

## Factsheet 29

# Finding, choosing and funding a care home

July 2024

### About this factsheet

This factsheet gives information about finding, choosing and funding a suitable care home including types of homes, how to identify the right home for you, and funding of care home placements. This includes information about the rules for local authority funding. There is also information about making private, self-funded arrangements with a care home.

Age UK produces other factsheets on adult social care. Factsheet 41, *How to get care and support*, factsheet 10, *Paying for permanent residential care* and factsheet 58, *Paying for short-term and temporary care in a care home* may be useful to read alongside this one to gain a fuller understanding of the process.

The information in this factsheet is correct for the period July 2024 to June 2025.

The information in this factsheet is applicable to England. If you are in Scotland, Wales or Northern Ireland, [S oTf1 W61 Tm0 g0 G\(S\)-2\(co5s1n\)6\(d4](#)

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# 1 Sources and terms used in this factsheet

## Care Act 2014, regulations and statutory guidance

This factsheet is based on the *Care Act 2014* (



## 4 Am I eligible for help from the local authority?

### Assessment

A needs assessment is the first stage in getting help with care and support from the local authority. The local authority must carry out a needs assessment if it appears you may have needs for care and support, regardless of your financial position, if you request this.

An assessment can be useful even if you must pay the full fees yourself ('*self-funding*'). The local authority has a duty to provide information and advice to help you to make informed choices at an early stage.

In the assessment, the local authority must look at:

what your care needs are

the outcomes you want to achieve in your day-to-day life

the impact of needs for care and support on your overall wellbeing.

They must assess how care and support could assist you. The assessment must look at all of your needs, including any already being met by a carer.

### Eligibility for local authority care and support

The local authority uses the assessment to work out whether your needs meet the eligibility criteria for care and support. You have eligible needs if difficulties experienced in achieving two or more *outcomes* listed below result in a *significant impact* on your *wellbeing*.

This may involve your physical, mental and emotional wellbeing, control over your day-to-day life including personal care and practical tasks, the suitability of your living accommodation, and various other elements listed in the Act.

### Outcomes

managing and maintaining nutrition

maintaining personal hygiene

managing toilet needs

being appropriately clothed

being able to make use of your home safely

maintaining a habitable home environment

developing and maintaining family or other personal relationships

accessing and engaging in work, training, education or volunteering

making use of necessary facilities or services in the local community including public transport, and recreational facilities or services

carrying out any caring responsibilities you have for a child.

## 4.1 Will the local authority pay for my care?

If the need for a care home is identified and agreed with you, the local authority carry out a financial assessment looking at your income and capital, to see if you are entitled to help with paying fees.

You are not entitled to help with care fees if you have more than £23,250 in capital, or an income high enough to meet the necessary care costs.

## Availability of accommodation

You should not have to wait for your assessed needs to be met. If your preferred care home does not have current vacancies, the local authority should put you on a waiting list for your preferred home and make arrangements to meet your needs in the interim.

Interim arrangements should be in a setting suitable to meet assessed needs, such as another care home or in your own home with an enhanced care package. If you are a hospital in-patient, staying in hospital may not be considered a suitable setting once you are assessed as being ready for discharge.

The local authority should explain how the waiting list works and inform you of progress. If an interim arrangement continues beyond 12 weeks, the local authority should



## 5 Finding a care home

You may know the care home you want to live in, perhaps through personal experience or a recommendation. If you do not have a home in mind and are not sure of how to find one, the following may help:

the CQC has details of registered care homes and the latest inspection reports and ratings on their website

the local authority should be able to provide a list of local homes and you can ask them questions

some charities and placement agencies help you find homes, especially if you wish to find a place quickly or live some distance away

the website [www.housingcare.org](http://www.housingcare.org) lets you to search for care homes in a geographical area and is run by the Elderly Accommodation Counsel.

It may be a good idea to check the '*About us*' section of a care home's website to see who they may be tied to or owned by. This helps ensure you are happy to enter into a contract with that company or business.

