

## Paying for Care and Park Homes

- Social services can take a park home into account when doing the financial assessment for someone assessed as needing a care home, if it is the person's 'only or main residence' (Charging for Residential Accommodation Guide CRAG 7.003A). If the result is the person has more than £23,250 they will have to fund their own care and social services will not pay. The person then has the choice of selling the home or paying for the care home in some other way e.g. letting it out if that will generate sufficient income and is permitted by the terms of their agreement with the site owner. So it is not a matter of social services 'forcing' the sale, but the person possibly being left with no alternative.
- If the person is funding their own care they should also claim Attendance Allowance - currently £71.40 at the higher rate. Contact the Benefits Enquiry Line 0800 88 22 00 for a claim pack.
- The person will not be able to have a deferred payments agreement, whereby social services pay in the person's lifetime, put a charge on the property and then recoup what they have paid out after the person's death because a park home is not a 'property' and so cannot be registered with the Land Registry, and consequently there is nothing to put a charge on.
- In some circumstances, if someone is assessed as needing a service and refuses to pay, social services are obliged to pay but they can pursue the person or their estate for the debt and a court could order the sale of the park home, so one way or another, at some stage, the park home may have to be sold and the value of any inheritance may be diminished.
- If the person has to go to a care home because their 'primary need is a health need' by which is meant they have very high, unstable or complex **nursing needs** i.e. procedures that have to be carried out or supervised by a registered nurse then they may be eligible for NHS Continuing Care where their care is paid for in full by the NHS and there is no financial assessment so the park home would not come into it, and would not have to be sold. This does not mean that if the person cannot look after themselves because of a medical condition they are automatically eligible for NHS Continuing Care. It is about the level of **nursing** rather than **personal** care the person requires. Each PCT sets its own Continuing Care Criteria.
- EAC is not qualified to give legal advice, but the foregoing is EAC's understanding of the regulations and

the situation in regard to park homes, as accurately as we can interpret it at the present time. We are not aware of any case law on this subject.

Obviously, if an older person who is faced with selling a park home to pay for care were to take to take the case to court, a court might decide differently.

- Also relevant is the '12 week disregard'. This means the park home (or any other dwelling) is not counted for the first 12 weeks of a permanent stay in a care home, and if as a result of this 'disregard' the person has
- less than £23,250 during that period, social services will contribute to the cost of care for those first 12 weeks. However, if the person has savings or capital over £23,250 even if the park home is not included, then they will have to pay for their care from day 1.

We hope this is helpful, but if you have any queries please do not hesitate to contact the EAC FirstStop Advice Line on 0800 377 70 70.

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