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MONEY BOX LIVE

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LEWIS: Hello. One thing that causes great worry to older people is the thought of going into a long-term care home. And top of their worries is usually money: how much will it cost; will they have to pay the fees themselves; and, if so, will they have to sell their home to afford them? The new government accepts that paying for long-term care is a major problem. It's said it will appoint a commission to review the situation and make recommendations. The problem is though that with more of us living longer and care fees rising well ahead of inflation, the cost is extremely high and no-one really knows how it should be paid for. The previous government struggled with this problem for years, and the new government's commission will take another year to produce a report and it hasn't even been appointed yet. Meanwhile people cope with the present system, unfair and complex as it seems. So today Money Box Live answers your questions on paying for long-term care. The rules are slightly different in England, Wales, Scotland and Northern Ireland, but wherever you are, you can call Money Box Live now on 03700 100 444. With me today to answer your questions are Caroline Bielanska, who's Chief Executive of Solicitors for the Elderly and who's dealt with a lot of tricky legal cases on who should pay for care. Philip Spiers is Acting Chief Executive of First Stop, a relatively new care advice organisation. And Anna Passingham is Senior Policy Officer at Counsel and Care, which has been offering advice on care for more than 50 years. Our first question is from Richard in Surrey. Richard, your question?

RICHARD: Good afternoon everybody. My mother's been in hospital for some time

now and she's going to be coming out at the weekend, but basically they're saying that she will almost certainly have to go into long-term residential care. Further to that, she'll need to go into specialist care, which they're saying is nursing and EMI care.

LEWIS: EMI is ...?

RICHARD: I think that stands for Elderly Mentally Infirm, I think.

LEWIS: Elderly Mentally Infirm. Thank you.

RICHARD: I *think* that's what it is. So obviously we're very worried because she does own her own house; but it's a question if we have to sell the house, whether that will be enough to sort of pay for the care really?

LEWIS: Okay. Well I think you're raising a lot of very interesting issues. I'm sure many people feel very lost at that point. Let me start with Caroline Bielanska. Should the NHS pay? That's your speciality, isn't it?

BIELANSKA: Well I think the first point is whenever you've got a potential move into a care home - irrespective of whether it's a residential care home, EMI, nursing home - the first thing to look at is whether or not the NHS has any responsibility. If your mother has a primary healthcare need, and there's criteria which establishes that, then the NHS will be responsible for the full cost of the care. So it doesn't matter if she's a multi-millionairess. The NHS will pay for this.

LEWIS: Caroline, can I just say though, I mean we've done this many times on this programme over the years. There's a lot of controversy about that and the NHS resists this very strongly very often, doesn't it?

BIELANSKA: Absolutely. I mean a lot of people who probably should qualify are often told that they don't qualify, so it's about persevering. Certainly with borderline

cases, it's quite difficult to establish, so you do need to get a lot of evidence about what someone's needs are.

LEWIS: Philip Spiers?

SPIERS: Yes and another thing with continuing care is that a lot of people's conditions will deteriorate. And so you may not be entitled to NHS continuing care funding now, but it's something you should always keep an eye on and keep under review in the future.

LEWIS: And just deal with the question. I mean let's assume worst comes to worst and Richard's mum *doesn't* get it funded by the NHS. What is the situation then, as he asked?

SPIERS: Well clearly if her house is not occupied by somebody where it will be disregarded - for example a spouse or a relative who's aged over 60 or incapacitated - then the property will be taken into account and she will have to pay for her care. If her other savings are below the means test threshold of £23,250, the local authority will assist with the cost of her care for the first 12 weeks of her moving into the care home permanently. She should also make sure she's claiming attendance allowance. That's a non-means tested, non-taxable benefit which will be another £70 a week towards her care.

LEWIS: And that's if you're paying for your own care?

SPIERS: Yes.

LEWIS: But it's different in Scotland, isn't it? I know Richard is in Surrey, but it is different in Scotland.

SPIERS: Yes, in Scotland you would receive a personal care allowance. And because it's a nursing home, you receive a nursing care allowance as well which amounts to

around about £227.

LEWIS: But you don't get attendance allowance.

SPIERS: You don't get attendance allowance.

