



Care  
Navigators

PROPERTY DISREGARDS

2024/25



## Local Authority Charging – Property Disregards

### Care and Support Statutory Guidance Annex B – Treatment of capital

The value of the person's main or only home must be disregarded where the person is receiving care in a setting that is not a care home or where the person no longer occupies the property but it is occupied in part or whole as their main or only home by a relative or member of the person's family who is aged 60 or over or incapacitated (other disregards may apply). The mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home and is not applicable in your circumstances.

Incapacitated - For the purposes of the disregard the meaning of 'incapacitated' is not closely defined. However, it will be reasonable to conclude that a relative is incapacitated if one of the following conditions apply:

1. (a) the relative is receiving one (or more) of the following benefits: incapacity benefit, severe disablement allowance, disability living allowance, personal independence payments, armed forces independence payments, attendance allowance, constant attendance allowance, or a similar benefit
2. (b) the relative does not receive any disability related benefit but their degree of incapacity is equivalent to that required to qualify for such a benefit.  
Medical or other evidence may be needed before a decision is reached

### 12 Week Property Disregard

A local authority must therefore disregard the value of a person's main or only home for 12 weeks in the following circumstances:

- (a) when they first enter a care home as a permanent resident
- (b) when a property disregard other than the 12-week property disregard unexpectedly ends because the qualifying relative has died or moved into a care home

### 26 Week Property Disregard

Without noting the Statutory Guidance the following are a couple of the main 26 week disregards (others may apply).

Capital received from the sale of a former home must be disregarded for at least 26 weeks in a financial assessment where the capital is to be used by the person to buy another home. This should apply from the date of completion of the sale. A local authority may choose to apply the disregard for longer where it considers this appropriate, for example where a person is taking legal steps to occupy premises as their home, but the legal processes take more than 26 weeks to complete.

Premises which the person intends to occupy as their home where essential repairs or alterations are required.

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### Discretionary disregard

A local authority may also use its discretion to apply a property disregard in other circumstances. However, the local authority will need to balance this discretion with ensuring a person's assets are not maintained at public expense. An example where it may be appropriate to apply the disregard is where it is the sole residence of someone who has given up their own home in order to care for the person who is now in a care home or is perhaps the elderly companion of the person.



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