



# PANTHERA

## ESTATE PLANNING

# Local Authorities and clients in Long Term Care: How can we help?



## ! If you fail to act now:

When somebody enters permanent care it can be a very distressing time for loved ones. Questions might arise such as 'What quality of care is that person going to receive?', 'For how long will the care be needed; weeks, months, years?' and 'What will happen about funding that care?'

We understand that the question of care can be a bit of a minefield so we offer a selection of professional services to help guide your clients throughout the process.

These include:

- ✓ Completing the Financial Assessment Form
- ✓ Reviewing a pre-completed Financial Assessment Form
- ✓ Liaising with the Local Authority on behalf of the clients
- ✓ Reviewing Care Home Contracts
- ✓ Claims for continuing NHS Healthcare funding

## In Detail

### Stage 1

#### Completing the Financial Assessment Form

Once the needs of the client entering care have been assessed, the Local Authority may require a Financial Assessment to be carried out. Whilst that Assessment can take many forms (such as over the telephone or face-to-face), it usually begins with a Financial Assessment Form. Clients are expected to provide full details about the person's income and capital. We can complete this form on behalf of the person entering care and assist the family at a difficult time.

#### Reviewing the pre-completed Financial Assessment Form

If your clients have already completed the Financial Assessment Form, we would be more than happy to review it, giving us the opportunity to raise any "red flags" before the Form is submitted to the Local Authority. Once the form has been sent to the Local Authority it may be decided that no contribution is required from the resident on the basis of their capital.

#### Reviewing Care Home Contracts

Care Home Contracts are one of the most expensive contracts a client will ever sign, but very few have been reviewed by someone with experience in this area. Care Home contracts are often unfair, but once they have been signed by the family it is difficult to challenge this. Having a contract reviewed by us before it is signed is one way of protecting the family from a costly mistake, and could save hundreds or even thousands in unfair fees.

#### Claims for Continuing NHS Healthcare Funding

If a family believe that the person in care may be entitled to Continuing NHS Healthcare Funding, we can help them to obtain this or challenge an unfavourable decision already made.

## Stage 2

### Liaising with the Local Authority on behalf of the clients

If after submitting the Financial Assessment to the Local Authority funding has been refused, (usually where they are treating the person as having capital, such as property, incorrectly) we can act on behalf of the family to challenge this decision. We are able to correspond with the Local Authority to set out the legal position in full. The charge for the first letter is higher than subsequent letters because it takes some time to review the position of a case at the outset.

#### Our approach

We have a wealth of experience in care cases. Some dispute are settled once the Financial Assessment has been completed; others have involved lengthy correspondence and an appeal to The Local Government Ombudsman. The type of cases we deal with vary hugely ranging from those with simple 'bloodline planning' through to those where there is no Trust involved at all.

Our in-house specialists apply the law in a pragmatic way to act in the best interests of your clients.

#### What can I expect?

Regardless of the breadth of experience and the number of qualified specialists we have, one of the key points to remember in care cases is to manage the clients' expectations honestly and realistically. Difficult questions may be asked at the outset about the finances and health of the person entering care. The clients also need to be aware that care cases may, sadly, run on for months or even years before any sort of resolution is reached. The nature of the correspondence received from Local Authorities is by its very nature upsetting to deal with for families. We understand that care cases can be very difficult for all parties involved, so we pride ourselves on offering a friendly and efficient service throughout the entire process.

#### When should I involved you?

It's always advised that we are involved from the start of the process so that the correct and accurate information can be provided to the Local Authority from the outset. A care needs assessment should be done by the Local Authority at the outset and represents the first stage of the process. Once an assessment has been completed and Long Term Care is required as a result, it's best to let us know so we can assist if necessary.

Note that the PPPT With Insurance includes £500 of funding for this type of challenge.