

Your Legal Questions

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Care fees are a constant source of concern and I recommend seeking independent advice – however, this week I am answering some of the most commonly asked questions:

Q. Who qualifies for local authority (L.A.) assistance?

A. If you have been assessed as needing a care home place and your capital is below £23,000 (the upper means tested threshold) you should be entitled to financial support from the L. A. If you have capital below £14,000 (the lower means tested threshold) you will be entitled to maximum support, contributing your income less £21.90 retained for personal expenses. With capital between £14,000 and £23,000, you will have a capital tariff of £1 per week for each £250 between these two figures. Capital includes the value of your home unless occupied by your spouse, civil partner or partner; a relative aged over sixty years or incapacitated; or a child under sixteen years who you maintain.

Q. If I am being funded by the L. A. do I have a choice of care home?

A. Yes, but it must be suitable for your assessed needs, comply with any terms and conditions set by the L. A. and not cost any more than they would usually pay for someone with your needs.

Q. What if the care home I choose costs more than the L. A. will pay?

A. The L. A. will allow a third party to top up if they are able to do so over the longer term. You are not allowed to top up yourself from capital below £23,000.

Q. Will the L.A. pay my fees whilst I sell my home?

A. If, apart from your home, your other capital is below £23,000, the L. A. will help with the first twelve weeks of permanent care. Beyond that period, any help will be charged against the value of your home, and recovered from the eventual proceeds.

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