

# 12 Week Property Disregard Factsheet



## What is a 12 Week Property Disregard?

A 12 Week Property Disregard refers to the assistance KCC can provide, under certain circumstances explained in this document, for the first twelve weeks of a person entering a local authority funded residential care or nursing home, on a permanent basis.

The aim is to give the person time to decide what they want to do with their property and understand how they will meet the cost of future eligible care needs.

### **Remember:**

- The 12 Week Property Disregard includes the 4-week trial period and will start from the date the person is permanent.
- It is only the value of the property that is disregarded, and the person will still need to pay towards the cost of their residential/nursing care based on their other capital and income.

## Can it be applied to any property?

No, it can only be used on the **person's main or only home**.

**E.g.**, If a person moves into residential care from a rented sheltered flat or from living with relatives, but they still own the property they lived in before that, then that property cannot be disregarded for the 12 weeks, as it is not their former main residence.

## Can a person have more than one 12 Week Property Disregard?

Where a person leaves a placement that they are living in on a permanent basis, before the end of the 12 weeks and then re-enters on a permanent basis within 52 weeks, they will be entitled to the remaining balance of the 12 Week Property Disregard.

If a person leaves permanent care and re-enters more than 52 weeks later, they will qualify for the full 12 Week Property Disregard again.

## When would a 12 Week Property Disregard be applied?

The 12 Week Property Disregard applies in the following circumstances:

- From the date the person first enters a care home as a permanent resident and is funded by Kent County Council from the same date; or
- When the property disregard (other than the 12 Week Property Disregard), unexpectedly ends because the reason for the disregard no longer exists e.g., qualifying relative has died, moved out or into a care home.

**E.g.** Win and Ern have been married for 60 years and brought a home together 18 months ago. Win has now moved into a care home because of dementia. During her financial assessment, the value of the home she shared with Ern was disregarded as Ern is her husband, and still lives in the property.

Ern has been in good health and there is no reason to anticipate a sudden change in circumstance. Unfortunately, Ern suffers a heart attack and dies, leaving the property to Win. There is no longer an eligible person living in the property, meaning its value can now be considered in what Win can afford to contribute to the cost of her care.

Given this was unplanned for, Win and her family need time to consider what the best option might be. The 12 Week Property Disregard would therefore be applied.

## What happens when the person is a former Self Funder?

A Former Self Funder is someone who has arranged and paid for their care privately without involving the local authority who has now become eligible for assistance from Kent County Council.

If a Former Self Funder has been in permanent care for longer than 12 weeks when Kent County Council is approached for assistance towards funding, they will not qualify for a 12 Week Property Disregard as they have already been in a care home for longer than 12 weeks.

If they need help with funding they may wish to apply for Deferred Payment. Please refer to the Deferred Payment Factsheet for further information.

**Note:** If a Former Self Funder who is already living in a care home permanently depletes their capital to the upper threshold within the first 12 weeks, they will get the remaining amount of time disregarded.

E.g. 9 weeks after they moved in permanently their capital depletes, they will have their former home disregarded for 3 weeks (i.e., 9 weeks already in the home = 3-Week Property Disregard)

### Can a top-up be paid?

During the 12 Week Property Disregard period the person can top-up out of their own resources if this is required with a 1<sup>st</sup> party top-up.

They need to have sufficient capital to do so and are not allowed to use the value of the property to support this.

If the person is unable to meet the cost of the top up from their capital, then it will need to be covered by another person with a 3<sup>rd</sup> party top-up.

### What if the property sells during the 12 Week Property Disregard?

The 12 Week Property Disregard only applies whilst the property remains unsold.

If the property sells during the 12 Week Property Disregard, then it must cease, and the person would be over the threshold for funding at this point.

Once the 12 Week Property Disregard ends the person will need to arrange to pay the care home directly.

### Points for consideration

- Is the person under the upper capital threshold excluding the value of the property?
- Was the person living in their former main home before moving into the care home or nursing home on a permanent basis?
- Is anyone remaining in the property?
- If someone is remaining in the property, what are their ages, relationship, and health status? They may qualify for a Mandatory Property Disregard.
- Is the property or capital held in trust? If so, documentary evidence will be required for our Legal Department to view the document and provide advice on how the property/capital trust should be treated in relation to charging and the financial assessment.
- Is there any other property or land, solely or jointly owned, that needs to be considered?

## Useful links and information

- **Deferred Payments Factsheet:**

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0011/30116/Deferred-payment-factsheet.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0011/30116/Deferred-payment-factsheet.pdf)

- **KCC Residential Charging booklet:**

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0016/4615/Charging-for-residential-care.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0016/4615/Charging-for-residential-care.pdf)

- **Guide for People funding themselves:**

[https://www.kent.gov.uk/\\_data/assets/pdf\\_file/0016/30058/Guide-for-people-funding-themselves-in-residential-and-nursing-care-homes.pdf](https://www.kent.gov.uk/_data/assets/pdf_file/0016/30058/Guide-for-people-funding-themselves-in-residential-and-nursing-care-homes.pdf)