

Factsheet 58w ● May 2024

Paying for temporary care in a care home in Wales



Age Cymru Advice

0300 303 44 98

www.agecymru.org.uk

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1 Information about this factsheet

This factsheet explains how the local authority financial assessment and charging rules for a *short-term* or *temporary* stay in a care home differs from a long-term / permanent placement.

People may go into a care home on a short-term or temporary basis for a variety of reasons. For example:

- To give themselves or their carers a break.
- Whilst they are recuperating from an illness, perhaps having been in hospital for a lengthy period (rehabilitation type care packages may be provided in a care home. There is brief information on this within the text, but also see Age Cymru's Factsheet 76w *Reablement, intermediate care and preventative services in Wales*).
- Where someone still wishes to be able to return to live in their own home, so don't wish to take the step straight away of living permanently in a care home.
- As a 'trial' period in a care home, either for the above reason, or to try out a particular one.

A detailed account of the general charging rules can be found in Age Cymru's Factsheet 10w *Paying for a permanent care home placement in Wales*. We also have a number of other factsheets focussing on finding a care home and/or specific aspects of the care home charging rules.

Note: The information given in this factsheet is applicable in Wales. Different rules may apply in England, Northern Ireland and Scotland. Contact Age UK, Age NI and Age Scotland respectively for further information.

1.1 Definitions and terminology

Local authority social services departments

In this factsheet references to the '**local authority**' or '**council**' will refer to the *adult social services department* of the local authority.

You may see or hear the relevant social services department referred to by the following, or similar variations:

- social care department;
- adult social services;
- older persons' department;
- older persons' team.

Adult social services teams are responsible, among other duties, for assessing people's need for 'care and support' or 'social care' services and deciding whether those needs meet the eligibility criteria.

Note: Finding contact details for your social services department

Contact details for your local authority can be found via the Welsh Government's website at:

www.gov.wales/find-your-local-authority

Alternatively, they should be available elsewhere online, from local council offices, or Age Cymru Advice can provide the details – see section 8.

'Care homes'

The term 'care home' covers any establishment providing accommodation with either:

- just personal care; *or*
- personal care together with nursing care.

Often the terms 'residential care home' and 'nursing care home' might be used to differentiate between the two types of home, though within each of these brackets there can be variation in the types of care needs that the home may be able to handle.

Age Cymru's Factsheet 10w *Paying for a permanent care home placement in Wales* has a section at the beginning with further information on the different types of care home.

Both residential care homes and nursing care homes can provide various specialisms/services (e.g. dementia care). However, a home must not provide nursing care if it is not registered for that purpose. All care homes must be registered as 'service providers' with the regulator, the Care Inspectorate Wales (CIW), who are responsible for the inspection and registration of homes – see section 8 below for contact details for CIW.

2 Legislation covering the social care system in Wales

2.1 The Social Services and Well-being (Wales) Act 2014 and accompanying Code of Practice guidance – relevance to the social care system in Wales

This Act was fully implemented in April 2016 and is the main legislation that covers the social care system in Wales, including:

- the social care assessment process;
- related rules in regard to arranging and paying for residential care homes and nursing care homes¹;
- the guidance documents that local authorities must use when assessing needs; *and*
- the guidance documents that local authorities must use when means testing people who may need to pay towards their services.

Many of the sections in this factsheet (and other Age Cymru factsheets on social care topics) will use this Act, and the Welsh Government Code of Practice guidance for local authorities which accompanies it, as a main source of information. References will be provided in the text where relevant.

Web links for the Code of Practice guidance documents can be found in section 3.2 below.

¹ The Act also details the rules in regard to arranging and paying for care at home/non-residential services, though that issue is not covered in this particular factsheet.

3 Background – obtaining help from your local authority and the financial means test for care home provision

3.1 Assessment of needs and eligibility for services

Your local authority must carry out an assessment of your care and support needs to establish that you require a care home *before* it can assist you with the cost of the placement.

The authority must use national eligibility criteria to make this decision.

This particular issue is not covered in any detail in this factsheet, but further information can be found in Age Cymru's Factsheet 41w *Social care assessments for older people with care needs in Wales*.

