

How to...

**Pay for your Care Home,
apply for Financial Assistance,
and Understand your
Contractual Responsibilities**





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Funding the cost of your care

This booklet explains the funding options for residential care services and aims to answer any questions you may have.

Your residential care home services are not free. Unless you qualify for financial assistance, you will be liable to pay the cost of your care and support.

To work out how much you need to pay, and whether you can receive financial assistance, please complete a financial assessment at:

www.betteroffkirklees.org.uk/fca

Please read the examples of financial assessments on page 10 to give you a basic idea of how financial assistance is calculated.

Residential care is living in a residential setting or 'care home' as opposed to living in your own home. If you're unable to live independently even with extra support, you may need to consider residential care.

If you require further information with this you can contact Community Health and Social Care hub on **0300 304 5555 (Monday to Friday, 8.45am to 5pm)** and ask for a care needs assessment.

Care Home Settings

Residential care can be provided in various types of care home settings of which will have different specialisms, for example people with advanced dementia or nursing care.

Some care homes advertise as: 'Care Homes with Nursing' meaning they may support both residential clients and nursing clients.

There are many care homes to choose from. Care homes are run by:

- private companies
- large organisations
- voluntary groups
- Kirklees Council.

How much will it cost to live in residential care?

The cost depends on:

- the care home you choose and how much the care home charges for their services
- whether or not you qualify for any financial assistance from the Council.
- Your care home placement is known as “transitional” and will not last for more than 2 weeks
- You qualify for NHS Continuing Health Care (CHC) Funding.

Is everyone liable to pay all their own care home fees?

There are some exceptions but in general, everyone in residential care is liable to pay their own care home fees unless:

- Your placement has been arranged and is provided under Section 117 of the Mental Health Act 1983
- You have been placed in a community bed which has been arranged by the NHS
- You are receiving reablement support for up to 6 weeks

CHC funding is dependent on circumstances, not diagnosis. If your circumstances change, this may affect your funding and you may be asked to pay for your care and support costs from the date the funding is withdrawn. This can be stressful but completing a financial assessment form with us will give the Council the information we need to determine if you can receive other financial assistance.



The Care Home You Choose

Private sector care providers can choose how much to charge you for a care home placement.

However, within Kirklees there are some care homes who have agreed a fee with Kirklees Council.

These fees may only be applicable to residents who have eligible care and support needs and are also entitled to financial assistance from the Council to help them pay their care fees.

If you are thinking about choosing a more expensive care home, see [page 17](#) for information about extra charges.

To work out whether you can receive financial assistance, you will need to carry out a financial assessment. Financial assistance is means tested, which means we will look at your income and savings to determine how much you are able to pay.



How do I apply for financial assistance?

If the outcome of your assessment with the social worker is that you have eligible care needs that require you to live in a care home, you are liable to pay the full cost of your care home fees unless you qualify for some financial assistance. To work out whether you qualify for financial assistance and to give you an idea of how much you will have to pay, please complete an application for financial assistance at:

www.betteroffkirklees.org.uk/fca

Will I qualify for financial assistance?

- If you have savings or investments worth £23,250 or over
- If you own a property that you or your partner do not live in
- If you choose not to disclose your financial information

In these circumstances, you will be liable to pay the entire cost of your care home fees directly to your chosen care home provider.

If you are currently paying all your care costs and your savings and investments have nearly reduced to £23,250, please complete an application for financial assistance.

Please **do not delay** in completing this as any financial assistance you might get will only be backdated to the date of your application.

If you have savings or investments **less than** £23,250 you are likely to qualify for some financial assistance. Please complete a financial assistance application to work out how much money you can afford to pay for your care home.

What information will I need to provide for my financial assessment?

- Recent benefit award letters from the DWP or up-to-date bank statements showing details of these payments
- Letters from works pensions or annuity providers or bank statements showing these payments
- At least the last 12 months' worth of bank or building society statements or pass books
- Details of any shares or national savings products
- Details of any property or land owned or previously owned, including your main or only home
- Details of any other income and investments

How is my financial assistance worked out?

