, but you do not have to choose any of these homes.

What can I choose?

You can choose to move into any home as long as:

- there is a place available; and
- the social work service has decided that the home is suitable for your needs; and
- the social work service and the owner of the home can agree a contract; and
- the home you have chosen will not cost the social work service more than it usually expects to pay for a home providing the sort of care you need; and
- the home is willing to accept you.

These points are explained further below.

What if there is no place available in the home I like?

If there is no place available in the home you have chosen, you can ask the social work staff to provide you with help to stay in your own home until there is a suitable vacancy. If this is not practicable, they can also arrange for you to live somewhere else until a place becomes available.

What does 'suitable' mean?

If you think the home is right for you and you want to live there, the chances are that it will be suitable. The social work service has to be absolutely sure that the home can look after you properly. The home must offer the type of care which can best meet your needs. If your social worker thinks that there could be a problem, he or she will explain this to you.

The social work service must consider all your needs. If you think there are special reasons why you need to go to a particular sort of home, tell them. It may be that you need to live near relatives or friends, or you may have religious, lifestyle or cultural needs. You should also tell the social work service if you think the homes it has suggested are unsuitable.

What if the home and the social work service can't agree a contract?

This will not normally be a problem. The social work service is responsible for making sure you will be properly looked after. This means that it has to have a legal agreement with the home. If a contract cannot be agreed, unfortunately the social work service will have no option but to ask you to choose another home. If you want to complain about this decision, see part 6.

What is the cost that the social work service usually expects to pay?

This varies from area to area. It also depends on the type of care that you need. The social work service will tell you how much it would usually pay for someone in your position. This must be enough to pay for a home which can provide the type and quality of care that you need. However, this may not necessarily be your first choice of care home.

The social work service will undertake a financial assessment of your capital and income in order to establish any contribution that you are required to make towards the cost of your care.

If you cannot find a suitable home offering a place for the amount the social work service says it will pay, you can ask the social work service to reconsider.

What if I want to move into a more expensive home?

A move into a more expensive home will only be possible if you or someone else – a ‘third party’ – can make up the difference between what the social work service usually expects to pay for your type of care (the **normal fees**) and the amount that the home actually charges. These additional payments are called **top-up payments**.

The third party might be a member of your family, a friend, or perhaps a charity or benevolent fund. Neither you nor a third party can be compelled to enter into a topping-up agreement.

The local authority will only allow residents who meet specified criteria to enter into a topping-up agreement. Furthermore, you will not be allowed to make top-up payments from the capital or income that the local authority has already assessed as being part of your contribution towards the normal fees.

Further information on top-up payments is provided in part 4.

Do I have to find someone to help out if I cannot find a care home at the price that the authority is prepared to pay?

No. The social work service must always be able to find a suitable care home place for you at the price it would usually expect to pay for someone with your care needs. However, the home may not be your first choice.

What if I am not satisfied with the care home I am in?

If you are unhappy with the care home you move into, you can ask the social work service to place you in another home.

You can ask the social work service to help you move even if you chose the first home yourself.



You have the same rights to financial assistance and to choose a new care home that you had when you moved into a home for the first time. The Care Commission can supply you with a list of registered care homes in your area.

Can I stay in hospital instead of moving into a care home?

You cannot make such a decision yourself. In general, it will be for a doctor to decide this, taking account of your views and those of other professionals and the alternative arrangements available to meet your needs.

Once you are ready to be discharged from hospital, the social work service will work with you to ensure that a care home placement is secured for you within 6 weeks. If a place in your first choice of care home is not immediately available, you will be given a place in an alternative home of your choice until a place in your first choice care home becomes available.

Under certain circumstances the NHS may continue to arrange and fund continuing in-patient care which may be provided in a hospital, hospice or care home. More details are available from your NHS Board.

If you do not agree with the service's decision, you can complain through its formal complaints procedure. (See part 6.)