Note: Under the *Social Services and Well-being (Wales) Act 2014* a local authority has a **legal duty** to carry out an assessment of anyone living in its area who *may* need community care services, once it becomes aware of this need.

Also, someone's right to have their needs assessment is **not** affected by the level of their financial resources or other circumstances. *However*, subsequent services provided as a result of the assessment are likely to be charged for. How much you pay will be determined via a financial means test.

3.2 The Welsh Government's guidance for local authorities on the financial means test

When conducting a financial assessment of someone who needs to go into a care home – and subsequently working out what charge a service user should pay – all local authorities in Wales will need to comply with the following Welsh Government guidance document:

Social Services and Well-being (Wales) Act 2014: Part 4 and 5 Code of Practice (Charging and Financial Assessment) (version 7 – April 2023)

A copy can be accessed on the Welsh Government website at:

www.gov.wales/code-practice-charging-social-care-services

Note: Other Code of Practice documents that may be relevant, such as *Part 3 (Assessing the needs of individuals)* and *part 4 (Meeting needs)* can be found on the Social Care Wales website at:

www.socialcare.wales/hub/codes-of-practice

3.3 Information specific to temporary care home stays

The guidance outlined in section 3.2 above covers the charging rules for both temporary and permanent care home placements.

However, the information in there on temporary placements is quite brief and the rules are better clarified in the actual regulations made under the *Social Services and Well-being (Wales) Act 2014*.

Note: “Regulations are secondary legislation to be used where more detail or prescription is needed in implementing an Act”²).

The relevant regulations are *The Care and Support (Financial assessment) (Wales) Regulations 2015* and a copy can be accessed on the Social Care Wales website at:

www.socialcare.wales/hub/sswbact-regulations

3.4 Local authority duties in regard to information & advice and advocacy

The *Social Services and Well-being (Wales) Act 2014* places duties on local authorities to provide “information, advice and assistance...relating to care and support”³.

² ‘Social services and well-being – Regulations’, Social Care Wales Information and Learning Hub website: www.socialcare.wales/hub/sswbact-regulations (last accessed 23 May 2024).

³ Social Services and Well-being (Wales) Act 2014: Part 2 Code of Practice (General Functions), Welsh Government

This would include information and advice on various issues around arranging and paying for care.

The Act also contains duties for local authorities in regard to advocacy services. If you have difficulty in expressing your views and needs and feel that this would be excessively difficult in regard to discussions on services to be provided and how you will be charged, then an advocacy service may be of help.

In many instances, the duties that fall on the local authority will be to make people aware of the availability of advocacy support, should they wish to utilise this. Alternatively, in other situations the authority will have a specific duty to “arrange an independent professional advocate” for someone⁴.

Age Cymru’s other factsheets, 41w *Social care assessments for older people with care needs in Wales* and 10w *Paying for a permanent care home placement in Wales*, have further information on this topic.

4 Specific charging rules where it is decided that care will be on a temporary basis

4.1 Definitions of different types of care home stay in the Welsh Government’s *Care and Support (Financial assessment) (Wales) Regulations 2015*

Generally, if you are placed in a care home by the local authority following a needs assessment, it will be on either a *temporary* or a *permanent* basis.

Your status in this respect will influence how the fees are calculated and paid. As such, it is essential that you are informed of your status at an early stage in the process and it must be agreed and set down in your care and support plan.

The *Care and Support (Financial assessment) (Wales) Regulations 2015* actually feature three different types of care home placement, as outlined overleaf:

⁴ Social Services and Well-being (Wales) Act 2014: Part 10 Code of Practice (Advocacy), Welsh Government

- **“Short-term resident”** – meaning “a person who is provided with accommodation in a care home under the [*Social Services and Well-being (Wales) Act 2014*] for a period **not exceeding 8 weeks**” (emphasis added).

This category is most likely to include people receiving respite care in a care home for a short period of time (to provide a family member with a break), before returning home.

- **“Temporary resident”** – meaning a resident whose stay is:
 - (a) “unlikely to **exceed 52 weeks**; *or*
 - (b) in exceptional circumstances, unlikely to *substantially* exceed that period”⁵ (emphasis added).
- **Permanent resident** – i.e. a resident where, from the outset, it is envisaged that they will live in the care home indefinitely (generally because their care needs are such that there is not a realistic chance of them being able to return to live in their own home).

