

Factsheet 46

Paying for care and support at home

May 2024

About this factsheet

This factsheet explains charging for social care services in places other than care homes, mainly related to services provided in the community. It also covers charging for carers' services.

This factsheet is available in Welsh and Gaelic. For more information, visit www.ageuk.org.uk

1 Recent developments

Local Authority Circular (DHSC) (2024) 2, published in February 2024, increased the income thresholds in the financial assessment in line with inflation. The capital limits remain the same as in the previous financial year.

2 Sources and terms used in this factsheet

Care Act 2014, charging regulations and statut46

3.1 The range of services available

There are a wide range of social care services that can be provided to help you stay in your own home and assist your carer. These include:

- domiciliary or home care and personal assistants
- meals delivered to your home
- day-centre attendance and respite care
- live-in care services
- rehabilitation services
- counselling
- direct payment support
- information, brokerage, and advice services
- specialist disability equipment
- adaptations to your home
- community alarms and other types of assistive technology.

Other non-residential care services include the provision of specially designed or adapted sheltered accommodation, known as supported living, warden controlled, or extra-care accommodation. Shared lives accommodation is where you move in with, or regularly visit, a carer in a long-term arrangement. Other housing options may be available, for example, designed to wheelchair access standards.

A local authority has a broad discretion about how to meet your needs and how to support you and your carer if you have one. The local authority may direct or provide services, or they may commission the

You can have as much involvement in this process as you want and can self-assess in some circumstances. Your needs should be recorded and the local authority must provide you with a written a copy of the assessment once completed.

If the local authority is going to meet your needs, they must prepare a care and support plan, involving you as much as you wish, setting out how your needs will be met. You must be provided with a copy of the plan. If you have a carer, they may be entitled to a support plan after a carer's assessment.

A care and support plan must describe:

outcomes you wish or need to achieve

what your assessed eligible

The local authority must carry out a financial assessment if it chooses to charge you for the cost of services to meet your needs. The purpose of the financial assessment is to work out how much, if anything, you must pay towards the cost of services. Income including benefits and pensions are taken into account. Your home is disregarded if you still live there. Other capital such as savings can be taken into account.

The financial assessment should follow your needs assessment promptly and be based on what was agreed in your care and support plan, or support plan if a carer. You should be given a personal budget figure in writing, setting out how much it costs to meet your needs.

Initially, this may be an estimated or indicative amount, until it is confirmed to be sufficient to meet your needs. It shows how much you must contribute. You should be given information and advice to help you decide what care or support you receive and your funding options.

5.1 Local authority charging discretion

A local authority has discretion whether to charge for services, (except if they are free, see section 10). Their approach must be set out in their charging policies and it must be able to explain each individual decision.

Light-touch

'*Light-touch*' financial assessments are allowed in certain circumstances. For example, you have significant financial resources but require support; or a small service is supplied for a nominal fee.

5.2 Only the service user should be charged

5.3 Written record of charging decisions

You should be provided with a written record of the charging decision by the local authority. This must explain how the financial assessment has been carried out, what the charge is, and how often it will be made. The local authority must ensure this is provided in a manner that you can easily understand.

5.4 Minimum income guarantee

After paying your contribution to care services provided to you, your weekly income should not reduce below a minimum income level, called the '*Minimum Income Guarantee* (MIG).

The MIG amounts for 2024/25 are as follows:

If you are **single** and have reached State Pension age, the MIG is £228.70 a week.

If you are a **member of a couple** and one or both of you has reached State Pension age, your individual MIG is £174.60 a week. If you4g7u(yo)- 12 Tf1 0 0 1 56.664 521.3

Disregard of housing costs and disability expenses

The MIG should only be applied to income you have available after any housing costs you are liable for have been deducted. Under the charging regulations, housing costs mean

Examples of DRE

DRE can include the following but not only:

extra washing or special washing powder/conditioner for delicate skin

community alarms (pendant or wrist)

special diet

special clothing or footwear (or extra wear and tear)

additional bedding

extra heating costs

gardening

household maintenance

any household cleaning (if not part of your care plan)

internet access

any day or night care which is not being arranged by the local authority

buying and maintaining disability-related equipment

any transport costs (both for essential visits to the doctor or hospital, but also to keep up social contacts).

Other costs may also be accepted. In line with the guidance, the local authority should take a flexible approach and always consider individual circumstances.

For example, you may not put the heating on for fear of large bills, or do not follow a special diet due to cost. Local authorities should work out an

Local authority

Annex E of the guidance outlines three key factors a local authority should take account of when making a decision about whether deliberate deprivation has occurred:

whether avoiding care and support charges was a significant motivation when the asset was disposed of, could you have a reasonable expectation of the need for care and support?

did you have a reasonable expectation of needing to contribute to the cost of your eligible needs?

If you transfer an asset to a third party to avoid charges, the third party can become liable to pay the local authority the difference between what it would have charged, and did charge, you for care.

However, the third party is not liable to pay anything exceeding the benefit they received from the transfer. If you transfer funds to more than one third party, each is liable to pay the local authority the difference, in proportion to the amount they received.

The local authority can use the County Court process to recover debts, but this should only be after all other avenues have been exhausted. If pursuing the recovery of charges from a third party, a local authority must have regard to Annex D on debt recovery, which includes a requirement to act reasonably.

If you disagree with a deprivation decision, you can challenge this through the complaints procedure. See section 16 for more information on complaints.

7 Financial assessment delay

The financial assessment should be completed promptly. You can challenge the local authority if there are delays. The Local Government and Social Care Ombudsman state they generally expect a financial assessment to be done within four weeks of a needs assessment.