Residents who are unable to manage their own affairs

Some people require someone else to have legal authority to take decisions to do with their physical and emotional wellbeing and/or to manage their finances. The Adults with Incapacity (Scotland) Act 2000 (the AWI Act) provides the legal basis for such arrangements, where these will be of benefit to the resident. This may mean that decisions around the choice of a home and whether residential care is necessary, will be taken by someone legally appointed under the AWI Act to act on behalf of the person with support from health and social care professionals. More information about the AWI Act can be accessed on the website:

www.scotland.gov.uk/justice/incapacity/



part 4

CONTRIBUTING TO THE COST OF YOUR CARE

- How is my contribution worked out?
- What happens to my social security benefits?
- Will I have to sell my house?
- How do couples organise paying for care in a care home?
- What if I want to move into a more expensive care home?
- How much spending money will I have when I am living in a care home?

CONTRIBUTING TO THE COST OF YOUR CARE

Who will pay the home's fees?

When the social work service arranges for you to move into a care home, it also has to ensure that the care home fees are paid. The social work service will assess how much you can afford to pay towards these costs.

I am only going into a home for a few weeks. Does that make any difference to the way I am charged?

If you are entering a care home for just a short period, the social work service may decide not to make a full assessment of your ability to contribute to the fees. The social work service does not have to make a full assessment of your finances for the first 8 weeks of temporary stay in a home. Instead, you will be asked to pay what the social work service thinks is a reasonable amount. If you are not happy with the amount charged, you can ask for it to be reviewed.

The following paragraphs describe the situation for people entering homes for long periods or permanently.

How much will I be expected to contribute; isn't all care now provided to older people free of charge?

Older people aged 65 and over, who have been assessed as in need of personal care by the social work service, will have the first £149 per week of their care home fees paid for them. The authority will also pay £67 per week towards the care costs of people under and over 65 years who have been assessed as in need of nursing care.

If you are aged 65 or over, and have been assessed as in need of personal and nursing care, you will have the first £216 per week of the care home's fees paid by the social work service. You will only be expected to contribute towards the remaining cost of the care. These remaining care costs, over and above any entitlement to free personal and nursing care, are called the 'hotel' or 'accommodation' costs of the care home.

How is my contribution worked out?

The financial assessment

The social work service will work out how much you can afford to contribute towards the 'hotel' or 'accommodation' costs of the care home by assessing your income, including pensions and social security benefits and any capital you have, including savings, investments or property. This is called the **financial assessment** of your income and capital.

Your contribution towards these costs will be worked out using nationally set rules. The full rules are too lengthy to be printed in this document, but the main points are covered. Your social work service can provide you with more information on these rules and will also be able to explain them to you. These rules make sure that you can keep some money to pay for your personal expenses.

If you can afford to fund your care home fees entirely from your own resources, you may choose not to request the social work service's assessment of your

care needs and finances. However, you would not then be able to receive payments towards personal and nursing care as these benefits are only distributed to those who have been assessed as needing this care. (See part 5.)

Income

Generally, most of your personal income will be taken into account in deciding how much you should pay. This may include your retirement pension, any occupational pensions you have, and most of any social security benefits you receive. Some types of income have to be ignored by the social work service when making a financial assessment. Other types of income can be ignored, as a whole or in part, at the social work service's discretion.

Where savings and other capital are held in joint names, the social work service will assess your contribution on the basis of your share alone. Arrangements for couples are described in more detail later on in this part.

What will happen to my social security benefits?

Most of the social security benefits that you continue to receive after moving into a care home will be included in the financial assessment for your care. Financial support available towards the cost of your care in the home may affect your entitlement to certain social security benefits.

If you are under 60 and have only a small income, and less than £16,000 in capital, you may be eligible for Income Support (IS). If you are over 60, you may be eligible for Pension Credit (PC). If the social work service arranges a place for you, it will normally help you make a claim for IS or PC. Leaflet GL 15, *Help if you live in a care home*, provides further information about the benefits available to people living in care homes. This leaflet is available from your local social security office or jobcentre plus office. Post offices and libraries may also have a copy.

Moving into a care home may also affect your Attendance Allowance (AA) or the care component of your Disability Living Allowance (DLA). It will not affect the mobility component of this benefit.