Income

Examples of Income ignored:

- War Disability Pension
- War Widows Pension
- Earnings
- Working Tax Credit
- Disability Living Allowance Mobility Component
- Personal Independence Payment Mobility Component
- War Widows Supplementary Pension
- Guaranteed Income Payments from the Armed Forces Compensation Scheme
- Armed Forces Independence Payment

Most income is counted in the financial assessment. In general, you must use all your income to pay for your care home fees minus an amount for personal expenses, which is a set amount worked out by the Department for Health and Social Care.

Examples of Income included:

- State Retirement Pension
- Occupational Pension/Private Pension
- Pension Credit
- Income Support
- Employment & Support Allowance (ESA)
- Severe Disablement Allowance
- Armed Forces Independence Payment
- Disability Living Allowance (DLA) Care Component
- Attendance Allowance (AA)
- Personal Independence Payment (PIP) Daily Living Component
- Industrial Injuries Disablement Benefit
- Universal Credit

How much am I allowed to keep for personal expenses?

The Government sets this amount from April each year. The current amount is set £28.25 per week.

If your stay is temporary, we may allow certain additional household expenses.

If you qualify for extra benefits but choose not to claim them, we still have to include the money you would get if you did claim.

This will affect the amount of financial assistance you can get.

Capital

Savings and investments

If you have savings and investments of £14,250 or less, they will be ignored completely.

Examples of Capital included:

- Bank/ Building society accounts
- Property
- Land
- National Savings Certificates
- Premium Bonds
- Stocks & Shares
- Trust Funds

If you have savings above £14,250 but below £23,250, £1 per week will be counted as income for every £250 you have between £14,250 and £23,250, this is known as tariff income.

I have pre-paid for my funeral from my savings. Is this amount ignored in my financial assessment?

No. £14,250 of your capital is already ignored which should cover the cost of your funeral when the time comes. If you do pre-pay for your funeral and you have more than £14,250 in savings, we will include the amount you have paid out as if you still had it.

Please note that any personal debt cannot be taken into account in your financial assessment.



Examples of financial assessments

Example A

Michael is a resident in long term care. He has savings of less than £14,250 and owns no property. Michael has been assessed by a social worker as needing long term residential care. The cost of his care is £674.81 per week.

Weekly Income

State Pension	£198.00
Private Pension	£20.00
Total Income	£218.00

Ignored amount

Personal Expenses	£28.25
Total Ignored amount	£28.25
(£218.00 - £28.25) =	*£189.75

**Financial Assistance
Michael qualifies for** **£485.06**

Michael pays *£189.75

Total Care Costs **£674.81**

Example B

Grace is a resident in long term care. She has savings and investments of £18,436 and owns no property. Grace needs long term nursing care in a specialist dementia care placement. The cost of her care is £770.67 per week.

Grace has more than £14,250 in savings and investments, each week she must use some of her capital towards funding the cost of her care home fees until her capital falls below £14,250.

Weekly Income

State Pension	£195.24
Private Pension	£42.78
Tariff Income from savings	£ 17.00
Total Income	£255.02

Ignored amount

Personal Expenses	£28.25
Total Ignored amount	£28.25
(£255.02 - £28.25) =	*£226.77

**Financial Assistance
Grace qualifies for** **£543.90**

Grace pays *£226.77

Total Care Costs **£770.67**

How is my financial assistance worked out?

Is the value of my own home taken into account in the financial assessment?

If you are temporarily in a care home, the value of your own home is ignored. If you are residing long term in a care home but your partner still lives in the property, your share of the value of the property is ignored. In certain other circumstances the value of the property may be ignored but this depends on individual circumstances which will be considered.

12 Weeks Property Disregard period for long-term residents

If you move into a care home long-term and you have less than £23,250 in savings, we will not include the value of your property in your financial assessment for 12 weeks. This is called a 12-week property disregard.

The 12-week property disregard is designed to give you breathing space to prepare the property for sale or decide whether you want to sell. We will pay your care home fees for these 12 weeks, or until your property sells, if sooner.

Making a decision about how you will fund your own care costs

During your first 12 weeks in long term care you will be asked how you intend to fund the cost of your care from week 13 onwards.

For example, to sell your property, or perhaps to consider a Deferred Payment Agreement.

I have previously been funding all of my own care costs, but I now need to apply for financial assistance. Will you count the value of my property?

Yes. In most cases, you are unlikely to qualify for the 12 weeks property disregard period if you later apply for financial assistance because you will already have been in long term care for more than 12 weeks.

