



SCOTTISH BORDERS COUNCIL

MOVING INTO A CARE HOME

Information on Charges for Adults

April 2024 to March 2025



This leaflet gives information about Social Work's charging process for care homes and how it may affect you.

The National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992 govern the way in which the charge for your care is assessed.

Certain aspects of the assessment are subject to the discretion of Scottish Borders Council, and all decisions will be made in accordance with Council policy and the annual Charging for Residential Accommodation Guidance from the Scottish Government.

If you have questions about anything in this leaflet, please contact the member of staff who is carrying out the Financial Assessment. They will be pleased to help.

The information in this leaflet applies to care homes provided for adults.

This care may be:

- provided directly by Social Work Services.
- purchased by Social Work Services but provided by a voluntary or private care provider.
- purchased by you from a private care provider with Free Personal Care only claimed from Social Work Services

PRIVACY POLICY

We will use your information to assess your financial contribution towards your care costs. We are entitled to collect and use this information under our statutory duty to provide you with a financial assessment under the Social Work (Scotland) Act 1968, Community Care and Health (Scotland) Act 2002, Part 3 of the National Assistance Act 1948 Section 22, National Assistance (Assessment of Resources) Regulations 1992, Adult Support and Protection (Scotland) Act 2007.

For more information on how we use your information please visit:

www.scotborders.gov.uk/CASSPrivacyNotices.

CONTRACTS

As well as information about your care needs, you will also be asked for information about your finances, including your income and capital. This information is used in calculating the actual charge to you. All information will be treated in confidence.

There are two types of contracts for permanent care. These are referred to as a Council Contract and a Free Personal Care/Free Personal Care & Nursing Agreement. The choice made will depend on your financial circumstances. Further guidance on what counts as capital is shown on page 5.

Free Personal Care/Free Personal and Nursing Care Agreement

This agreement is usually chosen by people who have high income and /or capital above the maximum permitted limit (£35,000), and do not foresee having to seek financial assistance from Scottish Borders Council in the future. No financial assessment is required.

You will contract directly with the home to agree a weekly charge for your care. Depending on the care provider, you may be expected to have enough capital to fund the placement for up to 3 years. Payments of Free Personal Care / Nursing Care (see below) will be paid by Scottish Borders Council directly to the care home. You will then be due to pay the home the charge you have agreed with them, less the Free Personal Care or Free Personal and Nursing Care amounts they will receive from Scottish Borders Council.

If you expect your Capital will fall below the maximum threshold, you should contact the Care Resource Team in advance so that they can discuss with you moving on to a Council Contract. This will require a financial assessment to be carried out. You should also contact your care provider to make them aware of the situation as they need to agree to the change of contract and will require notice as per the terms of your contract with them. The Capital limit normally increases each year as dictated by the Scottish Government.

Council Contract

This contract is available to all clients (subject to agreement with each individual Care Home). In all cases a Financial Information Form must be completed, and a financial assessment carried out. If you do not wish to provide financial information you can opt to pay the maximum charge. If at a later date you do require assistance with care charges, you will be asked to provide information backdated to your date of entry into care.

The Council contracts annually with care home providers who invoice the Council for the full weekly agreed charge. The Council will invoice you for your assessed contribution towards the cost of your care for an initial period, then collection of the assessed contribution will be transferred to the care home.

There may be an occasion where the care home charge will be higher than the Scottish Borders contracted rate. Any agreement to fund this additional charge (top up) must be made between the home and a third party. This Top up cannot be paid by the person as the financial assessment has already taken into account their available income. Should the third party be unable to continue to pay, you may have to move to another room or another home, as Scottish Borders Council will not fund this.

Free Personal Care and Nursing Care

Since the introduction of 'Free Personal Care' on 1 July 2002, the charge for living in a care home is calculated in two parts:

- personal care costs
- accommodation costs

You may be eligible for financial assistance for Personal Care up to the value of £248.70 per week if you have been assessed as requiring residential care. In addition, you may be eligible for a further £119.90 per week if you have been assessed as requiring nursing care.

If you claim Free Personal Care, you will lose entitlement to Attendance Allowance, DLA (Care Component), PIP (Daily Living Component) and ADP (Daily Living) after 4 weeks from the date you first enter care or hospital, whichever is earliest. Any entitlement to the Mobility component of these benefits will not be affected.

