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NEWSLETTER #9 JANUARY 2018

## Welcome

Our Christmas jumpers are back in storage for another 12 months and January is upon us and while we are all considering where 2017 went we have some wonderful highlights to look forward to in 2018.

A new royal baby in April and a wedding in May – how lovely!

Guildford in Bloom will soon be in our sights and we will have to start getting our courtyard up to 'competition standard'.

Guildford will be host to the UK's first 'Prosecco Festival' in the Cathedral in April but unbelievably tickets have already sold out. But, we wish all our clients 'good cheer' and a very happy 2018.

### Advance notice

I have been in legal practice for over forty years, having started as a personal legal assistant in the early 70s, so I think the time has come for me to give the younger generation the chance to shine. Most of my clients know I have been winding down over the last few years and this will culminate in my becoming a consultant as from 1 April. More news in our Spring edition.

*Jennifer*

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## Letters to the Editor

A client has requested that we republish a letter Jennifer sent to the editor of the Daily Telegraph which appeared in their edition dated July 6 2011, which the client still believes is relevant today.

'SIR – Andrew Dilnot's Commission on Funding of Care and Support (report, July 5) comes out in favour of the state assisting the elderly if they need care in their last years and I am delighted at this. But I despair of the way the elderly are portrayed as a burden on society.

I am a solicitor who specialises in advising the elderly, I am 62 and I resent the way I am seen. I work in a well-paid job, run my own business and pay taxes. I do volunteer work. I am not alone in this: I know many people 10 or 20 years older than I am who remain active in society.

Indeed, anybody with little more than the basic state pension continues to pay income tax, even when they go into care, if they well their homes and have capital from which the fees are paid.

What is not highlighted about those who are classed as 'elderly' is that most are active until the last few years of their lives, as is made clear in the report. Moreover, they give value for money by providing free child care to grandchildren, are often carers themselves for spouses or other relatives, and keep an eye on frail neighbours. When the time comes for these old people to need care, it is often at the end of their lives.

The average length of time of stay in a care home, again mentioned in the report, is now under two years – it used to be more than three. Although that care can be expensive it is not for long.

The Dilnot report does mention the hidden contribution of unpaid family carers. I would like to see statistics showing the contribution of unpaid family carers. I would like to see statistics showing the contribution made by fit and active old people who are carers themselves. Then the population would see the facts in perspective, instead of castigating one section of society because the cost of their care is expensive.

No one knows who will need this care; some never do, others need it for years. It is a lottery, but as a caring society we should accept that nobody should have to worry about how their care is going to be met when they are most vulnerable.'

Jennifer continues to write to the papers, as it is believed that not only does it motivate readers to think about the subject but it is known that politicians always read the views outlined in the Letters Page – so let's hope they take note.

And in the same vein.....

## Who pays for care - update

I wrote some time ago about funding care for those who are frail or ill but since then various Conservative governments have tried to address the issue by introducing a 'cap' on what is spent on care before they fund – rather than the current situation that means people have to spend nearly all their capital – down to £23,250 – before some funding is available.

Now all the news is that the government is going to ditch plans to introduce such a cap on care fees by 2020.

The cap was first suggested in 2011 in a bid to reassure families they would not face unlimited bills and would be able to pass on an inheritance to their descendants, but the details were never ironed out and the amount which was set initially by David Cameron to be £72,000 by 2020, has been changed several times.

Promised consultation papers have never seen the light of day and, when some care experts have investigated, most of them believe the 'cap' is unworkable.

For instance, if a person decides to go into an expensive care home so that they spend £72,000 in one year, which is possible, on the basis that the rest of their care will be taken up by the state, will this be acceptable?

Even when the Government announced that the cap would be set at £100,000 there was a sting in the tail; this would include the value of the house even if that care was being met in the home, which is very different from the situation now. If care is at home, at present, the value of the house is 'disregarded'.

Even when a person is funded now by 'social services' there are problems. Councils use their weight to negotiate lower fees, leaving "self-funders" to subsidise care home costs.

Quite often the care home suffers, as their overheads increase, with such costs as the minimum wage.

Recent reports indicate that care homes are closing because of lack of funds, possibly faster than pubs are closing, at a time when there is a growing number of older people who may need care. The average total cost of a stay in a care home ranges from £92,000 to £50,000, depending on where the home is, recent figures show.

Cont...

In many other countries there is no such funding, and the older generation is cared for within the family home. There is also the problem of the middle-aged coping with teenage children and older relatives; the so-called sandwich generation.

It should be appreciated that, whatever the government decide to do, it will come out of our taxes. So, what price will our population be prepared to pay to ensure older members are cared for? I don't know the answer to that but it is worth thinking about; everyone must have someone in their family who is old or frail.

A spokesman for the Department of Health said the Government was "keen to hear different views on the cap including its level and design" as part of the consultation.

They could not say when the consultation would launch, but if I find out I will try to let readers know so that if anyone has ideas as to how to solve this conundrum they can let the government know.

*Jennifer*

## **I want to give, but I don't want people to know.....**

I dream of winning the lottery, not to buy a large car or a bigger house, but so I can exercise my wish to give large sums to charity, or to where I think a little money would help.