If you receive financial help from the social work service to pay the care home fees, including any assessed entitlement to free personal care, your AA/DLA will stop after 4 weeks. (Those who receive free personal care in their own homes will continue to be entitled to these benefits.)

If you want any more information about Pension Credit, IS and any other social security benefits, your local social security office will be able to provide it. Advice on social security benefits is also available from a range of enquiry lines. Full details are available on the DWP website at:

<http://www.dwp.gov.uk/contact/index.asp>

The local authority social work service and relevant voluntary organisations can also help you to claim all the benefits to which you are entitled.

Capital

Capital can include your share of savings, investments and property.

The social work service will ignore all capital up to the value of the lower capital limit. (This limit is £13,000 as of April 2008.) You are free to use these funds as you choose.

If you have capital over the upper capital limit, you may still be entitled to payments for personal and nursing care, but will be expected to pay the remaining charges in full. (The upper capital limit is set at £21,500 as of April 2008.) However, you should let the social work service know when your capital is about to reduce to the upper capital limit.

If you have capital between the lower and upper limits, the social work service will expect you to put some of it towards your care costs. You will be asked to contribute £1 a week for every £250 (or part of £250) that you have over the lower limit.

What if I dispose of my 'capital' before entering a home? (Notional Capital)

If you dispose of capital, for example, if you transfer the title to your property to someone else or make valuable

gifts when you know that you will be entering a care home, the social work service may consider that you have done so to avoid contributing towards the cost of your care. It may then assess your finances as if you still possess that capital. Capital which is treated in this way within the financial assessment is known as **'notional capital'**.

When deciding if a person who needs care has disposed of capital to avoid meeting the care costs, the social work service will consider when the capital was either given away or disposed of. It would not, however, be reasonable to assume that a person who had been fit and well and could not have foreseen the need to move into a care home at the time when an asset was given away or disposed of had done so to avoid paying for care.

An example of where a person has deprived himself of capital (although not necessarily for the purpose of avoiding paying for care) would include the title deeds of a property being transferred to someone else.

Ultimately, the social work service will decide whether a person has deliberately disposed of capital to avoid paying for care based on the care charging regulations and guidance. If you do not agree with the service's decision, you can complain through its formal complaints procedure. (See part 6.)

What happens to my house? Will I have to sell it?

If you move permanently to a care home, that will be your new home.

If you own your own home, the social work service will generally consider its estimated value when working out how much capital you have.

The financial assessment must ignore the value of your house if you are entering a home for only a temporary period of care, or if you are intending to move permanently into a care home and any of the following people are living in your house:

- your husband or wife, your civil partner or your unmarried partner;
- a relative who is over 60;
- a relative under 16 (if you have to support him or her);
- a relative who is incapacitated or disabled; or
- a divorced or estranged partner, who is a lone parent with a dependent child.

The social work service can also ignore the value of your house if a person who used to provide care for you (your carer) still lives there having given up their own home to care for you.

If you think your home should be excluded from the financial assessment, you should let the social work service know the reasons.

Selling your home

If you are unable to fund your care from your income or other assets, you may have to sell your home.

The 12-week property disregard and deferred payment schemes can allow eligible residents to choose to delay selling their properties.

The 12-Week Property Disregard

If you have entered a care home and the social work service agrees that you need to stay there permanently, the value of your house will not be taken into account in the financial assessment for the first 12 weeks of your stay only. This is called the **12-week property disregard**. This disregard is not relevant if your property is disregarded indefinitely for one of the reasons listed above.

The 12-week property disregard allows residents to decide if they want to continue living in the care home before they sell their own homes. If the majority of your capital is tied up in your property, the social work service will pay more of your care costs for the first 12 weeks of your care. However, after the 12 weeks is over, you will be treated within the financial assessment as having capital worth the value of your house and will be expected to pay your full assessed contribution towards your care costs.



You can benefit from the 12-week property disregard if you have up to the upper capital limit remaining after the value of your house has been disregarded. However, you will still have to contribute from your income during the first 12 weeks of your stay and from any other capital that you have above the lower capital limit. The contribution that you would make towards the care costs in these circumstances will be calculated in the financial assessment.