LEWIS: That's in Scotland.

SPIERS: But you will get in England a nursing care allowance, which is currently £108.70 a week, so that's another contribution towards it. So you're still going to have a substantial shortfall around fees. If they are £600 a week, you've got to find £400 a week.

LEWIS: Richard, can I ask you, is your mother's house empty when she's not there?

RICHARD: Well yes it is, yes.

LEWIS: Right, okay. And the rules about that are fairly complicated. I counted 28 categories of relatives over 60 who could live there and it wouldn't be counted. Anna Passingham, what's your advice on this?

PASSINGHAM: I mean the first thing is to think about you know what do you want to do? Do you want to sell your mother's property or do you want to see if you could actually retain it *and* move into a care home? And this is something that's possible through a deferred payments agreement, which after the first 12 week disregard you could see if your council would enable you to enter into a deferred payment agreement.

LEWIS: Explain how that works.

PASSINGHAM: It's effectively a loan against the value of your property that the council will offer to you to pay the full cost of your care home fees while your

mother's still living there, and it could be until the property is sold or it could be for the whole length of her stay in the care home. So it's something to certainly bear in mind.

LEWIS: And worth bearing in mind too that that loan - as you call it rightly - is interest free, isn't it, until I think is it 56 days after she dies, yes?

PASSINGHAM: It's 56 days certainly after the old person passes away that interest would start accruing on the rate of inflation on the value of the loan. So that's something to be thinking about too because it doesn't mean just because you've entered into a deferred payment agreement that ... actually in reality you will actually have to sell the property at some point to realise that loan and pay it back to the council. But you also may get some benefit because if the value of the property is increased during that time, you may be able to keep some of the money as well.

LEWIS: And you could let it out, Philip Spiers. I mean how practical is that?

SPIERS: You can let it out. Under the deferred payment agreement, the chances are the local authority will only fund towards the care the amount of their standard rate, so you'll probably still have a shortfall you've got to find. So the rent from letting a property out could take care of that.

LEWIS: You'll just have to explain that to me. You're saying that the local authority will provide care, but it won't give you all the money for the care it provides?

SPIERS: That's right. I mean the local authorities set what they call a standard rate as to how much they are prepared to pay for a place in a care home, and it's quite often much lower than the rate that care homes charge and this is why we have a real problem in this country with people, relatives having to find third party top-ups to top up the cost of their relatives' care. So you could be in that situation where you would need to find an extra income to meet that shortfall.

LEWIS: Yes. We had an email about that. I was looking for it. I can't find it, but somebody was saying how is it that homes will charge some people £500 a week but the local authority will only pay £290 a week for their care? Is that what really happens, Anna?

PASSINGHAM: It certainly does happen in certain areas, especially if it's an expensive place to live as well. The problem is when standard rates are set quite arbitrarily and it's not really based on what the market value is at the time.

LEWIS: Richard, I'm sure that's been such a lot to take in. Your head's probably spinning. Do you feel clear now about what you have to do, or do you really just want to know somewhere to go for further advice?

RICHARD: I think possibly somewhere to go for a bit of further advice because there is a lot being said there and it's where we would sort of gather all that information together and someone to help sort of guide us through it really.

LEWIS: Sure. Well Counsel and Care and First Stop are both places you can go to for free advice. They're both non-profit making. And links to those are on our website, which is bbc.co.uk/moneybox. And you will find links to both those organisations and lots of other links on our website, and I really do recommend anyone who's worried about it to do that. Also say that on our website you can listen again to the programme, if once isn't enough, and in a few days you'll be able to read a transcript, so all those tricky bits and the figures that we read out will be there in print for you in two or three days. That's our website: bbc.co.uk/moneybox. Thank you very much for your call, Richard. It was a perfect first call; we got through lots of things. I hope you manage to sort things out. You haven't got very long, I know. We're now going to Dawn who's calling us from Princes Risborough. Dawn, your question?

DAWN: Oh hello. Yes, my mother has just gone into a nursing home and we're in the throes of putting her flat on the market because obviously we'll need to have cash to pay her monthly fees. But we want to know what's best to do with the actual capital

sum once the flat is sold, so that it's earning some reasonable amount of interest. You know we know roughly what we would need each year and we want to sort of make the money last as long as possible.