4.2 Means testing rules for different types of care home placement

The table below outlines the different rules in Welsh Government regulations and guidance for each of the different types of care home stay outlined above in section 4.1.

<p>Short-term resident</p>	<p>Local authorities “must undertake any financial assessment of a person’s means to [pay for this type of placement] as if the person were receiving non-residential care and support”⁶ (emphasis added).</p> <p>In other words, you will be charged as if you were receiving care services <i>within your own home</i>, rather than in care home accommodation.</p>
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⁵ The Care and Support (Financial assessment) (Wales) Regulations 2015, Welsh Government

⁶ Social Services and Well-being (Wales) Act 2014 – Part 4 and 5 Code of Practice (Charging and Financial Assessment), Welsh Government (version 7 – April 2023)

	<p>The charging rules for non-residential care – including details of a Minimum Income Amount (MIA) that someone should be left with once they have contributed towards their care costs and a maximum weekly charge – can be found in Age Cymru’s Factsheet 46w <i>Paying for care and support at home in Wales</i>.</p>
<p>Temporary resident</p>	<p>The local authority can means test according to the residential care charging rules, but with important differences in regard to capital and income:</p> <ul style="list-style-type: none"> ● The local authority must ignore the value of your home if you intend to return to live there (or if you are taking steps to sell it so you can buy something more suitable in which you will live instead) – this is on the basis that, because the person wishes to return to the property to live, it would be unfair to include its value as <i>capital</i> in the means test. ● In the calculation of the person’s <i>income</i>, the local authority must disregard “housing-related costs which [the resident] is liable to meet in respect of [their] main or only home”. In the regulations, housing-related costs “means any mortgage repayments, payments of rent or ground rent, council tax [and most] service charges”⁷. The Welsh Government’s Code of Practice also mentions “fixed payments [such as] building insurance [and] utility costs (including basic heating during the winter) and reasonable property maintenance costs”⁸.

⁷ The Care and Support (Financial assessment) (Wales) Regulations 2015, Welsh Government.

Service charges that would be excluded are those “which are ineligible under Schedule 1 to the Housing Benefit Regulations 2006 (ineligible charges)”.

⁸ Social Services and Well-being (Wales) Act 2014 – Part 4 and 5 Code of Practice (Charging and Financial Assessment), Welsh Government (version 7 – April 2023)

	<ul style="list-style-type: none"> ● “Where a person is temporarily in a care home and is a member of a couple (whether married or unmarried) the local authority must disregard any Income Support or Pension Credit awarded to pay for home commitments and should consider the needs of the person at home in setting the MIA” [Minimum Income Amount] – see below⁹. <p>Other than the above, the local authority will apply the financial means test rules as they stand for a permanent care home resident, including using the same capital limit.</p> <p>The current capital limit in Wales for the care home charging means test is £50,000¹⁰.</p> <p>As with non-residential care, the care home charging rules also include a stipulation about a Minimum Income Amount (MIA), so as to ensure residents are left with a specified amount of income following their payment toward their fees.</p> <p>For permanent care home residents this is generally a low amount (and significantly less than the MIA for non-residential care) and is thus designed to cover basic personal items only. However, in light of the bullet points above, for temporary residents this may need to be set at a higher level, so that the “housing-related costs” can be met.</p> <p>See Age Cymru’s Factsheet 10w <i>Paying for a permanent care home placement in Wales</i> for further information on the MIA.</p>
<p>Permanent resident</p>	<p>The local authority can means test according to the residential care charging rules in full, including – in particular circumstances – taking into account the value of the resident’s former home (given that they are a permanent resident, so will not be returning to it).</p>

⁹ Ibid

¹⁰ It is possible this figure may change in April 2025.

The value of a former home can, however, be disregarded in some situations, such as if it remains occupied “in part or whole as their main or only home”¹¹ by the resident’s partner.

The property can also be disregarded in certain other situations, plus there are other potential disregards with capital or income, depending on circumstances – see Age Cymru’s Factsheet 10w *Paying for a permanent care home placement in Wales* and Factsheet 38w *Treatment of property in the means test for permanent care home provision in Wales* for further details.