Deferred payments

It is possible for certain people to delay selling their homes by entering a 'deferred payment agreement'. This agreement enables the local authority to offer to pay part of the resident's assessed contribution to the care home's fees and recover that money later from the resident's estate following his or her death. The resident may also decide to end the agreement and make a full repayment of the amounts owed to the social work service during his or her lifetime.

Interest is not charged on deferred payments until the agreement is terminated by the resident, or 56 days after his or her death.

The social work service should be able to provide you with more details of deferred payment agreements.

How do couples organise paying for care in a care home?

If one partner enters a care home and the other stays in the marital home.

Capital

As noted above, if your spouse or partner continues to live in your home, the value of your share of the house is not included in the financial assessment. After excluding the value of the house, your share of any other capital that you hold jointly with your spouse or partner may be included in the financial assessment.

If your spouse or partner subsequently decides to sell the house and move to smaller accommodation, your 50% share of the proceeds might be taken into account in the financial assessment. However, guidance advises local authorities that it would not be reasonable to take full account of your share if part of these funds is required to enable your spouse or partner to purchase another, smaller home.

Income

Any income that you have in your own right will be assessed individually.

Disregarding 50% of occupational pensions for couples

If you and your **spouse** or civil partner are not living in the same care home, the social work service will disregard 50% of any occupational pension, personal pension or retirement annuity contract payment that you receive, provided you pass 50% of this income to your spouse.

If you pass less than half of these pensions to your spouse, for whatever reason, then the full amount of the pension will be taken into account within the financial assessment. You will also lose entitlement to the 50% disregard of these pensions if you and your spouse divorce or on the death of your spouse.

Unmarried couples are not entitled to the 50% disregard of a resident's occupational pension. Where the majority of an unmarried couple's income is in a resident's name, the social work service can use its discretion to increase the resident's Personal Expenses Allowance to enable the resident to pass some of this income to the partner remaining at home.

Liable relatives

When the social work service works out how much you can pay for your residential care, only your own resources are considered in the first instance. However, legislation requires that husbands and wives maintain one another. Therefore, if your spouse can afford it, the social work service might ask him or her to contribute towards your care home fees. If this happens, the exact

amount of the contribution is for the social work service to decide following discussion with you and your spouse. The social work service can negotiate with your spouse on the level of the liable relative contribution even if your spouse does not wish to supply details of his or her resources. However, the local authority must consider your spouse's individual circumstances when seeking a contribution and must ensure that the liable relative does not experience hardship as a result. If agreement cannot be reached on the level of the contribution, the social work service can ask a court to decide instead.

Unmarried couples are not legally liable to maintain one another even though they live together as husband and wife. Nor do provisions apply to civil partners.

The Scottish Executive has announced its intention to repeal the liable relatives rule and legislation is planned. In the meantime, local authorities are strongly encouraged not to apply the liable relative rule.

If a couple move into a care home

Both you and your partner must have been assessed as needing residential care for you both to receive financial support from the social work service.

If you and your partner have to sell your house in order to pay your assessed contribution towards your care, the proceeds from the sale of the property will be divided equally between you both. Each partner's half share of the proceeds of the house sale will then be assessed as capital within the financial assessment.

Again, married partners will have their income assessed individually.

Couples wishing to enter a home together should ask the social work service about any special arrangements that might be made for them.

Will other members of my family have to contribute towards the cost of my care?

Other members of your family are not obliged to pay anything. Sons or daughters are not liable for the costs of their parents' care. A relative may agree to help you fund a more expensive care home place than the social work service usually pays for someone with your care needs. However, these funds cannot be used by the social work service to reduce its own contribution to the fees.

What will the amount paid to the home cover?

The people running your care home should not ask you for any additional money on top of the amount that the social work service has asked you to pay, unless it is for extra services which are not covered by the basic fees. You will, however, continue to receive NHS care from your doctor and other staff, such as your physiotherapist, free of charge.

