

To: Chief Executive of HSC Board & HSC Trust
Copies to: Directors of Finance,
Directors of Social Services of HSC
Board and HSC Trusts



Department of

**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

AN ROINN

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

MÄNNYSTRIE O

**Poustie, Resydënter Heisin
an Fowk Siccar**

Circular HSS (ECCU) 2/2010

15 March 2010

Charges for Residential Accommodation

The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2010 (SR 65)

1. Introduction

This circular advises of amendments to the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993 that come into operation on **06th & 12th April 2010**. These regulations govern how income and capital resources are to be calculated for the purpose of assessing a person's ability to pay for residential or nursing home care arranged by the HSC by virtue of Articles 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972.

A copy of the Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2010 which come into operation on 06th & 12th April 2010 are enclosed with this circular. A copy of these Regulations can be accessed at: www.opsi.gov.uk/sr/sr2010/nisr_20100065_en_1

2. Summary

This circular advises of:

- i. increases in capital limits from £14,000 (lower) and £23,000 (upper) to **£14,250 (lower)** and **£23,250 (upper)** with effect from 12 April 2010;
- ii. increases in the amount of savings credit disregard from £5.65 to **£5.75 for individuals** and from £8.45 to **£8.60 for couples** with effect from 12 April 2010;

- iii. minor Consequential Amendments arising from Social Security Amendments linked to the planned rise in the pension age for women from 60 to 65 and
- iv. correction of a legislative anomaly to ensure that where a resident's former home is lived in by their partner, it is disregarded regardless of the partner's age; both with effect from 06 April 2010.

It also:

- v. advises of an increase in the Personal Expenses Allowance to **£22.30** with effect from 12 April 2010.

The Annex contains fuller details.

3. Action

HSC Trusts are asked to implement the above changes with effect from 06th & 12th April 2010 respectively.

4. Enquiries

Any enquiries relating to this letter should be directed to:

Dean Looney
Department of Health and Social Services and Public Safety
Elderly and Community Care Unit
D2.20
Castle Buildings
Belfast BT4 3SQ
Tel: 028 9052 2471.



Michael Swann
Elderly and Community Care Unit

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Capital Limits

1. Capital limits in the financial assessment for residential accommodation are increased from £14,000 (lower) and £23,000 (upper) to £14,250 (lower) and £23,250 (upper) with effect from 12th April 2010. These amounts may be increased in April each year to ensure that the capital limits keep pace with inflation. The Health and Personal Social Services (Assessment of Resources) (Amendment) Regulations (Northern Ireland) 2010 implement the new limits.

Pension Credit - savings credit disregard

2. The Assessment of Resources Regulations, as amended in October 2003, introduced a new savings disregard in response to the introduction of Pension Credit. The weekly savings disregard for Pension Credit is increased from £5.65 to £5.75 for individuals and from £8.45 to £8.60 for couples with effect from 12th April 2009, this continues to apply not only to people in receipt of savings credit but also to those with incomes above the savings credit threshold.

Personal Expenses Allowance (PEA)

3. The new PEA prescribed amount, from 12th April 2010, is £22.30. It applies to everyone receiving means-tested support from HSC Trusts for residential or nursing home care. The HSC Board and Trusts are reminded that the PEA is a small weekly allowance that is disregarded so that it may be used by residents to spend each week as they wish, on personal items and other direct expenses. Pressure of any kind to the contrary is not acceptable, as residents should not be required to spend their PEA in particular ways.

Legislative inconsistency - Property Disregard

4. The Charging For Residential Accommodation Guide (CRAG) has stated that where a person is in residential care and their former home is lived in by their partner, the value of the property is disregarded for charging purposes. The property is also disregarded if it is lived in by a relative who is over 60 or incapacitated. However, the underpinning legislation did not differentiate between partners and relatives; the effect was that if the resident's partner was over 60 or incapacitated, only then should the property have been disregarded. Therefore these Regulations correct this legislative anomaly and ensure that where a resident's former home is lived in by their partner, it is disregarded regardless of the partner's age.

Consequential Amendments

5. The Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993 closely follow the Income Support (General) (NI) Regulations 1987, and it is often necessary to amend our regulations to reflect minor changes to the Income Support Regulations. It is proposed this year that minor consequential amendments be made arising from the planned rise in pension age for women from 60 to 65 in the Income Support Regulations.