



Fair Deal (NHSS) Information Webinar

Irish Farmers Association

Wednesday, 30th April 2025

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Welcome and Introduction

Topics we will cover:

- What is Fair Deal – Nursing Homes Support Scheme?
- Who can apply?
- The application process
- Completing the application form
 - State Support & Care Needs Assessment
 - Ancillary State Support – (Optional Nursing Home Loan)
 - 3 Year Cap on Farm and Business Assets
 - Rental Income & PPR Net Proceeds of Sale
- Where to get further information



What is Fair Deal?

- Fair Deal is a scheme of financial support to clients deemed to require long-term residential care - Annual funding of €1.25bn
- Nursing Homes Support Scheme Act 2009
- Currently 23,654 clients being supported & average length of stay is 3 years
- One national awaiting funding list – issued weekly in strict chronological order - four weeks max. awaiting funding
- A co-funded Scheme – both HSE and client make contribution. Made directly to Nursing Home
- Applicant chooses their Nursing Home and ‘money follows the resident’



Who Can Apply for Fair Deal?

1. **The applicant themselves – if they have capacity**
2. **A Specified Person (State Support):**
 - Spouse or partner
 - Child, if over 18 – (includes Step-Child)
 - A registered medical practitioner
 - A registered nurse
 - A registered social worker
3. **A person who is legally appointed to act on a person's behalf can also make an application :**
 - Attorney under Enduring Power of Attorney
 - Decision Making Representative (appointed by the Circuit Court)
 - Committee of Ward of Court – assuming existing arrangement still in place



NHSS Application Form

You can get an Application Form from:

- Your local Community Care Office or Nursing Home Support Office
- Online at the [hse.ie](https://www.hse.ie) website – also has information to help you through the process



Contents

Information about the application form

Filling in the application form

Quick Reference Guide: Documents you need to send with form

Checklist

After you have sent your application form

Part 1 - Applicant's details

Part 2 - Application for care needs assessment

Part 3 - Details of income, assets and deductions

Part 4 - Application for State Support

Part 5 - Nursing home loan (Ancillary State Support)

Part 6 - 3-year cap on farm and relevant business

Part 7 - Co-Decision-Making Agreements

HSE Nursing Homes Support Offices

Data protection notice

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Applications should be forwarded to your local Nursing Home Support Office (*List of NHSOs on Application Form & HSE Website*)



NHSS Application Process

- Complete all relevant sections of the Application Form

Signature Required Examples - Care Needs Assessment & Application for State Support

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Nursing Homes Support Scheme

Part 2A – To be completed by the person who may need care services

I, (insert full name)

hereby apply for a care needs assessment under the Nursing Homes Support Scheme.
I have read the data protection notice on page 37.

Signed: Dated:

Part 2B – To be completed when a person needing care is unable to apply for a care needs assessment on their own behalf

I, (insert full name)

hereby apply for a care needs assessment under the Nursing Homes Support Scheme on behalf of the applicant who it appears may need care services and is unable to make an application on his/her own behalf by reason of ill-health, physical disability or a mental health condition. I understand and undertake to act in accordance with the principles, powers, obligations and duties imposed on me by the Nursing Homes Support Scheme Act, 2009.

I make this application as (tick correct box):

☐ spouse or partner ☐ a registered social worker
☐ child of applicant, if over 18 (including a step-child) ☐ the Committee of a Ward of Court*
☐ a registered medical practitioner ☐ a person(s) appointed under a Registered Enduring Power of Attorney*
☐ a registered nurse ☐ a Decision-Making Representative appointed by Court Order*

Signed:

Dated:

Address:

Eircode:

Tel:

Email:

(*Please enclose documentary evidence)

Part 2

Nursing Homes Support Scheme

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Part 4A – To be completed by the person who needs care services

I hereby apply for State Support under the Nursing Homes Support Scheme. I have read Part 4 above, and the data protection notice on page 37 and I say that the information given by me on this form is correct to the best of my knowledge and belief.

Signed:

Dated:

Part 4B – To be completed only where the person who may need care services does not have capacity to make decisions in relation to the application

I, (insert name)

hereby apply for State Support under the Nursing Homes Support Scheme on behalf of (persons name)

I make this application as (tick correct box):

☐ spouse or partner
☐ applicant's child, over 18 years of age (including a step-child)
☐ a registered medical practitioner
☐ a registered nurse
☐ a registered social worker
☐ the Committee of a Ward of Court*
☐ a Person(s) appointed under a Registered Enduring Power of Attorney*
☐ a Decision-Making Representative appointed by Court Order*

I have read Part 4 of this form and I say that the information given by me on this form is correct to the best of my knowledge and belief.