What if I want to move into a more expensive care home?

A third party can agree to make top-up payments to fund a more expensive care home place than the social work service is prepared to pay for your assessed needs.

The rules also allow some people to make top-up payments from their own resources. However, these should not include any capital or income the local authority has already assessed as being required to contribute towards meeting the care costs.

Top-up payments made after 1 July 2002

Since 1 July 2002, all new top-up arrangements have to be authorised by the social work service, to make sure that you can maintain the extra payments (in addition to your assessed contribution). Where a third party has agreed to make these additional payments on your behalf, the local authority needs to be sure that he or she is both willing and able to continue paying the top-up for as long as you stay in the home. The local authority may ask the third party for a letter to confirm this.

Top-up arrangements made before 1 July 2002

The rules above do not cover top-up arrangements that were in place before 1 July 2002. These additional payments remain private agreements between residents and/or the third parties acting on their behalf, care home providers and, occasionally, local authorities.

The difference between the home's fees and the amount the authority will pay may vary over time. However, the social work service cannot use contributions from you or a third party to reduce its own contribution for the fees.

How will my top-up arrangement be affected if the fees go up?

If the fees of the care home go up, the amount the social work service contributes may not rise. You or your third party will then have to pay more.

What if the third party stops paying the top-up?

If the social work service has arranged a place in the home for you on the understanding that someone will pay part of the costs and those extra contributions stop, unfortunately it may not be able to keep you in the same home. You should talk to your social work service straight away if you think this might happen.

Are there different rules for calculating how much I pay for care in a home run by a private or voluntary organisation or the social work service?

No. The rules for calculating your contribution are exactly the same.

The social work service will tell you how much you need to pay. It will also tell you if the amount changes. You should tell them if your financial circumstances change.

Will I pay the local authority or the care home?

You may be asked to pay the local authority social work service directly. Equally, the social work service may ask you to pay the same amount to the care home direct. This will only happen if you and your care home both agree. The amount you pay is the same either way.

How much spending money will I have when I am living in a home?

If you receive help with the costs of all aspects of your care, the social work service will leave you with a Personal Expenses Allowance to let you purchase small personal items. (This Allowance is £21.15 per week as of April 2008.) You should not be asked to contribute towards the cost of your care from your Personal Expenses Allowance. The social work service can decide to increase the amount of this allowance in special circumstances, for example, if you have a husband or wife who relies on your income. You should discuss this with your social work service.

In addition to the Personal Expenses Allowance, you will also have any income that has been ignored in the financial assessment. You can also use any capital that you have, up to the lower capital limit, as you choose.

Savings Disregard

The Savings Disregard allows eligible residents with income over state pension levels, who are aged 65 and over, to retain an assessed amount of their income on top of their Personal Expenses Allowance. The Savings Disregard is up to £5.45 per week for individuals and up to £8.15 per week for couples as of April 2008.

part 5

PEOPLE WITH A HIGH LEVEL OF INCOME OR CAPITAL OVER THE UPPER CAPITAL LIMIT

- Am I eligible for payments for personal and nursing care?
- Involving the social work service in arranging your care
- Paying for your care

PEOPLE WITH A HIGH LEVEL OF INCOME OR CAPITAL OVER THE UPPER CAPITAL LIMIT

I can pay the fees of a care home myself. Do I still need to go to the social work service?

Some people can afford to pay their care home fees themselves without financial assistance from their local authority.

However, if you wish to take advantage of payments for nursing or personal care, your needs must first be assessed by the social work service.

Am I eligible for payments for personal and nursing care?

If you have sufficient funds to pay for your own care, the social work service must assess your need for personal and nursing care before you are entitled to a contribution towards that care.

If you are assessed as needing personal or nursing care, the social work service will tell you what arrangements are available to allow you to access appropriate payments.

If you are aged 65 or over, you will be entitled to a flat-rate, weekly payment of £149 for personal care and a further £67 if you also require nursing care.

If you are under 65 and have been assessed as needing nursing care, you will be entitled to a weekly payment of £67 but will not be eligible for payments for personal care.

