

The Thalidomide Trust

Social Care Disregard Q&A

In 2018, new legislation/guidance was introduced in England, Wales and Northern Ireland to ensure that the funding received by beneficiaries from the Thalidomide Trust was not taken into account when deciding what (if anything) an individual is required to pay towards the cost of their care and support needs.

In April 2020, the Scottish Government approved new social care guidance to bring the situation in Scotland in line with the rest of the UK.

This factsheet provides more information about these changes and what they mean for you as a beneficiary of the Thalidomide Trust.

Q: What is the name of the new guidance?

A: There are two sets of guidance – one applies to residential care and the other to social care support provided to people at home.

The residential care guidance is called the Charging for Residential Care Guidance (CRAG). For care provided at home, it is 'COSLA national strategy and guidance 2020/2021. Charges applying to social care support for people at home'.

Q: What does 'disregard' mean?

A: 'Disregard' means that the money you receive from the Trust will be disregarded – or ignored - when the Local Authority assesses your finances to decide whether the support required to meet your social care needs will be fully funded by the Local Authority or whether you will need to make a contribution to the costs. This applies to both the money you receive from the Trust in the current year (income) and money you received in previous years that remains unspent (capital) as long as you can provide evidence that the funds were received from the Trust.

Q: Why is this important?

A: This is an important change because many beneficiaries are currently required to pay for the social care they need or to 'top up' the care funded by the Local Authority because they receive money from the Trust each year or have money that they have previously received from the Trust and have not yet spent.

Other beneficiaries have not applied for a social care assessment because in the past they were told they would have to use their money from the Trust to pay for any care required.

Q: When did the changes to the rules come into force?

A: The new guidance came into force on 1 April 2020.

Q: Are the changes time-limited?

A: No, these changes are not time-limited.

Q: Does this mean I don't need to mention that I get money from the Trust when I have a financial assessment by my Local Authority?

A: No. You must tell the Local Authority Assessor about all the money you receive, including the grants you receive from the Thalidomide Trust. However you can feel confident that the money you receive from the Thalidomide Trust will not be treated as either 'income' or 'capital' when assessing whether you are required to contribute to the cost of your social care.

Q: What about my Trust money that I received before 1 April 2020?

A: Because the disregard relates to 'capital', any money you have received from the Trust before the changes were introduced but have not yet been spent (for example because you were saving up to meet a big one-off cost) will be disregarded in your financial assessment. However you will need to provide evidence to show that this money was received from the Trust.

Q: I currently make contributions towards my care costs each month. How can I be reassessed as soon as possible under the new 'rules'?

A: You should contact your Local Authority as soon as possible to request a financial re-assessment and they will arrange for this to happen as soon as is it possible/practical. It would be helpful to mention that the reason you are asking for a re-assessment is because you receive money from the Thalidomide Trust and the rules have changed.

Q: As the changes came into effect in April, will I have the money I have paid towards my care since that date refunded by my Local Authority?

A: The assessor will look at the evidence regarding both the money you have received from the Trust and the contributions you have made towards your care and, if there is a change in your entitlement, you may be entitled to receive money back for the period between 1 April 2020 and the date of your re-assessment. This will depend on how the new rules are implemented in your Local Authority so you should discuss this with the person undertaking the Financial Assessment.

Q: If I have savings from other sources (e.g. money left to me in a will, pension lump sums) do these changes mean that will they also be disregarded?

A: These changes do not affect the way in which any other savings that you have will be treated by your Local Authority when considering whether you are required to contribute towards the cost of your care. The changes only affect how payments from the Trust are treated.

Any other savings that you have may be taken into account in the same way as they are for anyone else. You should advise the Local Authority assessor if you have any savings or investments or if you receive any other lump sum or one off payments.

Q: My only savings are money from the Trust, so does that mean I won't have to pay anything for my care?

A: No. You may still have to make a financial contribution for your care. The Local Authority assessor will look in detail at **all** your finances including any assets or income you receive on an ongoing basis (for example from your employment or pension) in order to make a decision.

If you decide you want to receive a higher level of care than that identified in your care assessment, you will have to pay for this and in addition some packages of care have 'capped costs' which means that you will have to pay a top up cost.

Q: If I have earned interest on my money from the Thalidomide Trust, is this also disregarded?

A: Yes. As long as you have evidence that the funds came from the Thalidomide Trust, the interest earned on that money will also be disregarded.

Q: In undertaking my financial assessment, will the assessor also take into account income and capital from my partner and other members of the household?

A: No. Only the cared-for person's income and capital will be taken into account when assessing what they can afford to pay for their care and support. Where you receive income as one of a couple, the assumption is that the income is shared equally between you.

Q: What can I do if the person undertaking my financial assessment is not aware of these changes?

A: If you have care provided in a residential care setting, you should refer them to Circular No CCD1/2020, the new CRAG. The changes relating to Thalidomide Trust income are in National Assistance (Assessment of Resources) Amendment (Scotland) (No. 2) Regulations 2020 (No. 55).

If you receive care in your own home, you should refer them to the COSLA national strategy and guidance 2020/2021. The changes relating to Thalidomide Trust Income are in Section 6.2.1 'Discretionary payments'.

We can also provide a letter which explains the changes and the Scottish Government guidance which brought these changes into force.

If you still experience difficulties, you can speak to one of the Trust's Health & Wellbeing Team and they will be able to talk to someone on your behalf.