How much will I be liable to pay if I no longer qualify for financial assistance?

Your care home will tell you how much your overall weekly fees will be. You will be liable to pay the rate agreed between you and your care home. Your agreement with the care home will become a private contractual agreement with no involvement from the Council.

You are advised to check the private rates charged by care homes as these could be substantially higher than the council's contracted rate.

Paying for your care

Do I have to sell my home to pay for my care?

Not always. If you do not want to sell your home, you may be able to request an interest-bearing loan from the Council to help you pay your care home fees. The loan is called a Deferred Payment Agreement.

How does a Deferred Payment Agreement work?

A Deferred Payment Agreement is a way of deferring most of your care home costs which you then will need to repay at a later date.

A Deferred Payment Agreement is designed to help you if you have been assessed as having to pay the full cost of your residential care, but cannot afford to pay the full weekly charge because most of your capital is tied up in your home.

To be able to receive a deferred payment scheme to assist with your care home funding, the value of your savings and capital (not including the value of your home) must be less than £23,250.

How does the Council loan me the money?

If you decide to take out a loan from Kirklees Council, you must use your home as security.

Kirklees Council will loan you an agreed amount of your weekly care and support fees whilst ever you have enough equity in the value of your home to cover your debt and any related charges.

Do I have to pay any weekly costs if I opt for a Deferred Payment Agreement?

Yes, to work out how much you would need to pay each week towards your care home fees, please complete a financial assistance application.

Can I rent out my house to help with my care costs?

Yes. You may decide to rent out your home and use the rental income to pay towards the cost of your care home fees. Kirklees Council will loan you the difference between the full cost of your care and the amount you are assessed to pay each week.

How do I keep track of the amount I have borrowed?

You will receive a statement twice a year as at 30 June and as at 31 December advising you how your loan is being calculated and what the outstanding sum on your Deferred Payment Agreement is.

Interest will be applied to the money we lend you daily, each month you will have the choice to either pay the interest that has built up in the previous month or to add it to the loan amount.

For more information about deferred payments go to:

<https://www.kirklees.gov.uk/beta/care-homes-and-housing/deferred-payments-scheme.aspx>

What will happen now?

Once we have received your online application for financial assistance, we will check the information you have provided. The online application tells you the information we need to look at.

How quickly do I need to provide the financial information needed to work out whether I qualify for financial assistance?

As quickly as possible. The easiest way to provide the information is to upload it when you complete your application. It might be a good idea to ask for help from family and friends.

You can also go to the Customer Service Centre in Huddersfield or Dewsbury to use a computer and provide evidence if you prefer.

What happens if I do not provide the information you require?

If we do not receive the information we need, you will not qualify for financial assistance and you remain liable to pay all your care home fees yourself. We will notify you in writing that you do not qualify, and we will also notify your care home. You will then be billed by your care home for the full cost of your care.



The Financial Assessment

If you do provide the information required to consider your application, we will check this and confirm how much financial assistance you may receive.

If you **qualify** for assistance, we will also write to you with a breakdown of how your financial assessment has been calculated. The letter explains how much money you will need to pay for the cost of your care home fees.

In addition to your payments, Kirklees Council will pay any financial assistance-related fees directly to your care home, so you will not need to worry about this. Unless it is a deferred payment loan arrangement.

Financial assistance will remain in place for the duration of your stay in your care home or until you have a change in your circumstances. You must report any change in your financial circumstances straight away as it may affect the level of financial assistance you qualify for.

If you **do not qualify** for assistance because your income or capital is too high, we will write to you to let you know. We will also notify your care home.

Please note that the care home's private rates may be substantially higher and you should check these directly with the care home.



Minimum Payments

Do I need to pay my care home fees whilst I am waiting to find out if I qualify for financial assistance?

If you have savings or investments above £23,250 or own a property that is not occupied by your partner then you are advised to pay the care home direct.

However if your savings or investments are below £23,250 and you do not own a property, then you should complete a financial assessment before moving into the care home if possible. You need to put this money to one side until you start receiving the care bills for these charges.

From what date will I be liable to pay my care home fees?

You are liable to pay your care home fees from your admission date.



Important Legal Information

Please be aware that if you are making an application for financial assistance to help reduce your care home costs, the law requires you to declare your true financial circumstances. Failure to do so could render you or your representative liable to legal proceedings.