Note: If you are a temporary care home resident and feel that the money you are allowed to keep after charging is too low

If the amounts the local authority ignores from your income so that you can continue to pay housing-related costs for your home are not enough, you can ask for a review of the authority’s financial assessment (or if necessary, make a complaint). You will need to set out your reasoning for why the money allocated is not sufficient.

See Age Cymru’s Factsheet 59w *How to resolve problems and make a complaint about social care in Wales* for further information.

¹¹ Social Services and Well-being (Wales) Act 2014 – Part 4 and 5 Code of Practice (Charging and Financial Assessment), Welsh Government (version 7 – April 2023)

5 Welfare benefits during temporary care in a care home

5.1 Disability benefits – Attendance Allowance, Personal Independence Payment and Disability Living Allowance¹²

The Welsh Government's *Care and Support (Financial assessment) (Wales) Regulations 2015* state that:

Where someone “is a temporary resident...any Attendance Allowance...care component of Disability Living Allowance; or...the daily living component of [the] Personal Independence Payment [should] be disregarded in the calculation of income”.

However, the above benefits will stop after *four weeks* of receiving local authority assistance towards care home fees. As such, the local authority should consider the change to your income as a result of any loss of your Attendance Allowance (AA), Disability Living Allowance (DLA) or Personal Independence Payment (PIP) due to the four week rule. For example, as discussed above, the authority needs to take account of your ability to continue to meet bills for your home when charging you for a temporary care home stay, so they may need to allow you to keep more income from other sources once you are no longer getting the above benefits.

Once you return home, AA, DLA (care component), or PIP (daily living component) can resume. However, they may be affected if you return to a care home within 28 days of your last stay.

Action: Tell the office handling your claim if you are going in or out of a care home.

For further information see the following Age UK factsheets:

¹² Personal Independence Payment (PIP) is replacing Disability Living Allowance (DLA). New claimants who would previously have claimed DLA must now apply for PIP. If you presently receive DLA, this will continue, but you may be reassessed for PIP in the future (you'll get a letter from the Department for Work & Pensions telling you when this will happen and how you can apply for PIP instead).

- Factsheet 34 *Attendance Allowance*
- Factsheet 87 *Personal Independence Payment and Disability Living Allowance*

Mobility components

The *mobility component* of DLA or *mobility component* of PIP are not affected by the means test – that is, they are ignored in all situations, whether your stay is temporary or permanent.

5.2 Pension Credit

Single people and couples

If you are receiving Pension Credit (PC) before you move into a care home, it is important to inform the Pension Service of the change in your circumstances so that they can reassess your entitlement.

Temporary care home residents whose PC award includes help for certain housing costs, can usually continue to receive this element for up to 13 weeks, and sometimes for as long as 52 weeks (as mentioned in section 4.1 above, 52 weeks is the usual maximum length of time up to which a local authority will agree that a care home stay is temporary).

Age UK's Factsheet 48 *Pension Credit* has further information.

Specific issues for couples

If you are in a couple, you will continue to be treated as a couple if you are unlikely to be apart for more than 52 weeks. As a result, where one of a couple enters a home on a temporary basis, PC continues to be calculated and paid at the rate for a couple, rather than the rate for two single people.

Note: This is different to when it is a permanent arrangement – for permanent care in a care home the Pension Service will treat a couple as two separate individuals for the purposes of assessing PC eligibility.

As touched upon in section 4.2 above, local authorities have been instructed to exercise discretion when carrying out financial assessments for temporary care home residents who are one of a couple (“whether married or unmarried”), so that the partner who remains at home is left with sufficient income for their needs.

6 When temporary care becomes permanent

Sometimes residential care is arranged on a temporary basis, but it then becomes apparent that the person needs to stay in a home permanently.

If this is the case, the local authority will need to apply the means test for a permanent resident from the date it is decided your stay is to become permanent – that is, the local authority will apply the financial means test for permanent residents in its entirety and will no longer need to take into account the differences for temporary residents (as outlined above in section 4). See Age Cymru’s Factsheet 10w *Paying for a permanent care home placement in Wales* for further information.

