

## HAWKINGE HOUSE RELATIONSHIP CENTRED CARE

### Financial Protocols for Making Arrangements for a Direct Payment at Hawkinge House Where the Person has a Tenancy Agreement

The Hawkinge Care Centre is a new concept which aims to offer high quality care using the Self Directed Support Model, and enable Service Users to draw on a number of funding streams.

The facility has studio and one bedroom suites (suitable for couples if required). The rooms are larger than the regulations stipulate. Many of the suites will be available with a Tenancy Agreement, and there will also be options for some people to purchase the suites. The aim is to have a cross-section of residents which will reflect the local community, which means there will be a range of private and Local Authority funded residents.

The basis of charging is very different and innovative because the resident will have a tenancy and will, therefore, be able to claim housing benefits, DLA/AA, etc.

The concept is similar in many ways to that of Extra Sheltered Housing. However, rather than paying for care at an hourly rate, a Direct Payment is offered. The person receives a Direct Payment to the value of what it would usually cost the Local Authority for nursing care i.e. £385.76 per week (2010/2011) less their assessed charge. The assessed contribution based on Fairer Charging for home care and other non-residential services will be deducted and the actual Direct Payment will, therefore, be guide price less the assessed charge. The person retains their benefits and will enter into an arrangement with the Care Centre to pay for housing, heating, food etc.

In order for people to be eligible for this service they will be assessed as needing care and attention in residential accommodation. Typically this will be people living in their own homes with very high care needs, often costing in excess of what it would cost OPPD to place them in nursing care (i.e. prevailing rate applicable threshold)

In order for a person to sign a tenancy agreement they must have capacity or have a Registered Lasting Power of Attorney for Property and Affairs or a Deputyship awarded by the Court of Protection in place.

- If a person lacks capacity and neither instrument is in place, then they cannot sign or have an agreement signed on their behalf.
- in certain circumstances, an incapacitated adult may be at risk of losing the opportunity of a tenancy in suitable accommodation if there is a delay in obtaining the necessary authority to sign;
- only in the above circumstances, and if the landlord is in agreement, the tenancy agreement may be signed by the landlord alone at the start of the tenancy, strictly on the basis that an application to the COP will be made urgently;
- the above option is used on the basis that it is in the best interests of the service user to move to the accommodation, and a delay in doing so is not in their best interests (because there is a strong possibility that the opportunity will be lost);



## **Treatment of former homes for charging purposes-**

- Once someone has taken up a tenancy in Hawkinge House, their former home (if they own it) will be disregarded as capital for 6 months PROVIDED they are taking reasonable steps to sell it.
- The 6 months may be extended in exceptional circumstances but only if they continue to take reasonable steps to sell the property.
- Once the property has been sold, any profit (following deductions for mortgage etc) will be added to their capital and if this takes them over the capital limit (currently £23,250) they will be required to meet the full cost of their care.
- Taking "reasonable steps" to sell the property basically means putting it on the market at a realistic price that is likely to result in a sale. It could also include preparing the property to be sold (e.g. carrying out essential repairs).
- The above is in line with the rules for claiming Housing Benefit and is also in line with KCC policy on charging for people who go into Extra Care Sheltered (BHAL). Once the house has been sold, any profit will be taken into account and it is therefore unlikely that Housing Benefit and Council Tax Benefit will continue in payment.

## **If a resident goes into hospital**

- The same rules that apply to other Direct payment should be used i.e. the Direct payment should continue for up to 21 days and there after a retainer maybe paid.

## **Occupational Pensions**

- Dom Charging rules will apply and a partner remaining at home will not be entitled to half the occupational pension as they would if CRAG were applied.

**This must be made very clear to people at the outset as the result may be that a partner remaining at home will be worse off.**

**Ordinary Residence- DivMT have agreed that people moving to the care suites under a Direct Payment will remain the responsibility of the originating Locality with in Kent.**

Mary Silverton  
Head of Service Ashford & Shepway Locality  
Older People and Physical Disability (OPPD)  
Families & Social Care  
Civic Centre  
Tannery Lane  
Ashford  
TN231PL  
VPN 7011 5738  
01233 205738  
Blackberry 07920873682  
[mary.silverton@kent.gov.uk](mailto:mary.silverton@kent.gov.uk)