FINANCIAL ASSESSMENT

All clients moving into 24-hour care are required to pay a contribution towards that care. The charge to you will depend on your income and capital. If you are on a low income, you may qualify for a reduced charge. The Financial Assessment form should be completed as soon as possible. You will be asked to provide evidence of all income and capital, however if you do not have the relevant evidence to hand, you should still return the form straight away and provide the required evidence as soon as it is available.

Income

Income includes all pensions, earnings, and most social security benefits. Disregarded income is outlined below. Other disregards will depend on your individual circumstances. These are available on request.

Income Disregards

- Mobility component of any disability benefit is disregarded in full.
- If you are in a care home and your spouse is living elsewhere, half of your personal / occupational pension or payment from a retirement annuity contract can be disregarded.
- If you receive Savings Credit as part of your Pension Credit entitlement, you may receive a disregard up to a maximum of £8.15 per week (single person).
- War Pension and Armed Forces Compensation Scheme payments qualify for £10.00 per week disregard.

If we advise you in our decision letter that your assessment includes an element of Pension Credit, please ensure that you make an application for this benefit. The amount of your entitlement will be treated as income in assessing your charge, even if you choose not to make a claim.

Capital

Capital includes all savings, shares, bonds, investments and property.



Capital Disregards

- Ex-gratia payments of £10,000 made on or after 1 February 2001 because of imprisonment or internment by the Japanese during the Second World War are disregarded as capital.
- Ex-gratia payments made to people infected with Hepatitis C from NHS blood or blood products are disregarded as capital.

The first £21,500 of your capital is ignored. If your capital totals more than £21,500 but not more than £35,000, you will be treated as receiving income from this.

Income is calculated at £1 per week for every £250 (or part thereof) which you have over £21,500. This tariff is set by the Scottish Government and is not meant to reflect the amount of interest you might earn from your capital.

If you have capital in excess of £35,000, you will pay the maximum charge / private rate for your accommodation costs. When your capital falls below £35,000, your contribution will be reassessed by a member of the Care Resource Team.

Property

If your stay in a care home is permanent, the value of your home will be treated as part of your capital after 12 weeks from the date you entered the home.

If your spouse, partner, an older (over 60 years of age) or disabled relative continues to live in your home, its value may be disregarded as long as they continue to live there.

You will not be asked to sell your home if you do not wish to do so. However, its value will be taken into account in assessing the amount you pay for your care after 12 weeks.

If your property is sold within the 12-week period, the net proceeds will be taken into account from the date of transfer.

Deferred payments

It is possible for certain people to delay selling their homes by entering into a 'Deferred Payment Agreement'. This agreement enables the local authority to offer to pay part of the resident's assessed contribution of the care home's fees and recover that money later from the resident's estate following his or her death or sale of the property.

The resident may also decide to end the agreement and make a full repayment of the amounts owed during the term of the agreement.

A Deferred Payment Agreement is a legal agreement between Scottish Borders Council and an individual and provides for the granting to Scottish Borders Council of a standard security over the individual's home to cover the deferred amount.

Interest is not charged on deferred payments until 56 days after death.

If you wish to move to a home outside of the Borders area, Scottish Borders Council will only pay the rate contracted by the Council in the area of your chosen home.

Deprivation of capital

If a local authority has evidence that a person has deprived themselves of a capital asset in order to avoid or reduce accommodation charges then it may treat the person as still possessing that asset when assessing ability to pay. In some circumstances, the Council may be able to recover the cost of care from the person who received the capital asset or the person may be assessed as though they still own it.

If anyone has any doubts about this advice they are requested to discuss this in advance of taking any actions which may be considered deprivation of capital.

CHANGES IN CIRCUMSTANCES

Any changes in your circumstances while you are in permanent residential care may affect what you pay for your care. It is important that you tell your Care Manager / Care Resource Team of any changes in your circumstances.

The following circumstances will require the cost of your care to be re-assessed:

- you sell your property or receive a substantial gift of money or property.
- there is a reduction or increase in your income.
- your spouse, partner, carer, or an older or disabled relative who has been living in your home dies or moves out of your home.
- half of your personal or occupation pension or payment from a retirement annuity contract may be disregarded because you give this amount to your spouse; if your spouse subsequently moves into a care home or if you stop paying half your pension to them, or if you divorce, the disregard will end. The disregard will also end if your spouse dies.

