

Nursing home expels war veteran

Britain's broken system for adult care is pitting families against councils and homes. Ali Hussain reports on one man's case

JAMES BRYANT was just 18 when he began working as a military wireless operator at the top-secret Bletchley Park centre. He stayed in the army after the Second World War and served in Egypt.

Bryant, who is now 89 and suffering from Alzheimer's disease, has been forced to leave his care home over a disputed £17,000 debt.

However, Hertfordshire county council – which had been paying for his care – insists he and his family do not owe the home a penny.

Roebuck nursing home in Stevenage, Hertfordshire, threatened the family with legislation if the bill was not settled within 10 days and then gave them just four weeks to find an alternative place for him.

The dispute arose over when exactly Bryant stopped being eligible for local authority support and needed to start paying the full care bill himself. This relates to the death of his wife, Evelyn, and the subsequent sale of their home.

Money is telling his story today to highlight the complexities of Britain's system of adult care, which often pits families against local authorities, healthcare professionals and private nursing homes.

It is "a broken system", according to experts, because of the toxic combination of an ageing population and rules that would flummox any ordinary family.

George McNamara, head of policy at the Alzheimer's Society, said: "Care home fees are complex and can be difficult to understand, especially when families can be under a huge amount of pressure to look after a loved one and find the money to pay for their care."

"Some of these charges are indicative of a broken system where the NHS is trying to shunt costs onto care homes and vice versa."

WHO PAYS FOR RESIDENTIAL CARE?

When a person is too ill to live at home and requires constant care, families may decide he or she needs to move into a home. There are about 17,000 care and nursing homes in England, according to the Care Quality Commission.

The costs of residential care can be staggering, with an average bill of about £756 a week, according to the analyst Laing & Buisson. This adds up to nearly £40,000 a year.

The costs are usually covered by individuals, local authorities, the NHS or a combination of the three. Local authorities will contribute towards your care if you do not have assets totalling £23,250 or more, including your home.

Your home can be excluded from the calculation if your spouse or another dependent lives in it. If they do, only other assets, such as cash, shares and second homes, can be counted.

JAMES BRYANT'S STORY

Bryant moved into the Roebuck nursing home in April 2011, shortly after he was diagnosed with Alzheimer's disease. Evelyn, whom he married in 1953, could no longer look after him at their home, also in Stevenage.

Their older daughter, Janet Marshall, 60, gave up her graphic design business in 2006 to become their full-time carer. She and her sister Jill Dyer, 57, a retired pharmacist, have had power of attorney over their parents' affairs since 2007.

The county council agreed to cover Bryant's care costs. As his wife was still living at their house, his total assets did not add up to more than £23,250.

The council had a deal with the nursing home to pay a reduced rate of about £350 a week – to which Bryant made a small contribution from his private pension –

rather than the standard rate of about £880 a week.

After Evelyn's death on December 13, 2013, half the property was inherited by the couple's daughters. The other half was still owned by her husband. This made Bryant a "self-funder" – that is, he had assets of more than £23,250 and no longer qualified for local authority support.

Under the terms of Evelyn's will, his half of the house was to be sold to their daughters. The sale was not completed until May 28 last year because it had to be approved by the Court of Protection.

The council then asked the family for £24,336 to cover a greater proportion of Bryant's costs – still at the reduced rate of £350 – from December 2013 to May 2015. The bill sent by the council last August was paid by the family two days later.

NURSING HOME V THE FAMILY

Bryant moved to the standard weekly rate of about £880 after the house was sold. But the council told Roebuck by email that he became a self-funder the day after his wife's death. So the nursing home understood he should have been paying the £880 rate from December 2013. In May 2015 it sent the family a bill for £16,959 – the difference between what the council had paid and what the home said Bryant should have paid for that period.

In January this year Moira Edmondson, general manager at the home, demanded the family pay the sum by the end of the month. Edmondson's letter, dated January 21, read: "I would be grateful to receive the outstanding £16,958.86 by 31st January 2016... Should the amount not be settled in full by said date legal proceedings will be taken."

The family sought advice from the council – and were told no debt was outstanding. The council has told Money that Bryant's contract at the £350 rate was still in place from December 2013 to May 2015.

In another letter to Marshall, dated February 18, Edmondson stated: "Following the irreparable breakdown of communication due to recent events I write to advise you there is now a requirement for you to source alternative accommodation for your father James Bryant." The family had to find the new home by March 18. Bryant is now living in another nursing home in Stevenage.