LEWIS: Sure. I mean you heard what we said earlier though? In fact you don't technically *have* to sell it. You could not. You could let the local authority lend you the money until your mother ...?

DAWN: But is that the total amount or is that just their contribution that they, as you said, give the first 12 weeks?

LEWIS: It could be for a fairly basic care home. You may well want your mother to have a better care home.

DAWN: Yes.

LEWIS: Philip Spiers knows more about this than me though. I'll let him answer your question.

SPIERS: Yes I mean if you've decided to sell the flat, you will have a lump sum and it's best to try and find a specialist financial adviser. A special financial adviser will have a qualification called CF8, which means that he's qualified to advise on funding long-term care. The reason he has this qualification is that he understands that there are certain benefits for people to receive which are not means tested, and he also has access to specialist financial products which will maybe mitigate a lot of the care costs. One such of those products is what is called an Immediate Need Care Plan, and these are based on an actuarial interpretation of your mother's life expectancy. And so for a capital sum, you purchase an income for as long as she needs care.

LEWIS: Does that guarantee though to pay the fees whatever they are? Because fees, as I said in my introduction, are going up faster than inflation, aren't they?

SPIERS: It doesn't guarantee that. What you do, you work out the shortfall when your mother moves into the care home and you'd normally arrange for the plan to be increasing at a range of say 5% per annum.

DAWN: But they are quite expensive initially, aren't they? Because my mother's 93. I mean she could go on for another 7 years or something, but we don't know. But aren't they *very* expensive to purchase and you're taking a bit of a risk in a way?

SPIERS: You are taking a bit of a risk and they can be expensive depending on the actuarial interpretation of your mother's health. It costs absolutely nothing to get a quote. I'll say that. So you know they will look at the medical evidence provided by the home or your mother's GP and then give you a price, and then you can make a decision at that point.

LEWIS: It is a very difficult decision, isn't it, because obviously at that age you've just absolutely no idea? It could be a year; it could be 15 years, couldn't it? It's just impossible to say.

DAWN: That's right, yes.

LEWIS: Caroline?

BIELANSKA: Well I just wanted to add that the important thing is to also try and increase your mother's income because of course she'll be entitled to attendance allowance and that could be up to £71.40 each week.

DAWN: Yes we've got that, yes.

BIELANSKA: And because she's moving into a nursing home, she'll have a contribution for the nursing care ...

DAWN: That's right.

BIELANSKA: ... of £108.70. There's an equivalent, just for other listeners in Wales, and that's £120.56. So it varies. And Scotland has a slightly higher amount for nursing care.

LEWIS: But no attendance allowance.

BIELANSKA: But no attendance allowance - absolutely, yes.

LEWIS: I keep adding that because somebody emailed me to remind me this morning. Okay, I think our first two calls, Dawn, have shown this is very complicated and I do urge you and other people listening to you know maybe read the transcript of the programme and then contact one of the two free organisations I mentioned because there are a lot of very difficult choices to make. A lot of emotion involved in it and often a very short time-scale.

DAWN: Exactly, yes.

LEWIS: And it's important to take care because not all these financial products are as good as others.

DAWN: No, no, quite. Okay, thank you very much.

LEWIS: Thank you very much for your call. We move to Layla now in Southend-on-Sea. Layla, your question?

LAYLA: Yes, it's about providing long-term care for someone with mental health problems who is only 57 and hasn't been able to work greatly, so there's not a lot of funding. Does own her own property, which would have to be sold. I was just wondering what happens after that - once the money's gone from the property? Is there any provision for somebody of a relatively young age who is unable to cope themselves?

LEWIS: Anna, Anna Passingham?

PASSINGHAM: Hi Layla. Yeah, I mean obviously Counsel and Care, we're experts for people over 60, but I'm sure there is some common ground here in terms of access to funding. There certainly is the Independent Living Fund, which is one area that you can access some money. And also in terms of local authority funding as well: if you have money under £23,250, the local authority can step in and support you. But obviously she will have to make a contribution as well, and this is if she needs to move into a care home.