Signed:

Dated:

(*Please enclose documentary evidence)

Part 4

Note: If appointed to act on behalf of the applicant, you will need to forward a copy of the relevant documentation to confirm that entitlement. e.g. Enduring Power of Attorney, DMRO or Ward of Court appointment



Financial Assessment

How the weekly client contribution is calculated

Single Person

- 80% income
- 7.5% assets
- €36,000 asset disregard
- Allowable deductions
- Min. 1/5th NCOAP

Couple (assuming one person in care)

- 40% joint income
- 3.75% joint assets (half)
- €72,000 disregard
- Allowable deductions
- Min. NCOAP + 1/5th NCOAP

- A member of a couple is assessed based on the combined income and assets of the couple
- Client Contribution then calculated: This is the weekly amount that the client will pay to the Nursing Home. They pay that amount, irrespective of Nursing Home weekly cost of care – the HSE pays the remainder.

Note: HSE reviews Revenue Schedule of Assets after client RIP to confirm financial details



Example 1 - Single Person

- State & Private Pension– income (per week) €500
- Cash Assets (Savings) €10,000
- Relevant Assets (family home) PPR €300,000

Note: €36,000 Asset Disregard available for single person

Calculation of Client Contribution

Income: 80% of income: € 400

Cash Assets: 7.5% cash (over €36K) €0

Relevant Assets –PPR: 7.5% Principal Residence €395.19

(less balance of disregard €26k)

Client's Weekly Contribution €795.19

NOTE: At end of 3 years care, charge on PPR removed. Then being charged €400 p.w.

This applicant might consider applying for A.S.S. (the Fair Deal loan) rather than funding charge on PPR



Example 2 – Couple one member of couple supported by Fair Deal

- Couple's combined weekly income €600
- Cash assets Combined Savings €80,000
- Family Home (PPR) €300,000

Note: €72,000 Asset Disregard available for a couple

Calculation of Client Contribution

Income: 40% of combined weekly income €240.00

Cash Assets: 3.75% of €8,000 Cash Assets/52 €5.76

Relevant Assets –PPR: 3.75% of €300k/52 €216.35

Client's Weekly Contribution : €462.11

NOTE: At end of 3 years care, charge on PPR removed. Then being charged €245.76 p.w.

This applicant might consider applying for A.S.S. (the Fair Deal loan) rather than funding charge on PPR



Example 3 – Couple (one member in care)

Impact of 3 Year Cap

Couple's combined weekly income	€600
Cash Assets -Combined Savings	€80,000
<i>Relevant Assets</i>	
Family Home (PPR)	€300,000
Family Farm	€500,000

Note: €72,000 Asset Disregard available for a couple

Calculation of Client Contribution

	Application Stage	3 Year Cap Impact
Income: 40% of combined weekly income	€240.00	€240.00
Cash assets: 3.75% Cash Assets (Over €72,000)	€5.76	€5.76
Family Home: 3.75% of Principal Residence - <u>Automatic</u>	€216.35	€0
Family Farm: 3.75% of Farm Valuation – <u>You must apply</u>	<u>€360.58</u>	<u>€0</u>
Client's Weekly Contribution	€822.69	€245.76

Note: At end of 3 year's care, charge on PPR is automatically removed

If applicant is approved for 3 year cap on Family Farm, that charge is also then removed



Ancillary State Support

- Ancillary State Support (the nursing home loan) funding is an optional benefit under the Scheme
- Available where a person wishes to not pay their full weekly contribution now. They can use ASS to fund the amount of their weekly contribution based on their relevant assets e.g. family home or farm
- The loan is essentially a Mortgage
- Title to the applicant's property must be established & a charge is placed on property through Tailte Eireann
- Loan repaid to Revenue Commissioners after 'Relevant Event'
- If Title cannot be verified (e.g. Life Interest, Right of Residency & Estates to be administered)
 - the loan therefore cannot be paid by the HSE



Ancillary State Support

The Loan Process

- NHSS Application Form must be completed & signed by the applicant - or legally appointed person on behalf of applicant & Spouse/Partner
- In case of a **Joint Owner** (if other than a spouse/partner) NHSS application must be completed & signed by the Joint owner
- Letter along with Acknowledgement & Consent (A&C) form will issue to applicant, or legally appointed person
- Should loan funding be accepted, the A&C form must be completed/signed and returned to the NHSSO. This is the legally binding contract between the HSE and the applicant availing of the loan

Note: If the applicant, or partner, does not have capacity to understand the application, a Decision Making Representation Order – or other legal authority - will be required



Ancillary State Support

When is the loan repaid?