Deprivation of Assets

If someone intentionally reduces their assets – such as money, property or income by giving them away or selling below the market value – so these won't be included in the financial assessment for care home fees, this is known as 'deprivation of assets'. If we conclude you have deliberately reduced your assets to avoid paying care home fees, we will calculate your fees as if you still owned the assets.

The money or property will be treated as 'notional capital' and it will affect the amount of assistance you can get. The people you have given the asset to might also become liable to pay your care home fees.

Placing a property in Trust

Trusts are legal devices designed to hold assets on behalf of named beneficiaries. With a trust owning the assets, you might have been advised that those assets will no longer be counted in your application for financial assistance.

However, the law states that you must not place your property in trust in order to secure more financial assistance.

If you do this, you will not qualify for financial assistance and you will have to pay all your care home fees yourself.

If you have been advised to place your savings or property in trust to protect your investments from being used to pay care home

fees, you have been given the wrong advice. The law states that you must not transfer the ownership of assets like a home or savings into a trust to avoid or reduce your care costs.

Financial assistance is means-tested, so, if the council believes you have placed your house (or any of your assets) in trust to avoid paying care fees, we will decide that you have deprived yourself of your own assets to take advantage of state financial assistance and you will not qualify.

The council will use its powers to thoroughly investigate all applications for financial assistance in accordance with the Care & Support Statutory Guidance.

If we need to look into whether you have deliberately deprived yourself of property and money, we will consider two things:

1. You must have known at the time you disposed of your property or money that you needed or may need care and support.
2. Avoiding paying for care must have been a significant reason for giving away your home or reducing your savings.

It's not just giving away your money that could be seen as a deliberate deprivation of assets. Different methods of reducing your money or property could count too, including:

- giving away a lump sum of money, such as gifting to grandchildren
- transferring the title deeds of your property to someone else
- suddenly spending a lot of money in a way which is unusual for your normal spending
- gambling the money away
- using savings to buy possessions, such as jewellery or a car, which would be excluded from the means test.

Extra Charges

I have chosen a care home which costs more than the Kirklees Council negotiated rate.

If you are not relying on financial assistance to help you pay your care home fees, it is entirely your choice to pay whatever you agree for your care costs. However, if you are relying on financial assistance you will only receive assistance up to a maximum of the Council's negotiated rate.

If you are relying on financial assistance but decide you want to choose a more expensive care home or choose more expensive accommodation within a particular care home, which are not deemed necessary for your care, the extra charges must be met by a third party or third parties such as a family members or friends. (This is often referred to as a "third party top up").

You can't usually pay your own top-up fees; they're generally paid by third parties, such as friends, relatives or charities. If someone has agreed to pay a top-up fee for you, they may choose to pay this directly to the care home. The council must be satisfied that the person is willing and able to pay the top-up fee for as long as it's needed.

You can only pay your own top-up fees (known as first party top ups) in one of the following situations:

- you have entered into a 12-week property disregard period
- you have a deferred payment agreement with the council
- your accommodation is being provided under section 117 of the Mental Health Act 1983 as aftercare.

The arrangement for the top-up fee should consider important points including the

frequency of the payments and how much you'll have to pay. If the person is unclear about, or disagrees with, any aspect of the top-up fee agreement, they should seek independent financial advice (further details below).

Why can't I pay the extra charges myself?

If you pay the extra charges out of your own savings, your savings will reduce. If this happens you will become reliant on a higher level of state financial assistance sooner than necessary and this is not allowed.

If there is someone who is willing to pay the extra charges for me, what should they consider?

A third party/parties who agree to pay the top up fees for you must enter a contractual agreement between themselves, the Council and the Care Home. Their rights and Obligations are detailed in the placement agreement which is a contractual document that all parties must sign.

Third parties can find out if they can afford to cover their top up fees at:

www.moneyadvice.service.org.uk

What happens if third parties stop paying the top-up fees?

If third parties agree to pay top-up fees, they must be satisfied that they can afford to continue paying for as long as it's needed. If they stop making top-up payments it is highly likely that you will have to move to more affordable accommodation.

Independent financial advice

The information provided in this booklet is for guidance only and does not constitute legal or financial advice.

