

OXFORDSHIRE COUNTY COUNCIL - FINANCIAL ASSESSMENTS TEAM

INFORMATION SHEET 1

November 2017

TWELVE WEEK PROPERTY DISREGARD SCHEME

What is a Twelve Week Property Disregard?

If you need residential or nursing care in a care home and request Oxfordshire County Council to assist with funding your placement we would normally take fully into account in your financial assessment any property you own or in which you have a beneficial interest plus any other capital assets you have. Taken together these assets usually will exceed Oxfordshire County Council's current funding threshold of £23,250.00.

However, if the value of your non-housing assets is less than £23,250.00 we may be able to disregard the value of your interest in your only or main home for up to twelve weeks. This is known as the property disregard period and when that ends you would normally become liable to pay the full cost of your care because we would then take the value of your interest in that property fully into account.

Care Needs Assessment

Although your financial circumstances may make you eligible for Twelve Week Property Disregard Funding, this council will not provide such funding until it has assessed your care needs and determined that you need residential or nursing care in a care home.

The Financial Assessment team is responsible for completing your financial assessment but your Social Worker will complete your care needs assessment.

Property Disregards

Assuming that you have been assessed as having eligible care needs, there is a range of circumstances under which a local authority must disregard the value of your former home or can do so on a discretionary basis.

These mainly relate to your former home continuing to be occupied by your spouse or other close relative and are different from Twelve Week Property Disregards so if you need more information please contact the Financial Assessment team as follows.

By telephone on 01865 323622 or by email to:
financialassessments@oxfordshire.gov.uk

Who is entitled to a Twelve Week Property Disregard?

Assuming that you have been assessed as having eligible care needs, a local authority **must** disregard the value of **your main or only home** when the value of your non-housing assets is below £23,250.00 in the following circumstances.

- (a) When you first enter a care home as a permanent resident or
- (b) When an existing property disregard other than the twelve week property disregard ends unexpectedly - for example because a qualifying relative has died or moved into a care home.

If you are unsure if your home qualifies for this type of property disregard - for example if you live in a mobile home or other unusual dwelling - please contact the Financial Assessment for advice as follows.

By telephone on 01865 323622 or by email to:
financialassessments@oxfordshire.gov.uk

What is the purpose of a Twelve Week Property Disregard?

The provisions of the Care Act 2014 took effect from 1 April 2015 and a key aim of the charging framework is to prevent people being forced to sell their home at a time of crisis. The Twelve Week Property Disregard is therefore intended to give people time to consider how they will pay for their eligible care needs long term.

Oxfordshire County Council has offered Twelve Week Property Disregard funding where appropriate since 2001 but this new information sheet takes account of the requirements of the Care Act 2014.

Discretionary Twelve Week Property Disregard

In addition to the circumstances described above, a local authority has discretion to apply the twelve week property disregard if there is a sudden and unexpected change in your financial circumstances.

In deciding whether to do so this Oxfordshire County Council will need to consider your full circumstances so if you think this might apply to you please contact the Financial Assessment team or your Social Worker as soon as possible.

Financial Assessment

During the Property Disregard period, Oxfordshire County Council will disregard the value of your only or main home but will financially assess you taking into account your income and any other non-housing capital. We will then send you written confirmation of your financial assessment and an agreement to pay this amount for you to sign and return to the Financial Assessment team.

Top-up

Your chosen care home may require a higher fee than the amount which Oxfordshire County Council considers is necessary to pay for the care you need (this amount is your Personal Budget as established by your Social Worker).

If so, you will have to pay the difference (often known as the top-up) between the fee required by your chosen care home and the amount the council considers necessary to pay for your care

We hope that the following example will help explain this.

(A) Gross fee required by care home	£850.00 pw
(B) Less your Personal Budget	£550.00 pw
(Financial assessed contribution say, £200.00pw)	
(Net OCC funding £350.00pw)	
(C) Top-up needed (A less B)	£300.00 pw

Summary - Care home costs £850.00pw of which OCC pays £350.00pw and resident pays £500.00pw (£200.00+£300.00)

Contract - Letter of Intent

As Twelve Week Property Disregard funding is obviously of limited duration and some service users choose to make their own arrangements when it ends, for this type of funding only we use a special form of contract known as a "Letter of Intent" which you will need to sign before we can commence payment to the care home.