Ask the local authority to explain what is causing the delay and what steps are being taken to ensure the assessment is completed as soon as possible. If this does not resolve the situation, you can raise a formal complaint (see section 16).

The local authority may expect you to pay backdated care charges that have accrued during the period of delay. If you believe this is unreasonable, you can complain.

However, even if your complaint reaches the Ombudsman, they may say the local authority can expect you to pay backdated charges, even where the authority are at fault for delaying the financial assessment.

They will consider, for example, whether the local authority made you aware of possible charges before making care arrangements for you. You should not be expected to pay backdated charges in one go. Any repayments should be affordable for you.

The guidance gives an example when someone has recently become visually impaired. You usually receive this type of service in your own home. The NHS provide similar free short-term rehabilitation, usually called intermediate care.

You should have needs and financial assessments for long-term social care services before the free rehabilitation ends. For more information, see factsheet 76, *Intermediate care and reablement*.

NHS care and services

You do not have to pay for GP and other community-based NHS services you need such as district nursing, physiotherapy, or speech therapy. The NHS is responsible for meeting the full cost of care in your own home or a care home if your primary need is for health care i.e. your care needs are beyond those a local authority has a duty to meet. This is called NHS Continuing Healthcare (NHS CHC).

It is important to check you have been properly assessed for fully funded NHS CHC if you may be entitled to it. This should happen before a local authority carries out its financial assessment. Otherwise, you may be charged for services you are entitled to receive for free. For more information, see factsheet 20, *NHS Continuing Healthcare and NHS-funded nursing care*.

Community equipment and minor home adaptations

Community disability equipment and minor home adaptations (costing £1,000 or less) must be provided free of charge by a local authority if provided to meet your eligible needs. Equipment includes: a mobile hoist, raised toilet seat or toilet frame, electric bath lift or a long-handled grabber. 'Minor' adaptations include a short concrete ramp or various rails within your property or at its access.

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They should treat your carer as a partner in care and recognise the significant contribution they make in helping to maintain your independence, health and wellbeing.

The authority should consider the likely impact of any charges on your carer, particularly in terms of their willingness and ability to continue their caring responsibilities.

Ultimately, it should ensure any charges do not negatively impact on your carer's ability to look after their own health and wellbeing and to continue to care effectively and safely.

Carers often forgo earnings to care so charging for support services could cause financial difficulties. For more information, see factsheet 41, *How to get care and support*.

12 Charges for short-term care home stays

Where you are a short-term resident in a care home, for example for respite care, the local authority can choose to charge you based on its non-residential care charging policies.

A short-term stay in a care home is defined as one that does not last longer than eight weeks. See factsheet 58, *Paying for short-term and temporary care in a care home*.

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If you have been detained in hospital for treatment under section 3 or the criminal provisions of the *Mental Health Act 1983*, your on-going care outside of hospital may be provided as an 'after-care' service under Section 117 of this Act. This is to reduce the chance of re-admission.

Under the charging regulations, 'after-care' services must be provided free of charge. There is a joint duty on local health and local authorities to

14 Housing related support

The local authority may run a programme of housing related support, sometimes called '*Supporting People*,' which funds services like a sheltered housing scheme manager service and emergency alarm system. Local authorities used to be given specific funds but this is now part of a general pot of funds and is used differently in different areas.

Check to see if the local authority has a housing related support programme, and whom or what it funds. Even if they do not, ask them to assess your circumstances and tell you if you are likely to receive help with housing-related support charges. If you get Housing Benefit or are on a low income, you may find they will pay towards these charges.

15 Information, advice and advocacy duty

The local authority is required to provide an information and advice service to all those who need it. The service must provide information and advice on the following areas:

the local care and support 92 r5.32 841.i35 Tns09 mel.32 848 Tm0 g0 G(L2 84c nBT/F1 11.18 5545 E

Mental Capacity advocacy

If you lack mental capacity and have no support or advocate, for example a family member or friend, the local authority may have a duty to provide you with an Independent Mental Capacity Advocate (IMCA) in certain circumstances. For example, this may be where it is proposed that you receive a long-term stay in a care home or hospital. This is similar to the social care independent advocate above.

See factsheet 22, *Arranging for someone to make decisions on your behalf*, for more information.

16 Complaints

If you are not happy with the service you receive from the local authority, or you want to challenge a decision they have made, you can complain through their complaints procedure.

For example, you might disagree with the outcome of the financial assessment or the level of your personal budget, including where this is provided as a direct payment. You can subsequently escalate the complaint to the Local Government and Social Care Ombudsman if you are not satisfied with the complaint outcome.

Self funders

If you arrange and fund your own care services without the assistance of a local authority, you can complain about the service you receive to the Local Government and Social Care Ombudsman if you cannot resolve the issue using the care provider's complaints procedure. You should be provided with information about how to complain on request.

Care Quality Commission

The Care Quality Commission is the standards regulator for care providers, including home care providers. They also assess how local authorities meet their duties under the *Care Act 2014*. Contact them if you experience poor standards of care or have concerns about how you have been treated by the local authority.

For more information, see factsheet 59, *How to resolve problems and complain about social care*.

17 Safeguarding from abuse and neglect

If you have concerns about abuse or neglect, you should raise this with the local authority, which has a safeguarding duty. Its duty to investigate concerns applies irrespective of how your care is arranged and funded.

For more information, see factsheet 78, *Safeguarding older people from abuse and neglect*.

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The evidence sources used to create this factsheet are available on request. Contact resources@ageuk.org.uk

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