- The Loan is due to be repaid when one of the following occurs – known as a Relevant Event:

- ☐ **RIP of Applicant**
- ☐ **Sale/Transfer of Property or Part of property**
- ☐ **Bankruptcy of applicant or spouse**
- ☐ **False/Misleading Information**

The HSE will notify both the Accountable Person and the Revenue Commissioners of the loan repayment amount due

- ▶ **R.I.P.** - 12 months to repay loan from date of death
- **S.O.P.** – 6 months to repay loan from closing date of sale

All Loan repayments are made to Revenue Commissioners

- ▶ However, in respect of a PPR the loan repayment can be deferred



Ancillary State Support Further Deferral and CPI

Further Deferral – Only applies to the Principal Private Residence Loan Amount

- Following an R.I.P relevant event, the applicants Spouse or Connected Person can make an application to defer repayment of the loan on the Principal Residence
- Application form must be requested from the National Unit and returned completed within 3 months from date of death (NHSS Legislation timeframe)
- Only one Deferral may be granted, this further deferral becomes repayable if the PPR is sold or on the death of the person who was granted the further deferral

Details on who can apply for a further deferral as a connected person are available on the HSE website and the NHSS application form

Consumer Price Index (CPI) - Ireland's official measure of inflation

- The consumer price index (CPI) is applied / added to the loan amount (as per NHSS Legislation)
- The rate of CPI applied is the official CPI rate at date of relevant event. The repayment amount may increase or decrease the total amount of the loan that is due to be repaid to the Revenue Commissioners



3 Year Cap on Family Farms

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Nursing Homes Support Scheme

Part 6 – 3 Year Cap on farms and relevant business

Notes to help you to complete Part 6

Part 6A – Application for appointment of family successor: Farm / relevant business

To be completed by the person needing care or their representative

Conditions for Approval

Following the 2021 amendment to the NHSS Act 2009, it is now possible for the 3 Year Cap to be extended to Family Farms & Businesses, if certain conditions are met:

- The family farm must have been actively run by either the applicant/ their partner or proposed Family Successor for at least 3 of the 5 years prior to admission to care
 - Complete a Statutory Declaration to confirm this
- A Family Successor **must** be appointed by the HSE
 - Apply to be appointed by completing Section 6 of NHSS Application Form – *Applicant in care, or rep, must apply.*



3 Year Cap on Family Farms

– conditions for approval cont.d

- The Family Successor must commit to running the farm for 6 years from date of appointment
– Complete a Statutory Declaration to confirm this (available on HSE Website)
- A charge in favour of the HSE is placed on the farm before they receive financial benefit. The charge is removed when the 6 years expire and after the Family Successor has met requirements over that period.
- Confirmation that Family Successor continues to actively work family farm will be required periodically over the six year duration – even if client leaves care before end of six-year Family Successor period, assuming they received financial benefit.
- **If requirements are not met, there will be a recoupment of financial benefit gained**



Who can be appointed Family Successor?

From Monday 23rd September 2024 the following family members, 18 years or older, of either the person in care or their partner may make an application to become a 'family successor' (new additions highlighted in ***bold***).

- Parent/Step-parent
- Child or Grandchild
- Brother/Step-brother
- Sister/Step-sister
- Uncle or Aunt
- Nephew or Niece
- ***Great-nephews or great-nieces***
- ***Great-grandchildren,***
- ***First cousins***
- ***A child, Grandchild or Great-Grandchild of a First Cousin***