Kirklees Council strongly advises you to take independent financial advice regarding your long-term funding options for your care home fees.

Where can I get financial advice?

The Council is not allowed to give financial advice directly, but there are independent organisations and services you can go to for financial advice.

Some organisations are national and some more local to Kirklees.

Do I have to pay for financial advice?

It depends. Some organisations offer free advice and others may charge.

Useful Contacts

Society of Later Life Advisors (SOLLA) which aims to meet the needs of people seeking advice about the financial issues in later life by ensuring they can find an accredited adviser local to them.

Any financial advice given is chargeable.
www.societyoflaterlifeadvisers.co.uk

Tel: **0333 2020 454**

Money Advice Service which offers free impartial advice to help you manage your money.

www.moneyadvice.org.uk

Tel: **0300 500 5000**

Age UK Calderdale and Kirklees which provides services to inspire, enable and support older people.

enquiries@ageukck.org.uk

Tel: **01422 252 040**

Kirklees Citizens advice and Law Centre which provides free, confidential and impartial advice.

<https://kcalc.org.uk/>

Tel: **0344 848 7970**



Frequently Asked Questions

What happens if my financial circumstances change?

If your circumstances change you should complete another online application for financial assistance. An automatic yearly review of the amount you pay will also be carried out when welfare benefit rates change.

What are care home fees for and why do they seem so expensive?

A care home's fees cover all accommodation, utilities, food and care costs. This includes the cost of the staff on site who provide your support and to also meet the regulations relating to providing this service.

What financial help can I get if I make my own arrangements for residential or nursing care without a care needs assessment?

If you decide to make your own arrangements, without a social work assessment, then we will not be able to help you financially.

How will moving into a care home long term affect my welfare benefits?

If you are paying the full cost of your care home fees you may still get some benefits such as: Disability Living Allowance (care) Personal Independence Payment (daily living) or Attendance Allowance.

If you are relying on financial assistance, then these benefits will normally go down or be stopped once you have moved.

Even if you have a partner, once you have moved into a care home on a long term basis, you will be treated as a single person for means tested welfare benefits. You should contact the DWP to tell them you have moved. It is important that you do this because your full entitlement to benefits will be used to work out how much financial assistance you qualify for, whether you claim your benefits or not.

How will moving into a care home long term affect my partner's benefits?

For welfare benefit purposes, the law treats you and your partner as single people after you have moved into a care home long term. Your partner may therefore qualify for means-tested benefits in their own right after you have moved. Your partner should let the DWP know when you have moved, and they will tell them what they need to do.

What services am I paying for?

Care home fees cover the cost of supporting you with your needs as identified in your assessment and support plan. The care home should not ask you for any more money than what is identified in the placement agreement. Any additional services that you choose to purchase from the care home must be paid for by you from your personal allowance or paid by your representative. Prior to moving into a care home, the care home must provide you with a list of additional services that they offer, and the costs associated with these. The care home may choose to adjust prices of the additional services that it offers at any time but must notify you of any changes that are made. The additional services may include magazines, newspapers, professional hairdresser or professional beauty services.

Do I still have to pay if I'm on holiday or in hospital?

Yes. If you go on holiday your place in the home still has to be paid for.

If you are in hospital, then you will continue to be charged for your room in the care home. If you remain in hospital for more than 4 weeks continuously, your contractual agreement will be reviewed with you, your care home, Kirklees Council and any third parties.

Do I have to give my financial details?

You don't have to provide any details of your income or savings but if you don't, we cannot assess if you qualify for any financial assistance and you will have to pay the full cost of your care.

How do I pay my care home fees if I live in a Kirklees Council owned care home?

If you live in a long term care home owned by Kirklees Council, you will receive a bill every 4 weeks unless it is a deferred payment agreement, in which case you will receive a statement every 6 months.

What is the difference between nursing fees, care fees and third party top up fees?

If you are assessed as needing nursing care the NHS will fund the nursing element of the overall care costs only. You may qualify for financial assistance to help you pay the care fees element of your costs. Third party top-up fees are extra charges for optional, more expensive accommodation.

How will I know what my contribution and my third party/parties, if applicable, contribution is?

The Council will draw up a contract known as an individual placement agreement between you, your chosen care home, any third parties if applicable and Kirklees Council. This documents the amount each party is paying towards the total cost of your placement.

