



Wills, Trusts and Probate

Understanding Care Fees &
Planning Ahead Factsheet



A Guide to Funding Care and Protecting Your Future

Many people worry about the potential cost of care in later life and what it could mean for their home, savings and family inheritance. Whilst no one can predict whether care will be needed, understanding the options available and planning ahead can provide reassurance and help avoid difficult decisions in the future.

Understanding Care Funding

There are many misconceptions surrounding care fees. Common concerns include whether the local authority can force the sale of a property, whether assets can be given away to avoid paying for care, or whether moving into residential care means losing control of personal finances.

The reality is that funding is assessed on an individual's circumstances. In some situations, the value of a person's home may not be taken into account, particularly where it continues to be occupied by a spouse or certain family members.

Many people are also surprised to learn that care funding assessments take account of both income and capital. Care planning can therefore be more complex than simply considering the value of savings or property.

Financial Support May Be Available

Not everyone is required to fund their care entirely from their own resources. Depending on individual circumstances, support may be available through:

- Attendance Allowance
- NHS Continuing Healthcare
- NHS-Funded Nursing Care
- Section 117 Aftercare
- Local Authority Funding Assistance

Depending on your circumstances, support may be available even if you own your home or have savings. For example, Attendance Allowance is not means-tested and may be available to people who need help with day-to-day living. In some cases, individuals with significant healthcare needs may qualify for NHS Continuing Healthcare funding, which can cover the full cost of care.

Understanding what support may be available is an important part of planning for the future.

The NHS Social Care and Support Guide (www.nhs.uk/social-care-and-support) provides further information on benefits, funding and care assessments.

Gifting Assets – Proceed with Care

It is common for people to consider transferring property or savings to family members in an attempt to protect assets from future care fees. However, local authorities have powers to investigate gifts and transfers if they believe assets have been deliberately given away to reduce care costs. This is known as deprivation of assets.

A common misconception is that there is a "seven-year rule" which prevents a local authority from questioning gifts after seven years have passed. Whilst seven years can be relevant for inheritance tax purposes, there is no equivalent rule for care fee assessments.

Taking action without fully understanding the implications can sometimes create unexpected financial and family difficulties.

Trusts and Estate Planning

Trusts can play an important role in estate planning, but they are often misunderstood. Whilst certain trusts may help achieve family and succession planning objectives, they do not automatically protect assets from care fee assessments.

Care should be taken before entering into arrangements that promise guaranteed protection from care costs, tax and probate, as every individual's circumstances are different and no solution is suitable for everyone.

The Importance of a Will

An up-to-date Will is a key part of later-life planning. In some circumstances, a Will incorporating a Life Interest Trust can help preserve part of the family estate for future generations while still providing for a surviving spouse or partner.

Every family's circumstances are different, and tailored advice is essential to ensure the most appropriate arrangements are put in place.

Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) enables trusted individuals to make decisions on your behalf if you are no longer able to do so yourself. Attorneys can assist with managing finances, dealing with property matters and making decisions about care and welfare.

Although LPAs do not affect the amount payable for care, they can make it significantly easier for loved ones to manage finances, deal with property matters and make important decisions if capacity is lost in the future.

Having LPAs in place can also help avoid a lengthy and costly Court of Protection application.

How Machins Can Help

Care fee planning is about understanding your options and putting the right arrangements in place for the future.

Our experienced Wills, Trusts and Probate team can advise on care fee planning, Wills, trusts, Lasting Powers of Attorney and estate planning. By planning ahead, you can make informed decisions for yourself and your family and gain greater peace of mind about the future.

What our clients say ...

“ I felt at ease all the way through the process.
Nothing seemed to be a problem!
Very good communication throughout.
Friendly! Very professional!
... First class service. I would use again. ”

Client Testimonial, Review Solicitors, September 2025



What the experts say ...

Machins Private Client Team is proud to be recognised in the Legal 500 directory. This recognition reflects our commitment to providing exceptional services and maintaining an outstanding reputation for the broad spectrum of private client work.

“ Noted for its ‘professional, knowledgeable and reliable’ service, the team at Machins Solicitors LLP is well-placed within the region to handle a prolific flow of private client work. ”

Legal 500, 2026



About Machins

Machins Solicitors LLP has offices in Berkhamsted and Luton. As one of the leading law firms in Hertfordshire and Bedfordshire, we are committed to delivering **Legal Excellence with Human Understanding**.

We recognise the importance of building strong relationships with our clients - relationships that allow us to understand individual needs and provide effective, practical advice in a pragmatic and cost-effective way. Our team offers specialist legal support for both businesses and individuals, combining deep legal expertise with a genuine understanding of the people we serve.

Our Private Client Team

Working from offices in Berkhamsted and Luton our Private Client Team advise private individuals, couples, family businesses, beneficiaries and trustees on a multitude of different topics relating to: wills, trusts, probate, inheritance tax, lasting powers of attorney and estate administration.

Details of our team and all our services can be found on our website. Please scan the QR code for details.