HOUSING BENEFIT

If you are in receipt of Housing Benefit you should notify Customer Advice that you are moving into permanent residential care as soon as possible as your entitlement to Housing Benefit will stop. Depending on dates that decisions are made, this could be prior to you entering the care home. The sooner you contact them, means there is less chance that an overpayment will occur. You can contact them calling by 0300 100 1800 or by email to Customeradvice@scotborders.gov.uk.

For further information please contact:

The Care Resource Team
Customer Advice & Support Service
Resilient Communities
Council Headquarters
Newtown St Boswells TD6 0SA
Tel. 01835 826948
Email: residentialservices@scotborders.gov.uk

The examples below are to give an indication only of how the charge is calculated. Each case is based on individual financial circumstances.

EXAMPLE 1

Mr A is entering a care home and has savings of £37,000 as well as having an Annuity of £850 per year and a state pension of £142 per week. Because his capital is in excess of £35,000, he will be asked to pay the maximum charge for his care contribution.

Residential Care Home Charge	£825.94 (A)
Less the payment of Free Personal Care	£248.70 (B)
Assessed maximum charge A-B per week =	£577.24

EXAMPLE 2

Mrs B is entering a care home and has savings in bank accounts that in total amount to £7,400. She has a state pension of £164.20 and a small mill pension of £25.50 per week. Because her income is low, she will be entitled to claim Pension Credit by contacting the Pension Service. Mrs B will receive £28.45 guaranteed credit. The capital of less than £10,000 has no effect on her entitlement. Mrs B's contribution towards the cost of her care is calculated as shown:

Income	
State Pension	£164.20
Pension Guaranteed Credit	£28.45
Occupational pension	£25.50
Total	£218.15 (A)
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Less personal allowance	£34.50
Total	£34.50 (B)

Assessed client contribution (A-B) = £183.65 per week

EXAMPLE 3

Mr C owns his home jointly with Mrs C. They have joint capital of £61,521.02 in a Bank Account. He has a state pension of £210.58 and 2 Private Pensions of £29.52 and £78.38, 50% of which he wants to give to his wife who is remaining in the property. As she continues to live there, the property is disregarded in full as long as she continues to live there. His contribution would be calculated as follows:

Income

State Pension	£210.58
Private Pension 1	£14.76 (as 50% to wife)
Private Pension 2	£39.19 (as 50% to wife)
Tariff Income on Capital (as per pg5)	£38

Total £302.53 (A)

Less Personal Allowance £34.50

Less Savings Credit Disregard £8.15

Total £42.65 (B)

Assessed client contribution (A-B) = £259.88



FREQUENTLY ASKED QUESTIONS

What about making gifts / transferring property?

The law does not permit you to give away money or to transfer property in order to reduce the amount you pay for your care.

- If you make such transfers, we may recover the cost of your care from the person who received the gift or transfer or from yourself.
- You may be asked to contribute from your capital even if this is below £21,500 and normally disregarded.

Will my husband, wife, or other family members be expected to pay for my care?

Members of your family are not required to pay for your care except in circumstances described as above. The amount you pay for your care is based solely on your finances. If you have joint savings with your spouse / partner, half of the savings will count as your capital.

How will I know what I have to pay?

We will let you know what the actual charge to you will be in writing once your financial details have been verified. You will receive an assessment form showing how the charge has been calculated, including any benefits which should have been claimed.

Your Social Worker / Care Manager will explain the various ways you can pay the charge for your care. They will assist you in making arrangements for payment before you move to a care home. If your stay is temporary, then you will be charged after you have had your stay.

If you have made arrangements for someone to manage your finances on your behalf, that person will be referred to as the 'Invoicee' and will assume legal responsibility for paying the charge for your care on your behalf.

How much can I keep for my own use while I am living in a care home?

After the charge for your care has been calculated, you will be left with a small amount of money for your own use. This is called a 'personal allowance' and is set annually by the Scottish Government. The current rate is £34.50 per week.

If you receive Savings Credit as part of your Pension Credit entitlement, part of this will be disregarded and added to your personal allowance (up to a maximum of £8.15 per week (single person)).

What if I decide to move to another home or I am unable to return for any reason?

Payment towards charges for termination and notice periods will fall in line with the Residency Agreement you signed on entry to the home.

