

Care funding

Care funding is a hot topic and a cause of concern and worry for many families. Getting the right advice at an early stage can help to ensure peace of mind.

There are many myths and misconceptions surrounding care funding. People are often mis-informed by information on the internet or tales from friends and neighbours. We can provide proper, legal advice to families considering care funding options in later life. With proper care and planning, you can be reassured that your care funding needs are properly catered for and that your interests are protected as a result.

All too often, we see people who have transferred assets out of their name, made gifts and added names to bank accounts in an attempt to avoid paying for care. These arrangements can be unsafe for the vulnerable individual and may expose them to unnecessary risk. They often do not work as they do not avoid the need to pay for care and may be seen as a deliberate deprivation of assets in some circumstances.

The local authority has wide powers to act where it believes a person has deliberately deprived themselves of assets to avoid paying for care. Contrary to popular belief, there is no time limit within which this becomes acceptable and a local authority can look back at disposals over any length of time. This includes questionable gifts, sales at an undervalue and disposals into trusts.

People are often mis-advised about the benefits of transferring assets to third parties. There are several unknowns which could affect the person whose name an asset is transferred into, which can put the original owner at risk of losing their assets altogether, such as:

- Bankruptcy
- Divorce and separation
- Accident, illness or their own loss of mental capacity
- Death
- General disagreements/falling out

These arrangements can therefore be particularly dangerous where individuals arrange to transfer their homes to other people.

Care funding does not have to be an intimidating topic and, with the right advice, your family can plan carefully and appropriately for any future care needs. For more information, consider our pages on local authority care funding and NHS continuing healthcare.

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