LAYLA: Right. And when all the money like you know from the house and everything has gone, is there care then provided by the state or you know because I'm quite concerned that you know she could be just sort of pushed out really.

PASSINGHAM: Certainly it's important that the state is there, so they can step in and support her certainly if her money runs down.

LEWIS: There is always care from the state, isn't there, Philip?

SPIERS: Yes, I mean the important thing is to make sure that she is actually assessed as needing the care you're choosing for her by the local authority. And then if her money gets close to £23,250, then you should be knocking on their door for their support. Obviously as time goes on, that £23,250 will change because they change a couple of limits every year. But keep an eye on it and when you get close to it, then you start knocking on the door and the funding should come in.

LEWIS: And the amount is slightly different in Scotland and Wales. Caroline?

BIELANSKA: Just another issue. That if we've got someone with long-term mental health problems and they have been sectioned under the Mental Health Act, certainly for Section 3 for treatment - there are other sections, but that's the main section that we're concerned with - then the local authority and the NHS have a joint

responsibility to arrange aftercare services. Now this can be care in your own home and it can be care in a care home setting, and there is no charge for this. This is something that the state has to provide for people who've been sectioned under Section 3. Not indefinitely - but certainly if they've got long-term mental health problems and they're unlikely to recover, then it's likely to continue indefinitely.

LEWIS: Okay, well thank you very much for your call, Layla. I'll take a couple of emails now. We've just had one from Caroline who says, 'What about money for in-home care?' I think she means keeping people in their own homes, which of course is a big issue and people often think might well be cheaper than putting them in a care home. She wants to know really what you can get if you stay at home and what care can you get and how do you have to pay for that, Philip?

SPIERS: Well if you're living at home - again it's means tested by the local authority and they tend to use the same capital limits as they do for residential care, although there's no set guidance as there is for residential care funding. The problem is that local authorities are very cash strapped and we find reports from all around the country that unless people's needs are critical or substantial, they're not getting any care or support from the local authority - which means that if they are classed as what is called moderate or low need, then you have to either pay for it yourself, rely on family and friends, or do without.

LEWIS: Yes and of course the cash position of local authorities is not going to get better, is it, with the cuts we're going to see? Anna?

PASSINGHAM: And certainly also just to add there, it's important that the council charges a reasonable rate for care at home. And it's stated 'what is reasonable'. That's very difficult to establish, but it means that your money shouldn't take you below the minimum amount for pension guarantee credit plus a buffer of 25%. So the key thing is if you are struggling and you feel the charge is unreasonable to you, to challenge this and make a complaint.

LEWIS: Okay. And we've also had quite a specific one. I'll just read it briefly. This

is from Helen. They're making a continuing care application. That's to get the funding for their mother who has Alzheimer's. They made it in December 2009 and they're still awaiting a decision. Caroline? You look as if that might be quite common.

BIELANSKA: *(laughs)* Yeah, unfortunately it is. The whole process from asking for an assessment to there being an *initial* decision now in England should be made within a month. In reality it takes much longer than that because of the amount of assessments that need to be conducted; and certainly if you're appealing it and you're challenging it, it can take many, many months.

LEWIS: Yes this is in England, as far as I can see, and it obviously has taken well nearly 6 months or so, maybe more. Okay, let's go back to calls. Carol from Gloucester now. Carol, your question?

CAROL: Hello. My mother has been in a nursing home for the last 8 years and is self-funding, and we have sold her property in order to meet the fees. I also have an aunt who's in a residential home, also self-funding. We have been told that when they both get down to the £20,000 mark, we will have to meet the difference between that figure and the fees that the home charge. I am desperately worried about this because my husband and I are on a pension and certainly we have our own old age to think about. Where do we stand?

LEWIS: Yes, so you're talking, you won't have to pay the whole fee, but you're saying you'll have to pay the difference between ...

CAROL: There is a difference.

LEWIS: ... what the local authority will pay and what the actual home is charging?

CAROL: That is right.

LEWIS: And that's quite common, Philip Spiers because often people actually if they're paying themselves, they want a slightly better room than they might get from the local council - maybe by themselves and with a bathroom ensuite, which not everyone gets if the council pays.