### 5.1 Visit beforehand

It can be tempting to accept the first vacancy that arises, particularly if there is a shortage of local care home places. It is worth taking time to find the right home. If possible, consider and compare more than one home.

Try to visit the home to look around and talk to the staff and person in charge. Some homes may invite you to spend the day at the home or to visit to share a meal – ask if this is possible.

A CQC inspection looks at whether a home is well-led, safe, caring, effective and responsive to a person's needs, and gives these ratings. These are the kind of questions you should have in your mind when considering whether a care home is suitable for you.

Talk to existing residents and see what they are doing. Are they involved in activities and the running of the home? Is there a homely, warm, and busy environment? Do staff members seem interested and caring? Are



Are there books, newspapers available? Can you visit the library, or does a mobile library come?

Do the managers of the home ask about how you

## Will you have to share a room?

You might be concerned at the possibility of having to share a room with someone else. Previously, CQC standards said residents should only share rooms where they made a choice to do so. This point is not explicitly made in the current CQC *Fundamental Standards*.

However, regulations 207A(2)(a) and 208(2)(a) require residents to be treated with dignity and respect. This includes ensuring your privacy, autonomy, and independence. Age UK has been advised by the CQC that their view is you should not be forced to share rooms.

If you have a local authority needs assessment, the appropriateness of a single room should be considered as part of the assessment. Your right to home and private life under Article 8 of the *Human Rights Act 1998* should apply to their recommendations. Local authorities cannot apply blanket policies of putting everyone in shared rooms, so seek advice if this affects you.

## 6 Your right to choose a care home and location

If the local authority is paying some or all of the cost of your care, you should be told about your right to choose your care home and its location, subject to certain conditions. This is based on the choice of accommodation regulations.

If you express a preference for a particular home and specified conditions are met, the local authority must provide, or arrange for, the provision of your preferred accommodation.

If your preferred home costs more than the amount specified in your personal budget, the extra costs must be met through a 'top-up', usually paid by a third party. See section 7.5 for more information about top-up payments.

## Out of area placement

## 7.1 Making arrangements as a self-funder

You may be in the position of paying your care home fees in full. You might not request financial support from the local authority or this might be because of the financial assessment. If so and you are able to arrange your own care home placement or have appropriate support, the local authority usually expect you to do this independently.

If arranging a place privately as a self-funder, you may pay significantly more than if placed and funded by a local authority in the same home, receiving the same services. If you pay for your own fees, you remain entitled to payment of disability benefits such as Attendance Allowance.

If you make private arrangements, you can choose which care home you move into. It is up to the home whether to offer you a place. Even if you plan to self-fund, you can ask the local authority to carry out a needs assessment, which may help you choose a suitable home. The local authority has a duty to give you information and advice about homes, even if it is not going to meet your needs.

If your capital is likely to fall below the threshold fairly quickly, it can be reassuring to know the local authority agree you need the type of care being provided at that cost. If you subsequently require local authority financial assistance and your chosen care home costs more than the amount specified in your personal budget, the local authority can make payment of a top-up a condition of you remaining there. See section 7.3 for information about moving from self-funding to local authority funding.

### Joint bank accounts

If you hold a joint bank account with your partner, or another person, it is usually advisable to divide the capital at the point you begin self-funding your care home place, so you each hold your respective shares in separate accounts.

Doing this avoids the other account holder spending part of their share of the capital on your care home fees. It also avoids having to spend more capital than necessary to qualify for local authority funding assistance. For more information, see section 3.3 of factsheet 39, *Paying for care in a care home if you have a partner*.

## 7.2 Self-funder contracts

If you arrange to go into a care home yourself, you must first be provided with and agree a contract based on the service offered. It is advisable to get legal advice before signing a contract.

Before making an offer of a place, the care home must provide you with a copy of its standard contract and terms and conditions. The CMA advice says this is vital to ensure you can make an informed decision about whether the care home is right for you.







