

Learning Outcome

Assessment Criteria

Indicative Content

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1 3 Questions	Understand the FCA definition of a long term care insurance contract and the background to long term care provision in the UK.	1.1	Describe the FCA's definition of a long term care insurance contract and how it fits with existing contracts.	1.1.1	The definition of a long term care insurance contract and how it fits with existing contracts.
		1.2	Describe the socio-economic background to long term care.	1.1.2	The differences between pre-funded insurance and immediate needs plans, the availability of each, and how they fit with existing contracts.
				1.2.1	The background to the current provision of long term care in the UK including informal, public, private and voluntary sector care.
				1.2.2	How care is delivered and the cost implications to the client, the local authority and the government.
2 3 Questions	Understand the different types of long term care that are available.	2.1	Describe the single assessment process	2.1.1	Single assessment process: -Purpose. -Who carries it out. -Outputs (care assessment, funding decisions and implications).
		2.2	Describe the different types of care and their associated levels of dependency.	2.2.1	Residential care.
				2.2.2	Sheltered accommodation and supported living.
				2.2.3	Domiciliary care.
				2.2.4	Intermediate care and reablement.
				2.2.5	Respite care.
				2.2.6	Nursing care.
				2.2.7	Hospital care.
				2.2.8	Elderly Mentally Infirm (EMI) care.
				2.2.9	Non formal care.
				2.2.10	Personal health budgets.

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3 4 Questions	Understand the responsibilities of a health authority in the provision of continuing care and any resulting funding implications for the individual.	3.1	Describe the responsibilities of local or regional health services and the local authority in the provision of continuing care.	3.1.1	Statutory responsibilities and organisation at local level relevant to the provision and delivery of care.
				3.1.2	How Department of Health guidelines are updated, implemented and communicated.
				3.1.3	How an individual becomes eligible for continuing care and benefits from health care and/or social care.
				How funding levels for nursing care are determined.	
				3.1.4	Assessment of need.
				3.1.5	Payment procedures.
				3.1.6	Understanding the national variations.
		3.2	Describe the funding implication for individuals as a result of a local authority and local or regional health services' provision of continuing care.	3.2.1	How National Health Service (NHS) policy in respect of long term care related needs is implemented by the local Clinical Commissioning Groups and other front-line deliverers.
				3.2.2	Discharge and delayed discharge from hospital, interaction between services.
4 4 Questions	Understand how current legislation affects the provision of advice on long term care insurance, particularly with reference to the responsibilities of a local authority in enabling access to long term care and procedures for care assessment.	4.1	Describe how a local authority would assess an individual's need for long term care.	4.1.1	How a local authority would assess an individual's need for long term care, either domiciliary or residential.
				4.2.1	Care Standards Act 2000 part 1: s3, s6 and s7.
		4.2	Describe the relevant legislation and case law relating to the provision of long term care.	4.2.2	Mental Health Act 1983 s117 and Mental Health Act 2007 where relevant.
				4.2.3	Care Act 2014.
				4.2.4	Regulation of Care (Scotland) Act 2001 and Community care and Health (Scotland) Act 2002.
				4.2.5	Social Services and Well-Being (Wales) Act 2014.
				4.2.6	Health & Social Care (Amendment) Northern Ireland Act 2014.
				4.2.7	The Human Rights Act 1998.

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5 5 Questions	Understand how local authorities make financial care needs assessments for those requiring long term care and the role of social services.	5.1	Describe how local authorities make financial care needs assessments for those requiring long term care.	5.1.1	Residential care.
				5.1.2	Capital limits – lower and upper.
				5.1.3	National variations.
				5.1.4	Assessment of jointly-owned assets.
				5.1.5	Deprivation of assets – lifetime giving.
				5.1.6	Capital.
				5.1.7	Capital disregard.
				5.1.8	Pension assets.
				5.1.9	Notional capital.
				Beneficial ownership of capital.	
				5.1.10	Income disregard.
				5.1.11	Use of trusts.
				5.1.12	Treatment of the family home (including third party ownership).
				5.1.13	Liability of relatives.
				Domiciliary care.	
				5.1.14	Care and financial assessments.
				5.1.15	Differences in England, Scotland, Northern Ireland, Wales.
				Charging procedures.	
				5.1.16	Differences in England, Scotland, Northern Ireland, Wales.
				5.1.17	Means testing.
6 3 Questions	Understand the availability of alternative sources of assistance relevant in the provision of long term care and possible limitations on their use.	6.1	Describe the availability of alternative sources of assistance for the provision of long term care, and the possible limits on their use.	6.1.1	Other sources of assistance, including charities and informal care.
				6.1.2	How existing policies can support funding for long term care needs.
				6.1.3	The assistance that can be provided by health cash plans and private plans and private medical insurance.
				6.1.4	Limits of assistance.