I do not qualify for financial assistance. Do I need to sign a contract with my care home?

Yes. You must sign the contract issued by your care home. The Council will not be involved in this. Even if you have taken out a loan to pay your fees (Deferred Payment Agreement), your contract after the 12 week disregard period should you qualify, is with your care home and not with Kirklees Council. Your care home will notify you in writing if they decide to increase their charges.

What happens if I don't pay my care home fees or I stop making payments?

The Council or your care home may take legal action against you to recover the money you owe. This could result in court proceedings and ultimately eviction. Your credit rating (or your legal representative's) may also be affected.

What can I do if I am struggling to manage my finances?

You can ask a family member, friend or relative to support you to manage your finances, there are different ways in which that support can be provided for you. The three main formal routes for support are appointeeship, deputyship and power of attorney.

Appointeeship:

If you feel you do not have the mental capacity to manage your own benefits or find it difficult to do so (for example because you find it hard to fill in forms or manage financial information) then you can ask someone you trust to apply to the DWP to become your appointee. As your appointee they can claim and manage your benefits on your behalf. They would also be able to access information from the DWP in relation to you and your benefits.

It is important to note that appointeeship only relates to managing your benefits, and the small amount of savings that may be associated with receiving those benefits.

Lasting Power of Attorney (LPA)

You can ask someone you trust to be granted a Lasting Power of Attorney for you, An LPA for financial decisions can be used while you still have mental capacity or you can state that you only want it to come into force if you lose capacity. An LPA for financial decisions can cover things such as:

- buying and selling property
- paying the mortgage
- investing money
- paying bills
- arranging repairs to property.

You can find out more about appointeeships on the following link:

<https://www.gov.uk/become-appointee-for-someone-claiming-benefits>

Deputyship

If a person does not have the mental capacity to grant a power of attorney, then the Court of Protection can appoint a deputy to make decisions and receive information about a person on their behalf. There are two types of deputies:

- a financial affairs and property deputy deals with a person's finances, such as bills, benefits and pension
- a personal welfare deputy deals with decisions concerning and person's health and personal welfare.

You can find out more about deputyships on the following link:

www.gov.uk/become-deputy

Is my share of the value of our house still counted in my financial assessment if my partner still lives there?

No. Your share of the value of your house is disregarded in your financial assessment until your partner moves to a new house, passes away or the property is sold.

What happens if I don't want to stay in my Care Home?

If you have raised your concerns with the care home manager and you are not happy with their response, then please contact Community Health and Social Care hub on 0300 304 5555 (Monday to Friday 8.45am to 5pm) to discuss your options.

What legislation does the Council use to work out whether I qualify for financial assistance?

When undertaking financial assessments, the Council must act in accordance with:

- Care Act 2014
- Care and Support (Charging and Assessment of Resources) Regulations 2014
- Care & Support Statutory Guidance

You can view all this information online by visiting:

<http://www.legislation.gov.uk/>



How to Appeal

If you disagree with the outcome of your financial assessment you can ask for it to be looked at again. You can do this by telling us why you think the decision is wrong. If you think there is any additional information that should be considered, please let us know.

At the review stage a different Financial Assessment Officer will review the issue(s) raised and will reconsider your application for financial assistance taking into account any additional information you have provided.

Once a review has been carried out you will be notified of the outcome by post, phone or email.

If you are still not happy with the outcome of your application for financial assistance, then you can appeal against the decision in writing to the Adult Social Care team on the link below:

<https://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-appeals.aspx>

At the appeal stage the Council will organise for an independent person to look at the case.

The appeal process can take up to 28 days from the time the completed appeals form is received, to the time the individual is informed of the outcome.

If you have a complaint about any other aspect of the financial assessment process, then you may complain to the Council at the following address:

Contact details

Kirklees Council
Adult Social Care Complaints,
Freepost: RTHS-EUEY-ZYCB
Customer Services Unit,
Civic Centre 1, Huddersfield HD1 2NF

Telephone: **01484 225115**

Email: SSCU@kirklees.gov.uk

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If you would like this information in a different format or larger print, including Easy Read, please contact us on (01484) 221955.

If you do not speak English and need help in understanding this document, we may be able to provide a translation or an interpreter. Please contact Adults Social Care Services.

Telephone: **0300 304 5555**