What if I disagree with the charge for my care?

If you are unhappy about the charge for your care, you may ask for an explanation of how it has been calculated. If you disagree with this assessment, you have a right to ask Social Work to look at it again. In certain special circumstances you may appeal against the outcome of your assessment.

Your Social Worker will complete and submit a form (Request for Review of Charge on Grounds of Special Circumstances) on your behalf to the Appeals Panel.

The Appeals Panel will inform you of the outcome of your appeal. If you are still dissatisfied with the outcome, you may wish to make a complaint.

Complaints may be made by one of the following methods:

- Using the online complaint form at www.scotborders.gov.uk/complaints
- By phone on 0300 100 1800
- By email to Customeradvice@scotborders.gov.uk
- In person or in writing at any local office
- You are entitled to be represented in accordance with the Social Work's complaints procedure.

You may wish to seek independent advice on making a complaint - see page 11 for details of independent agencies.

What if I am admitted to hospital?

If you pay the maximum charge for your accommodation costs you will continue to do so. After two weeks in hospital, your Free Personal Care entitlement (£248.70 or £360.60) stops and you will be liable to pay the maximum cost of your care home charge until you return to the care home.

If a family member is an appointee for your benefits, they must notify the relevant DWP section that you have been admitted to hospital.

What if I am in receipt of a Care component of a disability benefit?

If you are in receipt of a Care component of a disability benefit, you must notify the relevant DWP section / Social Security Scotland (see page 11) that you are now in a care home. You may wish to ask your Care Manager, a relative or member of staff to do this for you.

If you are receiving financial assistance for your care from the Council, you will not be entitled to these benefits after four weeks from your move into a care home. Your entitlement to these benefits will end even if you only receive Free Personal Care or Nursing Care.

If you pay the full charge for your accommodation costs, and you are not in receipt of Free Personal Care or Nursing Care, you will continue to be entitled to receive these benefits.

More information is available from:

Disability Living Allowance

Tel: 0800 121 4600

Text phone: 0800 121 4523

Personal Independence Payment (PIP)

Tel: 0800 121 4433

Text phone: 0800 121 4493

Social Security Scotland

Tel: 0800 182 2222

Web Site: mygov.scot/benefits

Attendance Allowance Unit

Tel: 0800 731 0122

Text phone: 0800 731 0317

The Pension Service

Tel: 0800 731 7898

Text Phone: 0800 731 7339

Pension Credit

New Claim Tel: 0800 99 1234

Report a Change: 0800 731 0469

ADVOCACY AND ADVICE

The following independent agencies offer advocacy as well as information and advice:

Borders Independent Advocacy Service (BIAS)

Low Buckholmside

Galashiels TD1 1RT

Tel: 01896 752200

Email: info@bordersadvocacy.org.uk

Website: www.bordersadvocacy.org.uk

Alzheimer's Scotland Borders

19 Bridge Street

Kelso TD5 7HT

Tel: 01573 400324

Email: borders@alzscot.org

Website: www.alzscot.org

Borders Carers Centre

Brewerybrig

Low Buckholmside

Galashiels TD1 1RT

Tel: 01896 752431

Website: www.borderscarerscentre.co.uk

Age Scotland

Tel: 0333 323 2400

info@agescotland.org.uk

Website: www.ageuk.org.uk/scotland

Citizen's Advice Scotland -

Please phone 0800 028 1456 for local opening hours or visit the website: www.cas.org.uk

Berwick upon Tweed - 5 Tweed Street

Tel. 0808 278 7944

Duns - Community Centre, Station Road

Tel. 01361 883340

Eyemouth - 27 Albert Road

Tel. 01890 750500

Galashiels - 111 High Street

Tel: 01896 753889

Hawick - 1a Tower Dykeside

Tel. 01450 374266

Kelso - 20 Shedden Park Road

Tel. 01573 223516

Peebles - Chambers Institution, High Street

Tel. 01721 721722

CONTACT SOCIAL WORK SERVICES

For information and advice about social work services, please contact us as follows:

Phone	0300 100 1800 (selecting option 1)
Email	thehub@scotborders.gov.uk
Website	www.scotborders.gov.uk
Emergency out of hours	01896 752111
What Matters Hubs	What Matters Hubs Scottish Borders Council (scotborders.gov.uk)



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