If, when your property disregard funding period ends, you choose to continue with a Deferred Payment Agreement (DPA) we will complete one of our usual Spot Contracts with the care home. You will not have to sign this because you will have to sign the DPA which is legally binding.

Twelve Week Property Disregard payment arrangements

Once all parties - the care home, the service user and OCC - have signed the necessary Letter of Intent, OCC will arrange to pay the full agreed gross fee to the care home each month.

OCC will also invoice you separately each month for your assessed contribution and any top-up you have agreed to pay.

Deferred Payment Agreement (DPA)

If you do not want to or are unable to sell your property immediately to pay for your care we may be able to assist you with a DPA. Under this arrangement, Oxfordshire County Council would pay the fee required by your chosen care home and will financially assess you to establish how much you can afford to pay towards the cost of your care and defer collection of the balance of your fee until a later date.

Once signed by you and the council, the DPA would continue for as long as you want and the council has no power to end it without your agreement. However, the DPA will automatically end on the sale of your property or your death whichever happens first.

Once the DPA has been signed Oxfordshire County council will usually secure its interest by recording a legal charge on your property at the Land Registry. This charge will be removed once the council has been repaid in full at a later date.

Universal Deferred Payment Agreement (UDPA)

In accordance with the Care Act 2014, with effect from 1 April 2015 the Department of Health (DOH) require all local authorities in England to offer a standard Universal Deferred Payment Agreement scheme in place of the various discretionary schemes which they currently offer.

The principles of the UDPA are very similar to Oxfordshire's current discretionary DPA scheme except that with effect from 1 April 2015 we expect you to pay an Administration Charge for setting up a UDPA and we will charge interest on the accruing debt at a rate set by the DOH.

If you need more information regarding DPA's or UDPA's please contact the Financial Assessment team as follows.

By telephone on 01865 323622 or by email to:
financialassessments@oxfordshire.gov.uk

NHS Nursing Care payments

If the NHS assesses you as eligible you may be entitled to receive Funded Nursing Care (FNC) payments to help with the nursing care costs of your care home placement.

Under local arrangements Oxfordshire County Council and the NHS Oxford Health operate a pooled budget and on behalf of the NHS the council will pay the FNC for which you are eligible directly to your care home.

Also under these pooled budget arrangements any FNC which the NHS considers you are eligible to receive will be included as part of the council's funding.

Pension Credit

If your financial assessment shows that your assessed contribution includes Pension Credit and you are not already receiving this benefit you need to apply to the Department of Work and Pensions (DWP) (Tel: 0800 991234). Otherwise you do not need to contact the DWP unless you think you may no longer be entitled to receive it or have any other query.

Attendance Allowance (AA) and Disability Living Allowance (Care) (DLA(C))

If you are receiving either of the above benefits, you must notify the Department of Work and Pensions (DWP) when you are admitted to a care home. This is because if a local authority is assisting you with your placement costs the DWP will usually cease payment of these benefits no later than four weeks after you enter the care home. The DWP will also take into account any time you have previously been in hospital before entering the care home.

The DWP will apply these rules to Twelve Week Property Disregard funding because the local authority is assisting you with the cost. However once that period ends the DWP will regard you as a self-funder and will reinstate payment of your benefits if appropriate.

Please note that the Mobility component of Disability Living Allowance should not be affected by your admission to a care home but if you have use of a Motability car you should contact that organisation for further advice (Tel: 0300 456 4566).

Personal Independence Payments (PIP)

The Department of Work and Pensions (DWP) is replacing AA and DLA with PIP for new claims for people of working age and will later move existing claimants to the new benefit. However, until further notice older people will continue to claim Attendance Allowance.

Renting out your property

You must inform this office without delay if you decide to rent out your property during the Twelve Week Property Disregard period as we will need to revise your financial assessment to include any additional net rental income you receive.

Selling your property

Although the Twelve Week Property Disregard is intended to give you time to consider how you want to pay for your long-term care needs, you do not have to wait until it ends to offer your property for sale, provided you have the mental capacity to sign a sale contract or are represented by someone with legal power to do so on your behalf.

Please note that if, unusually, you are able to complete the sale of your property within the property disregard period we will financially assess you as liable to pay the full cost of your care from that date until further notice.

We hope this information helps you better understand how Twelve Week Property Disregard funding works and how we may be able to help you when it ends. However, if you need further information or advice about your individual circumstances please contact the Financial assessment team as follows.

By telephone on 01865 323622 or by email to:
financialassessments@oxfordshire.gov.uk