SPIERS: Yes, I mean it is a nationwide problem because the council set what is called a standard rate, which is the maximum which they'll pay for a care home place, and the care homes obviously charge a lot more than that. And you can only have a third party top up; the individual can't top-up themselves. One thing I would say is that the directive of choice, which the local authority must actually adhere to, will say that they cannot set an arbitrary rate as a standard rate for care if you cannot buy care in that locality for that amount of money. So have a look at what their standard rate is and look at how much care homes charge in the area, and if you can't buy care for that amount then challenge the local authority for more money.

LEWIS: Yes. Anna?

PASSINGHAM: Absolutely. It's what is available at the time your aunt and your mother are needing care - becoming in contact with the council, that has a vacancy and really meets all their needs in full. And if there isn't any alternative, then certainly it's looking to see if the council will increase their standard rate accordingly.

CAROL: You see the trouble is is it cruel to move my mother, who's been in a home for the last 8 years, to a different location when she's got used to that? But I am just so worried that you know this great financial burden will be on my husband and myself for both my aunt and my mother.

LEWIS: How many years will the money she has last?

CAROL: I think my aunt's will last about 5. And my mother's is going down quickly, so we're talking about less than 2 years.

LEWIS: Right. And Philip Spiers, you said that a third party, somebody from out there could contribute, but the person themselves can't. Now if they're left with 23,000 odd pounds, they can't actually pay the difference from their own savings.

SPIERS: No, they're not permitted to do that. And I think the reasoning ...

LEWIS: That's very bizarre though, isn't it?

CAROL: Well they won't be able to.

LEWIS: Well no, it wouldn't last forever, I appreciate that, but it would last for some time.

SPIERS: I think the reason behind that is the government really feel people should be left with a certain amount of money and are probably worried that all care homes will charge top-ups. Because you know not all care homes will do that. Some will actually reduce their fee if someone's been there a number of years - will reduce their fee to what the local authority rate is.

LEWIS: Caroline?

BIELANSKA: I just wanted to say that as far as third party top-ups are concerned, you're not obliged, you're not under an obligation to make any third party top-up. I mean it's about there being a choice being made. I mean it may not be a true choice. So social services shouldn't just say you must do this. It is about you, one, being in a position; and wanting to do so. The other thing I would add is that if you can have a reassessment of your mother - and indeed your aunt in due course - to show that she needs to be in that particular care home, then they would have to meet the true cost of that and in some cases increase their standard rate.

LEWIS: Yes, I mean those are your rights. Enforcing them is often a different matter. Anna, very briefly because we've got a few calls to get through.

PASSINGHAM: I mean the key thing as well is to make sure that if the person needs to be in a familiar area, needs to remain in that care home, their social and psychological needs need to be met in that care home - to have that included on their care plan as well and that gives a lot stronger ...

LEWIS: Okay.

CAROL: Thank you.

LEWIS: Carol, not brilliant news but perhaps some help there anyway and thank you very much for your call. We'll go to Jean now in Surrey. Jean, your question?

JEAN: Oh good afternoon. Yes, my concern is how you maintain two homes. My husband has Alzheimer's. He's only 76. He's a fit man physically. The time is going to be *when* he will need permanent residential care. And as I understand it from the Age UK things that I've got off the internet, if the local authority undertook any part of his care, they would not only take his state pension but half of his private pension, which would leave me of course with nothing (as I've been an at home wife and mother) to maintain my own home. And I don't quite understand where I go from here really.

LEWIS: Anna?

JEAN: Have I got to be completely self-funding for my own resources, which would be very limited? I couldn't keep him going for the rest of his life, I'm quite sure.

PASSINGHAM: Certainly I mean if he does move into a care home, he's entitled to give you living at home 50% of his occupational pension to use. So that's something certainly to be bearing in mind.

JEAN: But that's not enough to maintain my home, you see.

PASSINGHAM: Certainly. I mean that's the key thing to think about - try to maximise your income as much as possible - because obviously in terms of the assessment it's difficult because it will be treated as two separate households in terms of how you're assessed, so it's a real shift and a real change.

JEAN: *(over)* I've got nothing in that case.

PASSINGHAM: And looking to see whether it may be better for you to access other benefits such as pension guarantee credit as well, which are obviously passports to different benefits such as council tax and housing benefit.