Your care plan will also need to be amended accordingly, to reflect the new arrangements.

The value of any property you own should be disregarded for 12 weeks from the date your stay is confirmed as permanent (or, alternatively, disregarded *indefinitely* if it is occupied “in part or whole as their main or only home”¹³ by your partner and – in *some* instances only – if it is occupied by another relative¹⁴).

Your other income and capital can generally be taken into account straight away.

¹³ Social Services and Well-being (Wales) Act 2014 – Part 4 and 5 Code of Practice (Charging and Financial Assessment), Welsh Government (version 7 – April 2023)

¹⁴ This includes, for example, a relative who is 60 years old or over, or a younger relative who is ‘incapacitated’ – see Age Cymru’s Factsheet 38w *Treatment of property in the means test for permanent care home provision in Wales* for further information.

Note: Sometimes a situation might be the other way round – i.e. a stay that was initially assessed as permanent may turn out to be temporary (for example, because someone is able to move in with friends or family; or to enter sheltered housing). If so, the authority should not continue to apply any rules that would have affected the person as a permanent resident, such as taking the value of their property into account.

7 Rehabilitation – intermediate care, reablement and ‘Step Down to Recover’ bedded facilities

If your place in a care home has been arranged as part of a package of rehabilitation – often called **intermediate care** – where you are having short-term therapy or treatment, either following some time in hospital or to avoid having to go into hospital, it should be provided **free of charge for up to six weeks**.

Additionally, social care rehabilitation services – known as **‘reablement’** – are **also** provided free of charge for the first six weeks. They may be delivered via a temporary stay in a specialist residential unit or residential care home (frequently they will be delivered in your own home, though this particular aspect is not covered in this factsheet). There is also some overlap with recent NHS Wales guidance on **‘Step-Down to Recover’ services**.

‘Step-down’ services are designed to allow people to leave hospital as soon as possible, whilst still providing support for recovery and rehabilitation (similarly to intermediate care and reablement, they will be ‘time limited’). They are facilities “for people who are ready to be discharged from hospital but are unable to return to their former home [and] require further rehab or reablement in a place other than their usual residence”¹⁵. However, it should be noted “the expectation [will be to] move people to the desired pathway home as soon as possible”¹⁶.

¹⁵ ‘Step-down to Recover (SD2R): National Minimum Service Guidance’, NHS Wales.

¹⁶ Ibid

Extensions to rehabilitation services

The services outlined above do not normally last longer than six weeks. However, they may occasionally be extended.

For more information see Age Cymru's Factsheet 76w *Reablement, intermediate care and preventative services in Wales*.

At the end of the rehabilitation period, you may qualify for:

- fully funded NHS continuing healthcare (see Age Cymru's Factsheet 20w *NHS continuing healthcare and NHS-funded nursing care in Wales*); or
- require other social care services – which you will usually be charged for through means testing – such as:
 - care services in your own home (see Age Cymru's Factsheet 46w *Paying for care and support at home in Wales*);
 - a temporary stay in a care home (as outlined in this factsheet); or
 - a long-term stay in a care home (see Age Cymru's Factsheet 10w *Paying for a permanent care home placement in Wales*).

8 Useful organisations

Age Cymru Advice

Free and confidential information and advice on matters affecting the over 50s in Wales.

Tel: 0300 303 44 98

E-mail: advice@agecymru.org.uk

Website: www.agecymru.org.uk/advice

Age Cymru organisations (local)

Your local Age Cymru may be able to provide advice and support on a range of issues. **Age Cymru Advice** can provide details of your local Age Cymru (see above), or visit the Age Cymru website at:

www.agecymru.org.uk/local

CareHomes.Wales

This website is run by Data Cymru (a Welsh local government company with a Board of Directors elected by the Welsh Local Government Association). All care homes for adults in Wales should be listed on the site, with basic information updated directly from the Care Inspectorate Wales (CIW) on a weekly basis. Information will be listed of the type of care provided, contact details for the home, plus links to the most recent inspection report. You should also be able to see if the home has any vacancies.

E-mail: support@CareHomes.wales

Website: www.carehomes.wales

Care Inspectorate Wales (CIW)

CIW inspects and regulates care and social services in Wales.