Marshall said: "It is well known among healthcare professionals that moving someone from their home at such a late stage in their lives can cause them to die prematurely due to the stress. Since the move from Roebuck my dad's health has deteriorated. In my opinion, the way he has been treated is callous and cruel."

WHAT THE COUNCIL SAYS

Hertfordshire county council told Money: "When Mr Bryant's condition and financial position were assessed in 2011, he was eligible for a local authority funded bed and took up a residential care place at Roebuck nursing home."

"In line with established national arrangements for adult social care, Mr Bryant contributed to the total cost of the bed under this contract. In May 2015, we became aware that Mr Bryant's financial situation had changed. From December 2013, Mr Bryant's contribution to the cost of the bed should have increased and the outstanding contribution for the period December 2013 to May 2015 was settled by the family (the payment of £24,336)."

"Throughout Mr Bryant's stay at Roebuck, his placement was arranged by Hertfordshire county council under the terms and conditions of its contract."

"Any increase in payments from local authority to private rate would have had to be agreed with the county council and no such agreement was sought or provided by the care provider."

"The county council is therefore of the view that Roebuck has been paid in full, according to the terms of the contract."

WHAT THE NURSING HOME SAYS

Roebuck said it had received clear guidance from the council that Bryant was no longer eligible for local authority funding. It insists it is still owed £16,959 and has referred the matter to the Local Government Ombudsman.

The nursing home said: "As Mr Bryant's wife sadly passed away in December 2013, the property, in law, should have been sold to cover the cost of nursing fees. This did not occur [until May 2015], nor did the family advise Hertfordshire council or Roebuck that Mr Bryant was now owner of 50% of the estate [until 2015]."

Roebuck said Bryant had always been settled and well cared for at the home, and that it had received no complaint about the standard of care he had been given.

HOW TO COMPLAIN ABOUT CARE

There were 287 complaints about adult social care services in the year to April, according to the Local Government Ombudsman. About two-thirds were upheld.

Dan Winter, a partner at the law firm Nockolds, said the Bryant family should be "apologued for refusing to give in". Roebuck insists that it has followed the correct procedures at all times.



James Bryant – seen below, left, with army comrades in Egypt – is loaded into an ambulance on the day he left Roebuck. The home says he owes almost £17,000; the council disagrees



James Bryant with his army comrades in military uniforms.

be agreed with the county council and no such agreement was sought or provided by the care provider.

"The county council is therefore of the view that Roebuck has been paid in full, according to the terms of the contract."

WHAT THE NURSING HOME SAYS

Roebuck said it had received clear guidance from the council that Bryant was no longer eligible for local authority funding. It insists it is still owed £16,959 and has referred the matter to the Local Government Ombudsman.

The nursing home said: "As Mr Bryant's wife sadly passed away in December 2013, the property, in law, should have been sold to cover the cost of nursing fees. This did not occur [until May 2015], nor did the family advise Hertfordshire council or Roebuck that Mr Bryant was now owner of 50% of the estate [until 2015]."

Roebuck said Bryant had always been settled and well cared for at the home, and that it had received no complaint about the standard of care he had been given.

HOW TO COMPLAIN ABOUT CARE

There were 287 complaints about adult social care services in the year to April, according to the Local Government Ombudsman. About two-thirds were upheld.

Dan Winter, a partner at the law firm Nockolds, said the Bryant family should be "apologued for refusing to give in". Roebuck insists that it has followed the correct procedures at all times.

Who pays if you're seriously ill?

The NHS pays for care if an individual is deemed ill enough to require constant support by healthcare professionals. This continuing healthcare (CHC) funding covers the total cost, regardless of the value of the patient's assets.

It is not automatically granted if an individual has a condition such as Alzheimer's disease, which is why the system is often criticised for being confusing.

James Bryant was granted CHC funding after an assessment last September,

while he was in Roebuck nursing home in Stevenage. The benefit was backdated to August 20.

However, his family had already paid the nursing home nearly £5,300 to cover August 20 to September 30. By this point, he was paying the full rate of about £880 a week, so the nursing home was paid twice for this six-week period.

On March 2, just before Bryant left the home, his daughter Janet Marshall emailed to ask for a refund. Moira Edmondson, the general manager at

Roebuck, replied the next day saying: "To date there has been no mutual agreement of money owed by either party. Until such time as this matter is resolved, a repayment is neither agreed nor outstanding."

On May 9, after being contacted by The Sunday Times, Edmondson said: "Overpaid fees of £5,278.51 are outstanding. I can confirm the money will be made to Janet by cheque by the end of this working week." The family have now received the refund.