LEWIS: Yes, I mean you have to bear in mind your own reduced income and then claim means tested benefits and that may be the answer.

JEAN: I see.

LEWIS: Caroline briefly?

BIELANSKA: There is the ability for you to try and negotiate with the local authority to increase the personal expenses allowance.

JEAN: Oh right.

BIELANSKA: Currently your husband is allowed to receive £22.30 that he can keep. You could actually plead with them and try and sort of get them to agree to increase that, and that money could then be passed over to you to maintain the house.

JEAN: I see.

BIELANSKA: But it's a bit of a balancing act that has to go on.

JEAN: Yes - yes, I appreciate that. Tell me, what I don't quite understand - when

they say they take 50% of your occupational pension, presumably that's regardless of whether it's £100 a week or £1,000 a week?

BIELANSKA: Exactly.

LEWIS: Yes.

JEAN: Is there not a cap?

BIELANSKA: No.

LEWIS: No, it's just assumed if you're a couple that you would split it in half, I suppose.

PASSINGHAM: You just need to take the full 50%.

LEWIS: Yeah. And then whatever income you're left with is your income, and then you can look and see if you can claim means tested benefits. It is complicated, Jean, and it does seem unfair.

SPIERS: There is a cap as far as if the pension was an awful lot of money and exceeded the amount you had to pay towards the care fees, then your husband would retain the balance.

LEWIS: Sure. Okay, Jean. And, as I said, listen again, read a transcript and find those two addresses for Counsel and Care ...

JEAN: (*over*) Thank you very much. I appreciate your help.

LEWIS: It's a pleasure. Counsel and Care and for First Stop.

JEAN: And First Stop, yes.

LEWIS: Right, Mark is calling on his mobile. Mark, could you be very brief because we're running out of time?

MARK: Hello, yes. Very quick question. My mother's in a care home. Her carer, my father, has just died, and we're just wondering how do we get her assessed so we know what medical help she might be entitled to from the NHS or what contributions?

LEWIS: Okay, Caroline Bielanska?

BIELANSKA: First of all, the GP may be able to give some information about sort of additional healthcare - might be physiotherapy, that sort of stuff. If you want a much rounded assessment, then you can get her assessed through the Primary Care Trust or a health board in Wales for continuing NHS healthcare, which will look at the whole package of care.

LEWIS: And that of course could get the whole fees paid?

BIELANSKA: Yeah.

LEWIS: Thanks very much for your call, Mark. And I just would like to squeeze in a number of emails because we've had a number like this and I'll summarise them briefly. This is where someone is in a care home and there is a house but it's owned partly by the person who's gone into the home and partly by someone who doesn't live there like children or a trust. How is that half share valued, Anna? Is it just half the market value or it is more complicated than that?

PASSINGHAM: It can be quite complicated actually and it's looking to see what the best interest of the older person is in the situation because it can be really best to insure that their income is maximised, so they can choose to continue to you know a better home.

LEWIS: No, I was thinking if the house was left empty, but it's half owned by the

person in the care home and half owned by, say, a daughter or a son.

PASSINGHAM: So it's putting a value on that half share certainly, and you know we would say sometimes it's actually quite good to have a value on that. It's looking to see what is available, who's a willing buyer on the market who could actually say this is the value of that.

LEWIS: And, Caroline, we've actually had an email from someone, from John who says he's looked up all the rules. It's in the 'Charging For Residential Accommodation' guide, paragraph 7.019 that the half value of half a house is not half the value of the house.

BIELANSKA: That's exactly the case. It's about whether you can sell the half share and when there's a willing buyer.

LEWIS: Okay, so very complicated. Sorry we had to rush that. But that is now all we have time for. My thanks to Caroline Bielanska from Solicitors for the Elderly; Philip Spiers of First Stop care advice; and Anna Passingham at Counsel and Care. Thanks for all your calls and emails. Far too many, as ever. You can find out more about paying for long-term care - our website, bbc.co.uk/moneybox, where as I say you can listen again, find links and read a transcript in a couple of days. I'm back at noon on Saturday with Money Box and to take more of your calls here on Money Box Live next Wednesday afternoon.