

Care Act Social Care Charging Quiz

1. Name as many changes as you can to social care charging under the Care Act and state when they will be introduced?

- Universal Deferred Payments (with interest charges) April 2015
- Lifetime cap on care costs April 2016
- Care Accounts to track a person's progress towards the cap April 2016
- Extended means test with higher capital limit for residential/nursing care for people who own their home April 2016
- People with eligible care needs and assets above the upper capital limit can ask the local authority to meet their needs (although the LA can choose whether or not to meet this need if the need is to be met by a care home placement) April 2015

2. What services is a local authority allowed to charge for?

- Preventative services
- Non-residential care services
- Residential care services
- Services for carers
- Arranging care for self-funders who ask the local authority to arrange their care

3. What services must a local authority provide free of charge (8.14) – maximum of 7

- Intermediate care, including reablement for up to 6 weeks
- Community equipment – aids and minor adaptations (£1k or less)
- Care and support provided to people with CJD
- After care services/support provided under section 117 of the MH Act 1983
- Any service or part of service which the NHS is under a duty to provide (includes Continuing Healthcare and the NHS contribution to Registered Nursing Care)
- Any services which a LA is under a duty to provide through other legislation may not be charged for under the Care Act 2014
- Assessment of needs and care planning

4. From April 2015 a local authority must offer a deferred payment to someone meeting the criteria governing eligibility for deferred payment agreements (DPAs) and who is able to provide adequate security for the debt. In what circumstances may a local authority refuse a DPA despite someone meeting the eligibility criteria? (9.12) – 3 answers

- If the LA is unable to secure a first charge on the person's property
- Where someone is seeking a top up

- Where someone does not agree to the terms and conditions of the agreement (e.g. a requirement to insure and maintain the property)

5. How will the Deferred Payments Scheme in 2015 differ from the current scheme?

- There will be a charge to cover administration costs (including legal and property valuation)
- There will be interest charges which accrue throughout the period of the Deferred Payment Agreement (currently interest only applies after 56 days once the Deferred Payment agreement ends)

6. If a person approaches a local authority for information about a DPA from April 2015, what information must the explanation contain as a minimum? (9.26) – 15 answers

- Set out that the fees are being deferred or delayed and must still be paid back at a later date
- Explain the types of security that a LA is prepared to accept
- Explain that if a home is used as security, the home may need to be sold at a later date to repay the amount due
- Explain that the total amount they can defer will be governed by an equity limit which may change if the value of their security changes
- Explain the circumstances where the LA may cease to defer further amounts (e.g. when the person qualifies for LA support in paying for their care) and the circumstances where the LA has to stop deferring further amounts (such as when the person reaches their equity limit)
- Explain how interest will be charged on any amount deferred
- Explain that they may be liable to pay administrative charges
- Explain what happens on termination of the agreement, how the loan becomes due and their options for repayment
- Explain what happens if they do not repay the amount due
- Set out the criteria governing eligibility for a DPA
- Detail the requirements that must be adhered to during the course of the DPA
- Explain the implications that a deferred payment agreement may have on their income, their benefit entitlements and charging
- Provide an overview of some potential advantages and disadvantages of taking out a DPA and explain that there are other options for paying for their care that they may wish to consider
- Note the existence of the 12-week disregard which will afford those who qualify for it some additional time to consider their options in paying for care
- Suggest that people may want to consider taking independent financial advice

7. A deferred payment agreement (DPA) can be ended in 3 ways what are they? (9.95)

- At any time by the individual, or someone acting on their behalf, by repaying the full amount due
- When the property is sold and the authority is repaid
- When the person dies and the amount is repaid to the LA from their estate

8. When a local authority undertakes a financial assessment for someone they may become aware of cases where a person may have tried to deliberately avoid paying for care and support costs through depriving themselves of assets (income and/or capital). If the council has evidence to prove this and deems it to be deliberate deprivation, what action can they take in relation to charging (2 answers) and then any subsequent outstanding debt (1 answer)? (8.29 & 8.30)

- Charge the person as if they still possessed the asset
- If the asset has been transferred to someone else, seek to recover the lost income from charges from that person
- Institute County Court proceedings to recover the debt

9. Add the missing words or numbers to the following sentences:

Anyone who has over the upper capital limit of £_____ will be deemed to be able to afford the full cost of their care in a care home or where they have capital above £_____ for non-residential care services.

Section 17 of the Care Act requires a local authority to carry out a _____ if they have chosen to _____ for a particular service.

- £23,250 (care home) or £35,000 (non-residential care)
- Financial assessment
- charge

10. Sometimes a local authority must take steps to recover debts in relation to care contributions. Can you add the missing word to the following sentences:

- Possible debts must be _____ with the person or their representative
- The local authority must act _____
- Arrangements for debt repayments should be _____ between the relevant parties

- Repayments must be _____
- Court action should only be considered after all other reasonable avenues have been _____
- In some cases a debt may have accrued as a result of diminishing or a lack of mental capacity. In such cases, the local authority may need to involve their _____ teams
- Where a debt has accrued and a person could be offered a deferred payment agreement (DPA), the local authority _____ offer the person or their attorney or deputy the option of repaying the debt through a DPA as set out in Section 69(2) of the Care Act 2014.
- Any person who lacks capacity to litigate will need to have a _____
- A person may wish to make a _____ about any aspect of the way a local authority uses its powers under the Care Act

- Discussed
- Reasonably
- Agreed
- Affordable
- Exhausted
- Safeguarding
- Must
- Litigation Friend
- Complaint