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7 6 Questions	Understand the complexities and implications of the relationship between the adviser, the client and third parties when advising on long term care insurance.	7.1	Describe the complexities and implications of the relationship between the adviser, the client and third parties when advising on long term care insurance.	7.1.1	How to identify from whom to take and receive instructions where the legal capacity of the client is in doubt.
				How to define capacity under the Mental Capacity Act 2005 and why it is important within the context of providing financial advice.	
				7.1.2	The five key principles.
				7.1.3	Best interest.
				7.1.4	Lasting Power of Attorney – financial, health and welfare issues.
				7.1.5	Impacts on Enduring Power of Attorney.
				7.1.6	Office of the Public Guardian.
				7.1.7	Court Appointed Deputies.
				7.1.8	Independent Mental Capacity Advocates.
				7.1.9	Single orders in court.
				The important features of substituted decision making.	
				7.1.10	Power of Attorney.
				7.1.11	Lasting Power of Attorney.
				7.1.12	The Court of Protection.
				Office of the Public Guardian.	
				7.1.13	Receivership.
				7.1.14	National variations.
				The importance of client confidentiality and how that is maintained.	
				7.1.15	When the client's family is involved.
				7.1.16	Potential conflicts.
				7.1.17	Access to medical records.
				7.1.18	Awareness of financial abuse and how to address situations where it is suspected.

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8 3 Questions	Understand the taxation issues related to long term care insurance plans.	8.1	Describe the taxation issues related to long term care insurance plans.	8.1.1/8.2.1	Tax position on premiums.
				8.1.2/8.2.2	Tax treatment of benefits (pre-funded plans).
				8.1.3/8.2.3	Impact of payment of benefits on client's tax position.
				8.1.4/8.2.4	Payments to client to pay care.
				8.1.5/8.2.5	Payments direct to care provider.
				8.1.6/8.2.6	Tax position of immediate needs care plans.
		8.2	Assess the tax position in relation to long term care and perform relevant tax calculations.	Inheritance tax mitigation.	
				8.1.7/8.2.7	Lump-sum contracts.
				8.1.8/8.2.8	The application of trusts.
				8.1.9/8.2.9	Court of Protection attitude to IHT planning.
9 5 Questions	Understand the legal considerations that need to be taken into account when giving long term care advice to an individual or their representatives.	9.1	Describe the legal considerations which must be addressed when providing long term care advice to an individual or their representatives.	The legal considerations which must be addressed when attempting pre and/or post death estate planning.	
				9.1.1	Estate planning.
				9.1.2	Requirements and application of a valid will.
				9.1.3	Requirements and application of the laws of intestacy.
				9.1.4	Deeds of variation.
				9.1.5	Application of a statutory will.
				9.1.6	Treatment and ownership of the family home.
				9.1.7	Addressing issues arising from the client's mental incapacity.
				9.1.8	Dealing with office holders responsible for safeguarding the interests of vulnerable or mentally disordered clients.
10 3 Questions	Understand eligibility to claim under a long term care insurance contract.	10.1	Describe the eligibility criteria to claim under a long term care insurance contract.	10.1.1	The identification of Activities of Daily Living (ADLs).
				10.1.2	The typical provider variations that influence the application of ADLs.
				10.1.3	Identifying cognitive impairment.
				10.1.4	How ADL failure is assessed.
				10.1.5	The possible use of assistive devices in supporting an individual's long term care needs.
				10.1.6	The process involved in making a valid claim for payment under a long term care insurance contract.



