

## Your Legal Questions

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Solicitor



### 5. Elderly matters

**Q Dad is in hospital following a stroke and I'm told that he can't be discharged until an assessment has been made - what does this mean?**

**A** There are two possible assessments that this could refer to. The first would be carried out by Health Care Professionals to determine whether your Dad is well enough to leave hospital and return home. If the stroke has affected his ability to look after himself, arrangements may need to be put in place to enable him to cope such as providing mobility aids, or some home help. The hospital cannot discharge your Dad to an unsuitable environment.

The second type of assessment would be financial. If a care support package is needed or if your Dad requires residential or nursing care, it will be necessary to determine who is to meet the costs involved. Sadly, these are not free of charge and the Local Authority is obliged, if it is being asked to meet some or all of the costs, to carry out a financial assessment. This takes into account your Dad's savings and income, any substantial gifts that he may have made recently and any property that he owns. The rules are complex and if you are unsure what must be taken into account and what can be ignored you should seek advice. Unless your Dad can afford to pay for himself and enter direct into any contracts, the financial assessment will usually have to be completed before any placement can be finalised. This can sometimes delay a hospital discharge.

Funding care costs can involve many complex issues and important distinctions are drawn between personal care and nursing care. If you have any concerns, I recommend that you seek advice from a solicitor conversant with these matters.

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