Part 5: **People with a high level of income or capital over the upper capital limit**

The social work service will make these payments to your care home on your behalf. You will not receive the payments yourself.

If you decide to receive the £149 towards your personal care, you will no longer be eligible to receive attendance allowance or the care component of disability living allowance. If you have been receiving either of these benefits and you decide to receive the £149, you must inform the Department for Work and Pensions on 08457 123 456.

What if I don't want to involve the social work service?

If you can afford the care home fees without help from the local authority, and do not wish to take advantage of nursing care or personal care payments, you can make your own arrangements without involving the social work service at all. There are many private and voluntary care homes which will be happy to discuss details directly with you. The Care Commission can supply you with a list of registered care homes. The National Care Standards can help you decide which home to choose.

However, before making any arrangements, you will want to estimate how long your money will last.

You should check with the social work service before entering a home about what will happen if your money runs out.

If I can pay, will the social work service still help me find somewhere?

If you want help to arrange a place for yourself in a care home, the social work service must still help you. If all you want is information about homes, the social work service or the NHS Board will help you to find this information.

If you wish, you have the right to ask the social work service to carry out an assessment to see whether a care home really is the best option for your own care needs. If you want the social work service to arrange a care home place for you, it will always carry out an assessment first. The social work service may suggest that a different form of care is more suited to your needs. This might include help in your own home, or attendance at a day-care centre.

If the assessment shows that you do need to move into a care home, the social work service may suggest you deal directly with a home, but it will make the arrangements for you if that is what you want.

However, if the assessment shows that you do **not** need to move into a care home, but you are still considering this option, you **must** ensure that you can continue to pay for yourself for a considerable period, otherwise you may have to move out. In these circumstances you will not be eligible for payments towards any of the costs of your nursing or personal care if you decide to move into a care home.

Part 5: **People with a high level of income or capital over the upper capital limit**

It is up to you whether you ask the social work service to assist you in making the arrangements. If it does, all the information in the earlier parts of this booklet about choosing a home and paying the fees will apply to you.

What if I can afford the fees once I have sold my house, but need help in the meantime?

Some private and voluntary care homes may agree to charge you a reduced fee to start with until you sell your house.

You can also ask your social work service for help. It will carry out an assessment and if that shows that you need a place in a care home, it will be able to arrange one. In that case all the information in the earlier parts of this leaflet about choosing a home and paying the fees will apply to you. The 12-week property disregard and deferred payments are likely to be particularly relevant to you. (See part 4.)

If I make my own arrangements, what happens if my money runs out?

When your capital is at the upper capital limit or below, the social work service may be able to help you fund your care home place, but this depends on:

- whether the care home is located within your own or another local authority's boundary;
- the social work service's assessment confirming that you need to be in a care home;

- how much the fees are; and
- whether the home is suitable for you (see **'What can I choose?'**, in part 3).

If the care home is located within another local authority's boundary, you will need to apply to that local authority's social work service for financial assistance if your money runs out. If the care home is located within your present local authority's area, then you will apply to your local social work service should you require financial help.

The social work service may not be able to help you with paying the full fees of the home that you are in but only up to the amount that it would normally pay for the type of care you have been assessed as needing.

If you think your money might run out, you may want to talk to your social work service before moving into a home. If you are likely to run out of money, the social work service may suggest that it makes the arrangement with the home in the first place, provided that an assessment shows that you need to move into a care home. That way, your place will be guaranteed even if you can no longer afford to pay the full fees.

If the social work service does make the arrangements for you, all the information in the earlier parts of this leaflet about choosing a home and paying the fees will apply to you.

part 6

RAISING CONCERNS AND
MAKING A COMPLAINT

RAISING CONCERNS AND MAKING A COMPLAINT

What if I am unhappy, or a relative or friend is unhappy with the way I am being treated or with the services I am receiving?

You, or your relatives or friends, have the right to raise your concerns or make a formal complaint if you (or they) are unhappy with:

- the services or assistance from the social work service;
- the services or assistance in a care home; or
- the way in which the amount you are asked to contribute is calculated.

