

KENT COUNTY COUNCIL - RECORD OF DECISION

DECISION TAKEN BY

Graham Gibbens

DECISION NO.

10/01553

Subject:**TREATMENT OF JOINTLY-OWNED PROPERTY IN THE RESIDENTIAL CHARGING ASSESSMENT**

Decision: As Cabinet Member for Adult Social Services I APPROVE that:

1. A resident's interest in any jointly-owned property will be taken into account in the charging assessment for permanent residential care. The starting point for valuing this interest will be to calculate the resident's percentage share of the market value of the whole property. In the event that this is disputed by the resident (or their representative) then the case will be referred to an expert valuer to determine the value of the resident's share taking into account all relevant factors.
2. The new procedure will apply only to new service users from the date of implementation, which is Monday 4 April 2011.
3. Temporary Financial Assistance will be offered to those residents who are unable to realise their share of the property because it is occupied by one or more of the other co-owners, subject to the following conditions:
 - The resident's liquid capital has reduced to £3,000.
 - The resident and the other co-owners agree to a charge being secured on the property so that the accruing debt is secured.
 - The resident and the other co-owners agree that the debt should be settled within one year of the death of the resident, if the property has not been sold by then.
4. The operation of the above policy will be carefully monitored in order to understand the impact on service users and on KCC finances (ie costs incurred versus additional income secured). The findings of a review after the first year of operation will be reported to Members.

Any Interest Declared when the Decision was Taken

None

Reason(s) for decision, including alternatives considered and any additional information

At present jointly-owned property is effectively disregarded in the financial assessment for residential care leading to a loss of income to the directorate. The report from the Managing Director of Kent Adult Social Services considered various options to address this, recommending the option outlined above. This decision will not, in any way, alter the current legal position whereby a resident's former home is disregarded (whether it is solely or jointly owned) if it is occupied by certain persons including the spouse or partner (see section 2(1) of the report for full details). Neither will this decision alter the discretion KCC has to ignore properties in other circumstances.

In line with our current practice, when a resident is offered Temporary Financial Assistance and a charge is secured against their property, this will only be used to recover money spent by KASS up to the value of the equity in the property which can be attributed to that individual (taking into account the local authority capital limits applicable at the time).

Background Documents: Report from Oliver Mills, Managing Director, Kent Adult Social Services to Graham Gibbens, Cabinet Member (Decision number: 10/01553).



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signed

..... 18 JANUARY 2011

date

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Decision Referred to Cabinet Scrutiny			
YES		NO	

Cabinet Scrutiny Decision to Refer Back for Reconsideration			
YES		NO	

Reconsideration Record Sheet Issued			
YES		NO	

Reconsideration of Decision Published			