If the authority says you must move unless a top-up is paid, ask it to show that

The written agreement must include:

the amount of your personal budget and the top-up amount

the required frequency of payments and details of the person who must be paid

provision for review of the agreement

the consequences of ceasing to make payments

the effect of increases in charges made by the provider, and

the effect of changes in the payer's financial circumstances.

The local authority retains responsibility for ensuring all your care home fees are paid, including the top-up.

### **Subsequent price increases**

Any increases in your care home fees may not be distributed equally between the local authority and the third party. There is no guarantee that increased costs automatically result in an increased personal budget. The local authority must ensure the payer understands this before signing the top-up arrangement.

### **Changes in circumstances**

A top-up arrangement may be reviewed due to changes in your circumstances or the person making top-up payments, changes in local authority commissioning arrangements, or increased care home costs.

Changes may not occur together. The person making top-up payments could see an unexpected change in their financial circumstances that affects their ability to continue to make contributions.

The local authority must say in writing how it responds to changes and what the responsibilities of the person making top-up payment are regarding informing them of a change of circumstances. They must make it clear that if you have a change that requires a new financial assessment, this may not reduce the need for top-up payments.

### **Consequences of ceasing to make payments**

If top-up payments cease due to a change of circumstances, you may have to consider moving to alternative, less expensive, accommodation. The local authority must undertake a new assessment before taking this course of action, including an assessment of your health needs and it must have regard to your wellbeing.

You should ask them to consider the potential risks to your physical and psychological well-

## **Top-ups distinguished from other care home charges**

Top-up payments must be distinguished from charges made for extra items not covered by the home's basic fees. If you are unsure about a request for payment, check

## 7.6 Deferred payments

If you own a property that you lived in as your main or only home and it is not disregarded in the financial assessment, you may be able to delay selling it to pay care home fees by arranging a deferred payment agreement (DPA) with the local authority. The local authority must provide a DPA if certain criteria are met and has discretion to do so in other circumstances.

If your property is included in the financial assessment, it must be disregarded for the first 12-weeks of your care home placement as a permanent resident. If you choose to enter into a DPA, the local authority should aim to have the agreement in place by the end of the 12-week property disregard period, or within 12 weeks of approaching the local authority in other circumstances.

Under a DPA, a written agreement between you and the local authority allows the care fee

## 8.1 Other NHS services

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## 10 If your care needs change

If the local authority arrange your care and your needs change, you can request a review of your care and support plan. If the review finds your needs have changed in a way that affects the plan, the local authority must carry out a new needs assessment and make any necessary changes to ensure your needs continue to be met.

For example, this may involve increasing the level of care you receive in your current placement or arranging an alternative care home better suited to meeting your needs. For further information about care and support plan reviews, see section 10 of factsheet 41, *How to get care and support*.

If you have made private, self-funded arrangements, the care home should explore whether adjustments can be made to meet any increased needs. However, you may need to consider moving to a new care home to ensure you receive the services required to meet your needs. For example, if you now require nursing care, your current home may not be registered to provide this.

You may wish to request a needs assessment from the local authority, as this can be a good way of clarifying how your needs have changed and the care and support required to ensure they continue to be met.

## 11 If you lack mental capacity

If you lack mental capacity to make a decision about being placed in a care home because, for example, you have dementia, the decision must be made on your behalf. This could be a family member or friend with a Lasting Power of Attorney or deputyship, or a team of professionals such as those working on a hospital ward.

Any decision made on your behalf must be in your best interests, as required by the *Mental Capacity Act 2005*. If being placed in a care home means you are deprived of your liberty, the procedures and protections in the Deprivation of Liberty Safeguards must also be followed.

If you have no one to speak on your behalf, you may be entitled to an Independent Mental Capacity Advocate. For more information see factsheet 22, *Arranging for someone to make decisions on your behalf* and factsheet 62, *Deprivation of Liberty Safeguards*.

## 12 Out-of-area and cross-border placements

## **Cross-border placement within the UK**

An English local authority can arrange cross-border care home placements in Wales, Scotland, and Northern Ireland. The English local authority retains responsibility for the placement, including funding arrangements.