Tel: 0300 7900 126

E-mail: ciw@gov.wales

Website: www.careinspectorate.wales

Carers Wales

A charity providing information, advice and practical and emotional support for carers.

Tel: 029 2081 1370

E-mail: info@carerswales.org

Carers UK Helpline: 0808 808 7777

Website: www.carerswales.org

Citizens Advice

National network of free advice centres offering confidential and independent advice, face to face or by telephone.

Tel: 0800 702 2020

Details of your nearest CAB can be found at:

www.citizensadvice.org.uk/wales

Dewis Cymru

This is a website owned and funded by local authorities across Wales. The site was set up by the Welsh Government to assist in the delivery of certain provisions in the *Social Services and Well-being (Wales) Act*. The Dewis Cymru site contains an extensive database of a wide variety of services that can help people with their well-being.

www.dewis.wales

Llais

A body that represents the voices and opinions of people in Wales in regard to health and social care services.

Tel: 029 20 235558

E-mail: enquiries@llaiscymru.org

Website: www.llaiswales.org

Contact details for your local Llais team:

www.llaiswales.org/in-your-area

Older People's Commissioner for Wales

Independent champion for older people across Wales.

Tel: 03442 640 670

E-mail: ask@olderpeople.wales

Website: www.olderpeople.wales

Public Services Ombudsman for Wales

The Ombudsman looks to see whether people have been treated unfairly or have received a bad service from a public body, such as a local authority or the NHS. People who fully self-fund their care also have the right to escalate a complaint about those services to the Ombudsman.

Tel: 0300 790 0203

E-mail: ask@ombudsman.wales

Website: www.ombudsman.wales

Welsh Government

The devolved government for Wales.

Tel: 0300 060 4400

E-mail: customerhelp@gov.wales

Website: www.gov.wales

9 Further information about Age Cymru

9.1 Who we are

Age Cymru is the national charity for older people in Wales. We work to develop and deliver positive change with and for older people.

Together with our local partners:

- we provide information and advice;
- we deliver wellbeing programmes;
- we provide independent advocacy;
- we support carers; *and*
- we campaign and research.

Age Cymru

Mariners House
Trident Court
East Moors Road
Cardiff
CF24 5TD

029 2043 1555

www.agecymru.org.uk

Registered Charity 1128436

9.2 How we can help

Age Cymru Advice: our information and advice service for matters affecting people over 50 in Wales

Age Cymru Advice is committed to being the foremost information and advice service to older people in Wales. We aim to provide effective, accessible, high-quality information and advice while offering a free, impartial and confidential service. Age Cymru Advice can assist older people themselves, their family, friends, carers, or professionals. All of our guides and factsheets are available to download from our website, or you can contact our advice line to have copies posted to you for free.

Local support

Age Cymru Advice also acts as a gateway to our local services. Face to face support via local offices and home visits may be available to people requiring additional or more specialised support.

Getting in touch

If you want to talk to one of our expert advisers, in Welsh or English, call us on **0300 303 44 98**. Our advice line is open between 9am and 4pm, Monday – Friday.

(Calls are charged at the same rate as a call to a standard 01 or 02 number. They will also be automatically included in any landline or mobile inclusive minutes package).

You can also:

- email us at advice@agecymru.org.uk; *or*
- visit our website at www.agecymru.org.uk/advice



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www.agecymru.org.uk/agematters

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9.3 How you can help

All the information and advice we provide is free and completely impartial. In many cases our timely intervention can be life changing. We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.

Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/donate**

Every donation we receive helps us be there for someone when they need us.

- £10 helps towards a fully trained expert advice worker to respond to queries from people who need the support of our information and advice service.
- £20 helps towards the cost of us producing free information guides and factsheets that provide useful advice on issues affecting people over 50.

Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/getinvolved**

Volunteer with us

All volunteer roles at Age Cymru support us to improve lives. However you'd like to get involved, we'd love to hear from you.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/volunteer**

Leave us a gift in your will

With a gift to Age Cymru in your will, you can do so much to make sure older people have the support they deserve in the years to come. Leave a world less lonely.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/legacy**