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11 4 Questions	Understand the different costs associated with long term care provision and the factors that create variations in them.	11.1	Describe the different costs associated with long term care provision and the factors that create variations in them.	The provision of long term care related services in the client's own home.	
				11.1.1/11.2.1	Social services.
				11.1.2/11.2.2	The private sector (personal and nursing care) and how home modification and/or the use of assistive devices complements the care package.
				11.1.3/11.2.3	Scope and formation of home improvement agencies.
				11.1.4/11.2.4	Provision of long term care services in a residential setting.
		11.2	Calculate different costs associated with long term care provision.	11.1.5/11.2.5	How local authority funding levels are set and how they can differ from region to region.
				11.1.6/11.2.6	The consequences of "topping up" a local authority contribution to care.
				11.1.7/11.2.7	The variations in funding levels in England, Wales, Scotland and Northern Ireland.
				11.1.8/11.2.8	The factors which contribute to the setting of the market rate for care in the private sector.
				11.1.9/11.2.9	The provision of care services by the voluntary sector.
				11.1.10/11.2.10	How costs impact on the availability of care, the levels of care generally available and the importance of contracts involving the patient, the care provider, the local authority, and the insurer.
				11.1.11/11.2.11	How the cost of care over the long term impacts on an individual and how funding strategies can address increasing costs.

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12 4 Questions	Analyse the interaction between the eligibility for means-tested and non-means-tested benefits in the provision of advice on long term care insurance.	12.1	Analyse the interaction between the eligibility for means-tested and non-means-tested benefits in the provision of advice on long term care insurance.	The assessment and application process associated with the more significant State benefit and how they interact with the provision of care in providing support for an individual's needs.	
				12.1.1	Means-tested and non-means-tested benefits.
				12.1.2	Pension Credit.
				12.1.3	Employment and Support Allowance and the transition to Universal Credit.
				12.1.4	Carer's Allowance.
				12.1.5	Attendance Allowance.
				12.1.6	Personal Independence Payments and Disability Living Allowance.
				12.1.7	State Pension.
13 2 Questions	Assess the suitability of arrangements available to fund and maintain an individual's long term care needs and whether the level of risk they present to the client is appropriate and acceptable.	13.1	Assess the suitability of arrangements available to fund and maintain an individual's long term care needs.	13.1.1/13.2.1	The features and use of pre-funded long term care insurance and long term care bonds, both single and regular premiums.
				13.1.2/13.2.2	Immediate needs plans.
				13.1.3/13.2.3	The features of lifetime mortgages and home reversion plans and most significance to the support of long term care needs.
				13.1.4/13.2.4	How convertible policies can support an individual's long term care needs.
				13.1.5/13.2.5	The pre-contract underwriting considerations which apply to pre-funded long term care policies, immediate needs annuities, healthcare annuities and convertible policies.
		13.2	Assess the level of risk of long term care arrangements and their appropriateness for the individual.	13.1.6/13.2.6	The potential consequences of innocent and deliberate non-disclosure in the application process for a long term care contract.
				13.1.7/13.2.7	The relevance of mortality and morbidity experience when considering long term care provision.
				13.1.8/13.2.8	The testing for cognitive impairment and the relevance of the mini mental state examination.
				13.1.9/13.2.9	The options available to an individual if a policy review identifies a shortfall in care benefits.
				13.1.10/13.2.10	Investment planning with the older client and long term care provision in mind.
				13.1.11/13.2.11	The significant features and workings of deferred care plans.

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14 1 Question	Analyse situations that might indicate to an adviser that a client's long term care provision needs to be reviewed and identify the consequences of that review.	14.1	Explain the most common events which will generate the need for a review of long term care provision and the required actions post-review.	14.1.1	Change in the client's marital relationship status.
				14.1.2	Death of a partner.
				14.1.3	Change in identified long term care need.
				14.1.4	Partial claim involving minor ADL failure.
				14.1.5	Changes in the client's mental capacity.
				14.1.6	Changes in legislation and local authority practice.
				14.1.7	A client's move to another country.
				14.1.8	Changes in taxation.
				14.1.9	Changes in investment conditions including the prevailing rate of inflation.