## **13 The information, advice and advocacy duty**

A local authority must provide accessible and appropriate information and advice relating to care and support. It must cover:

local care and support system and how it operates

choice of types of care and support

choice of providers available to residents

how to access the care and support available

how to access independent financial advice on matters relevant to meeting needs for care and support, and

how to raise concerns about the safety or well-being of an adult who has needs for care and support.

### **13.1 The independent advocacy duty**

If you struggle to understand or make decisions about your care and have no one you want to help you engage in the process, such as a relative or friend, the local authority must offer you an independent advocate.

An advocate's role is to support and represent you throughout the care and support process, ensuring you are involved as fully as possible. The right applies if you have substantial difficulty in doing one or more of the following:

understanding relevant information (about social care and health issues)

retaining that information

using or weighing up the information

communicating your views, wishes or feelings.

## **14 Dealing with problems and complaining**

Before going into a care home, it is important to know what to do if problems arise. Make sure you tell someone about your problem, so you can begin to sort it out. You may be able to resolve a problem through informal discussions with the staff of the home.

You should not be penalised for raising any concerns that you have. Some homes have a residents' committee or a suggestion box through which concerns can be raised.

If you cannot resolve a complaint informally, you can raise a formal complaint. There are different complaint routes depending on whether the local authority or NHS arranges your care, or you have made private, self-funded arrangements.

You can contact the CQC to express concerns if you have an issue about the standard of care being provided. Although they do not deal with individual complaints, the CQC must respond appropriately to any information it receives. See section 16 for information about the CQC.

### **When the local authority makes the arrangement**

If a problem arises with a local authority placement, use the complaints procedure of the local authority, as they have overall responsibility for your care. If you are not satisfied with the complaint response, ask the Local Government and Social Care Ombudsman (LGSCO) to consider your complaint.

For more information, see factsheet 59, *How to resolve problems and make a complaint about social care*.



## 15 Consumer law protection for self-funders

If you make self-funded, private care home arrangements, you have certain protections under consumer law, as confirmed by the CMA advice to care home providers. The CMA advice sets out four key areas of consumer law that all care homes must comply with:

**Information** – you must be given clear, accurate information allowing you to make an informed decision about the care home before moving in

**Fair treatment** – you have the right to be treated fairly and the care home's contract must not put you at unfair disadvantage

**Quality of service** – services provided to you must be carried out with reasonable care and skill

**Complaints** – the care home must provide a fair, accessible, and easy to use complaints procedure

The CMA and local authority Trading Standards can take action if a care home fails to comply with consumer law. Get advice from Citizens Advice consumer helpline if you feel a care home has not met its obligations.

For more information, see [www.gov.uk/government/publications/care-homes-short-guide-to-consumer-rights-for-residents](http://www.gov.uk/government/publications/care-homes-short-guide-to-consumer-rights-for-residents)

## 16 The Care Quality Commission and standards

The Care Quality Commission (CQC) is the independent regulator of health care and adult social care services in England, responsible for maintaining standards. They assess how local authorities meet their duties under the *Care Act 2014*.

### Care home rating system

The CQC has a four-tier rating system available on their website, which rates services as:

outstanding

good

requires improvement, or

inadequate.

Care homes are service providers required to be registered with the CQC. They must adhere to regulations based on your needs and preferences so you are treated with dignity and respect.

People employed must be of good character, have the necessary qualifications, skills, and experience and be able to perform the work for which they are employed (*'fit and proper person'* requirement); and that



## Age UK

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### Age UK Advice

[www.ageuk.org.uk](http://www.ageuk.org.uk)

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

### In Wales contact

#### Age Cymru Advice

[www.agecymru.org.uk](http://www.agecymru.org.uk)

0300 303 4498

### In Northern Ireland contact

#### Age NI

[www.ageni.org](http://www.ageni.org)

0808 808 7575

### In Scotland contact

#### Age Scotland

[www.agescotland.org.uk](http://www.agescotland.org.uk)

0800 124 4222

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