

Elderly Care



What do you need to consider?

We all know that preparation is key – so as we grow older we need to take a look at our personal legal matters and ensure that at the very least our Will and Power of Attorney are prepared. It is also advisable to plan for the future with regards to care home fees either with carers at your own home or in a residential/nursing care home, and considering what funding options will be available.

It may be that you have a family member or a friend who is elderly and perhaps vulnerable and you are now looking for advice on this complicated area of the law. If so, Heckford Norton can assist you through this difficult and emotional process.

Plan for the future with regards to care home fees.



What will I have to pay if I need care?

If you have capital assets above a certain amount then you are responsible for meeting all your own care home costs. It is quite possible, depending on your assets, that you may be required to contribute to some of your care costs. If, however, your assets are below the threshold then your local authority is responsible for meeting those costs.

You should be aware that you are entitled to retain a small amount of your income each week to spend as you wish.



Funding care options

Funding for care is a complicated area and we would encourage you and your loved ones to come and see us to ensure you are receiving all the payments you are entitled to, including state benefits (such as Attendance Allowance or Disability Living Allowance), as well as identifying what you should be paying for. It is important to plan for this sooner rather than later.

Some options and points to consider are:

- 1 assistance from your local authority if you are under the threshold;
- 2 your home may be 'disregarded' in the financial calculation in certain circumstances;
- 3 a 'deferred payment scheme' allows care costs to be claimed from your estate after your death thus potentially avoiding the need to sell your home;
- 4 'third party top-ups' from family members or friends;
- 5 eligibility to claim NHS continuing health care funding where the primary need for being in care is for health reasons; and
- 6 check the terms of the contract before you take up residency in a care home or use an agency.

Wills/Tax planning /Powers of attorney

It is important to have a Will in place and, if you have already made one, to ensure it is up to date with your current wishes and in line with current legislation.

As part of the Will making process it is essential to consider taxes that may be payable by your estate after your death, such as Inheritance Tax. We can guide you through this process and work with Independent Financial Advisers and Accountants to assist you with organising your financial matters, such as retirement, pensions and life insurance.

You should ensure that you have a valid power of attorney. You may already have an Enduring Power of Attorney. However, it is important you ensure it accommodates all your wishes. The new form of power of attorney is called a Lasting Power of Attorney and allows you to prepare 2 types: property & financial affairs and health & welfare.

Heckford Norton's team is trained to deal with the welfare of the elderly, and we can also assist families where your loved one has not prepared a power of attorney and where the family need advice and assistance with applying for a Deputyship Order from the Court of Protection.