Of course it helps to buy a ticket, but even then, as we all know, the chances are so slim that my dreams are just that; just dreams.

Sometimes though, I take my dreams to the outer edge of what could happen; the cheque arriving, the consultations with 'advisers' on how the money should be invested or, more importantly to me, how do you give to charity without being inundated with thousands of letters pleading for more money?

Obviously, the first thing to do is to mark that cross where it says 'no publicity', but even then, how do you distribute the funds without anyone finding out?

Firstly, there's the immediate family, who might discover a bank statement showing an account with an unusually high balance. How would they react? And then there's the writing of the cheque and sending it off. Even if you have marked the 'no publicity' box, the charity receiving your windfall will have you on record and you could then find yourself inundated with further letters asking for contributions to special fund-raising projects.

But recently I've been introduced to a new way of giving which can be totally anonymous via different organisations. The largest, nationwide organisation is a charity, called simply CAF. This stands for Charity Aid Foundation and a client introduced me to this as they have had a charitable account with them for some years. They have a CAF cheque book but can also ask the charity to make payments through their organisation so that their name is not used on the paperwork the charity receives. The payment is totally anonymous.

But closer to home, in Surrey, is the Community Foundation for Surrey which not only assists to make anonymous donations, but also helps benefactors to choose the most suitable charity. The aim of the charity is to 'create a culture of philanthropy in Surrey that will change lives and build stronger communities.'

So, if you are a lucky winner in the Lottery – or have just received a windfall from family inheritance or even a massive bonus from work – and want to make charitable donations anonymously, investigate these ways. Both organisations have helpful websites. But it is always sensible to ensure professional advice as to what to include in your will to ensure that the privacy you want is ensured.

And remember, if you give 10% of your estate to charity, the balance will be taxed at 36%. Apparently, since the government introduced this scheme, charitable giving has increased fourfold – which goes to show that most of us have giving natures.

For further information contact Community Aid Foundation at [www.cafonline.org](http://www.cafonline.org) and the Community Foundation for Surrey at [www.cfsurrey.org.uk](http://www.cfsurrey.org.uk).

*Jennifer*

**CAF** Charities Aid Foundation





## Is there a film maker out there?

A recent BBC radio programme highlighted the work of a film maker somewhere in London who creates 'life films' for those living with dementia. The films include footage and music of the times through which the old person has lived, either from their own photographs or cine films, or from their own memories. Sometimes freely available footage is added. Music that the older person would recognise – like the post war dance music that they would have danced to, was used.

The programme, part of the All in the Mind series, highlighted the benefits of such a film, not only for the person profiled but for those who are caring for the person.

It was made clear that when carers watched the film the person became real for them rather than just a 'condition' which they had to treat.

Most people have interesting lives – how many times have you heard someone say, 'I could write a novel of my life'? Older people (at the moment) have usually lived through the Second World War experiencing the comradeship of the times as well as the horrors of bombs dropping and their houses being destroyed. The film-maker did not stint on the horrible times for the subjects, explaining that even the sad experiences helped to highlight the good times.

In the not too distant future, the films could include 'the Swinging Sixties' with its memories of The Beatles and the Rolling Stones.

It has been found that, when an older person watches their own film it triggers memories but also helps the family and others to stimulate the person by talking about the content of the films and the memories highlighted.

So, where are the film makers who can offer this service to families in this area? If students volunteered for this they would find it rewarding as well, as they absorb and interpret on film the stories of 'the old ones'.

*Jennifer*

Also along the TV theme there was a wonderful programme over the Christmas period which was aimed at families and younger viewers adapted from the book by David Walliams, entitled 'Grandpa's Great Escape'.

The story involves an ex-WWII flying ace with Alzheimer's who it appears is understood only by his grandson, who relives those spitfire days with him.

A really poignant and lovely insight into the condition written from a grandson's point of view after his grandpa's health deteriorates and it is necessary for him to move from home into the dastardly Twilight Towers run by Miss Swine.

I won't be publishing any spoilers but if you missed this and fancy a viewing then, at the time of going to press, it is still available on the BBC iPlayer.

A great excuse for putting your feet up with a cuppa and perhaps another slice of any Christmas cake which is in need of finishing off!

*Julie*

### LPA statistics

Having recently attended a course at which a representative of the Office of the Public Guardian was present we were presented with the following statistics about Lasting Powers of Attorneys:-

- There are over 2m registered LPAs
- The OPG are currently processing 3,500 LPAs per day
- The turnaround for sending out registered LPAs is 40 working days.
- The average age of a person with a registered LPA is 72 – the OPG want to reduce this age to 65 in the next three years.

*Joanne*

Jennifer having had experience of a tragic family situation where a young man in his thirties had a road accident and was in a coma, we would advocate to everyone who has assets or is running a business to prepare LPAs. In this situation the husband had been in business with a colleague and once it was established he was not returning to work his drawings stopped and his wife was unable to do anything about this as she had no authority in place to act.

*Please note the content of this newsletter is for information only and should not be seen as formal legal advice that readers should rely on.*