There is no stigma attached to complaining and you will not be treated differently because you have complained.

If you have a concern about the assessment, or other service that you are receiving from the social work service, you should discuss the matter in the first instance with your social worker. If you are not satisfied, you should speak to your social worker's local manager. If you are still not satisfied, you should use the complaints procedure established by your social work service.

If you are living in a care home or nursing home and have a complaint or concern about the service you are receiving, you should discuss this in the first instance with your named worker or the senior staff of the home. If you feel that you may have difficulty in making your complaint directly to the home's staff, you could discuss the matter with your social worker if you have one.

The National Care Standards set out what to do if you want to raise concerns or make a complaint. All care service providers are required to set up a complaints procedure. Your complaint must be investigated and the service provider must tell you within 28 days of the action (if any) that will be taken. You can also make complaints directly to the Care Commission.

You can make a complaint to the Care Commission by phone, by letter or in person. Details of how to contact the Care Commission can be found in Part 2 of this booklet.

The National Care Standards also say that an independent and confidential advocacy service can act for you if you wish. An independent advocate is a person who is independent of both the care home and the social work service, who acts on your behalf if you feel unable to represent yourself.

If you are a relative or friend of a person in a care home and you have concerns about the quality of services being provided, you can also raise your concerns with the home, with the social work service and with the Care Commission. You have the same access to the complaints procedure as the person receiving the care services.

Local authority complaints procedure

Each local authority has a legal responsibility to provide a complaints procedure. You can make a complaint by phone, by letter or in person. The social work service provides information about the complaints procedure and must provide any help that you need in explaining your complaint to the local authority. The social work service must investigate all complaints.

Where a dispute arises between a resident and the social work service, every attempt should be made to resolve the problem at a local level. If the dispute is still not resolved following an investigation by specially designated social work service staff, you can ask for the formal Complaints Review Committee to consider the matter. If, having taken your complaint to the Committee, you are still not satisfied with the outcome, you can refer the matter to the Public Services Ombudsman and, ultimately, to the courts.

NHS Complaints Procedure

Patients or their relatives, carers or advocates can appeal a clinician's decision to discharge them from hospital through the Director of Public Health. Details of how to do this should be available from hospital staff.

Individuals can also use the NHS complaints procedure or refer their case to the Scottish Public Services Ombudsman. Fuller details should be available in locally published complaints procedures. Patients with mental illness (including those with dementia) can also have their cases brought before the Mental Welfare Commission for Scotland, K Floor Argyle House, 3 Lady Lawson Street, Edinburgh EH3 9SH (Tel: 0131-222 6111).



appendix

INFORMATION YOU CAN
EXPECT YOUR SOCIAL WORK
SERVICE TO PROVIDE

INFORMATION YOU CAN EXPECT YOUR SOCIAL WORK SERVICE TO PROVIDE

On your needs:

- How the social work service will assess your care needs.
- The results of that assessment.
- The name of the social worker responsible.
- Your right to a review.

On choosing a home:

- The names of all homes in your area which are suitable to your care and other needs, and details of the services they provide.
- Where inspection reports can be obtained.
- The arrangements to visit a home or homes.
- The likely cost to you, and whether this differs from home to home.

On contributing to the cost of your care:

- How much your contribution will be.
- How much your personal spending allowance will be.
- What services are included in the contract for your care.
- How you should pay your contribution.
- What services, if any, are not covered by the contract with the home.

On making a complaint:

- How to make a complaint about the services you receive.

Further information on this booklet

The information in this booklet applies only to Scotland.

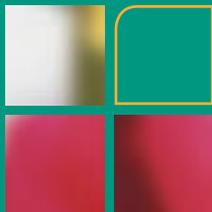
This booklet only gives general guidance. It is not a complete statement of the law.

Further information can be obtained from:

Community Care Division
St Andrew's House
Regent Road
Edinburgh
EH1 3DG
0131 244 2658

This booklet is available in other formats on request to the above address.

Community Care Division
St Andrew's House
Regent Road
Edinburgh
EH1 3DG
0131 244 2658



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