

# Adult Social Care

## Graham Care Group (Care Suites) Guidance

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# Guidance

## 1. Scope

This guidance applies to staff working within Adult Social Care. It relates to placements for older people with care and support needs living in care suites within a Graham Care Group property funded by Kent County Council. At present, this covers:

- Cornford House, Cornford Lane, Pembury, Tunbridge Wells, TN2 4QS
- Hawkhurst House, Cranbrook Road, Hawkhurst, Cranbrook, TN18 5EF
- Hawkinge House, Hurricane Way, Hawkinge, Folkestone, CT18 7SS
- Hazeldene House, Romford Road, Pembury, Tunbridge Wells, TN2 4AY
- Woodchurch House, Brook Street, Woodchurch, TN26 3SN

The care suites are marketed as providing larger sized rooms and more facilities than a nursing home would usually provide, but with the same level of nursing care and support. The Graham Group aim is to have a cross-section of residents which reflects the local community, meaning there will be a range of residents with above and below the amount the local authority agrees to pay.

Full contact details for Graham Care Group and each care suite terms and conditions are available on the Graham Care Group website [click here](#)

## 2. Practice Guidance

The care and support planning process details the needs to be met and how the needs will be met, and links back to the outcomes that the adult wishes to achieve in day-to-day life as identified in the assessment process and to the wellbeing principle in the Care Act.

People suitable for this type of service have a level of need which might typically be met in residential/ nursing accommodation but are living in their own home with very high care needs.

When a resident enters these facilities, they sign a tenancy agreement and are therefore eligible to apply for Housing Benefit, Council Tax Benefit and Disability Living Allowance/ Attendance Allowance. Graham Care Group charges individuals directly for rent, service charge and hotel and management costs, which the tenant pays from their Housing Benefit and statutory benefits. This means that KCC are only responsible for funding the care element of the overall cost.

The concept is in many ways similar to that of extra care housing and individuals who move into one of the care suites are given a Direct Payment to purchase care in the care suites.

The amount of the Direct Payment for 2020-2021 is **£471.29 per week** and assumes that 3 hours 40 minutes of care are delivered per day. The assessed contribution, based on the Care Act regulations for Charging for Home Care and other Non-Residential Services guidance, will be deducted and the actual Direct Payment will, therefore, be the above amount less the assessed charge. The individual retains their benefits and enters into an arrangement with Graham Care Group to pay for rent, service charge and hotel and

management costs. After payment of rent, service charge and hotel and management costs, the individual is left with a minimum of £30 per week spending money.

## **Tenancy Agreements**

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 Deputyship awarded by the Court of Protection in place so that their attorney can sign on their behalf.

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 Graham Care Group (landlord) is in agreement, the tenancy agreement may be signed by the landlord alone (not on behalf of the person) at the start of the tenancy, strictly on the basis that an application to the Court of Protection 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 an individual has taken up a tenancy in one of the Graham Care Group care suites, 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 their property essentially means putting it on the market at a reasonable price that is likely to result in a sale. It could also include preparing the property to be sold, such as 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 move into Extra Care housing (*Charging for Home Care and other Non-Residential Services Policy*).

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 to be paid.

### **If a tenant goes into hospital**

The same rules that apply to other Direct Payments should be used – a Direct Payment should continue for up to 21 days and thereafter, a retainer fee may be paid.

### **Occupational Pensions**

Home care and other non-residential charging rules will apply and a partner remaining at home will not be entitled to half the occupational pension. **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.**

### **KCC responsibility**

Individuals moving to the care suites under a Direct Payment will remain the responsibility of the originating area within Kent.