Actively Running the Farm

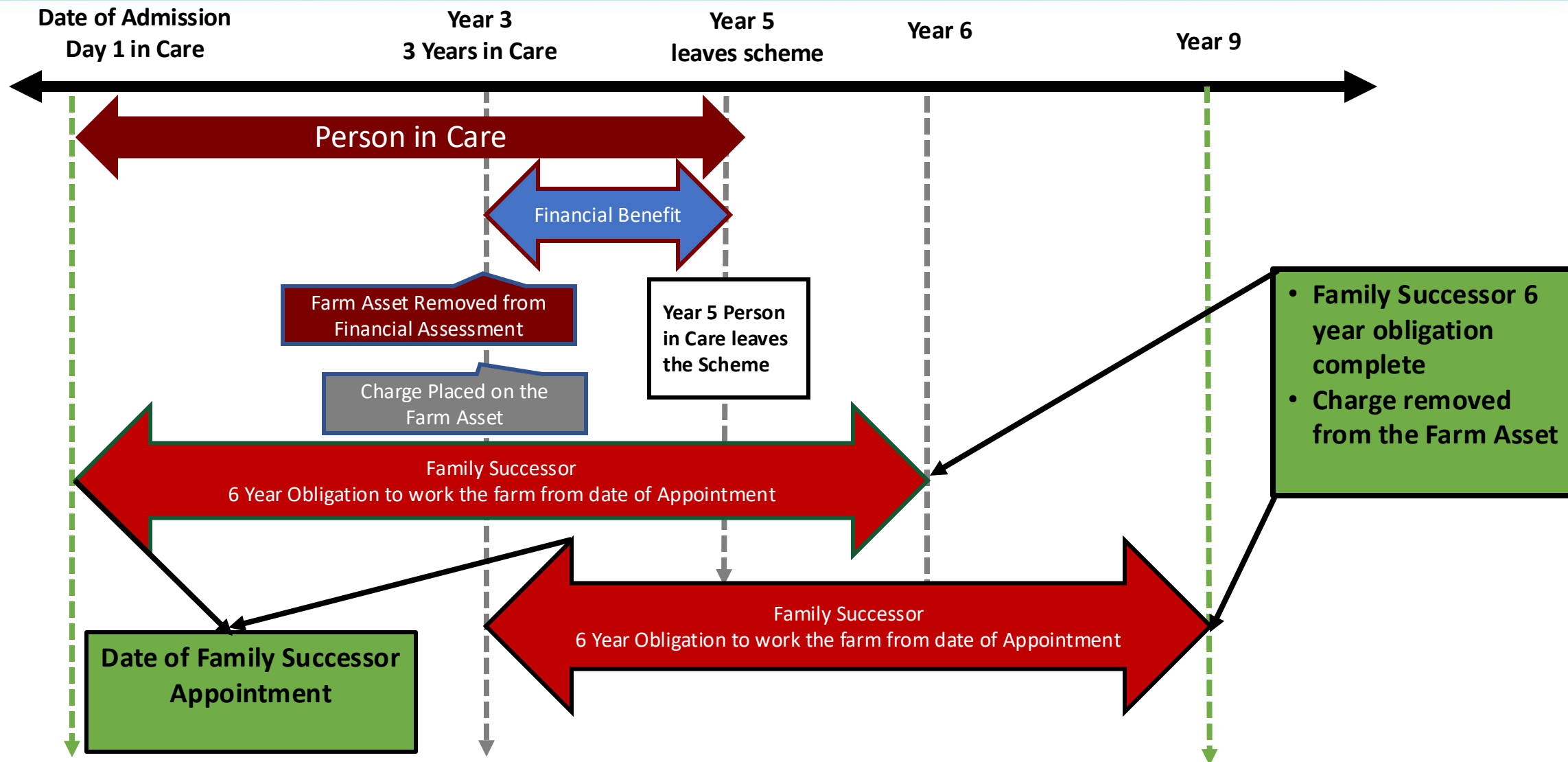
- Supporting Evidence

- This proof is usually an active Dept of Agriculture, Food & the Marine (DAFM) identifier
 - *the applicant should already have these documents in their possession*
- List of acceptable identifiers and other supporting documents are provided on the NHSS application form (Part 6, pages 33-34) & HSE Website



Family Successor

- Date of Appointment





Family Successor – Key Points

- A Family Successor must work the asset for a period of six years from appointment
- There can be a change in Family Successor in that period
- More than one FS can be appointed – but must be to different sections of the farm
- If the person in care passes before the 3 Year Cap timeline is reached:
No charge will have been placed on the farm & the Family Successor will not be required to complete the 6 years
- If the farm is inherited by a person who is eligible to be a Family Successor and is not the original FS, the inheritor will be entitled to apply to continue to work the asset.
- The registered owner of the land is responsible for any repayment of 3 Year Cap benefit
- If you apply for 3 Year Cap benefit after 3 years in care, the benefit will commence from date of appointment of FS and not at 3 years in care.



Land Registry Compliant Maps - Key Points

Map required to identify any assets contained in the master folio which do not attract the 3 Year Cap.

Those assets are therefore omitted from the HSE's Charging Order – e.g.:

- Principal private residence (already attracts 3 year cap)
- 2nd residence
- Leased land not attracting 3 Year Cap benefit

This map is required by the HSE when carrying out title check investigation and will be included with the HSE's application to Tailte Eireann when registering the HSE's Charging Order (Lien) on part of the applicant's folio/s

There are specific map requirements by Tailte Eireann, set out below:

- Must be a Land Registry Compliant Map
- Must be an Original (not a copy or colour copy)
- Must be certified by an Engineer or Architect
- Must outline in red the assets to be omitted from the HSE's Charging Order

Important Note:

The request for a Land Registry Compliant Map does not mean that the folio should be legally split. This map allows the HSE to place the charging order accurately on the correct assets within the folio i.e. farm land, yard, outbuildings and omit non-relevant assets.



Transferred Assets

What is the time period for assessing transferred assets?

- The definition of *transferred asset* is a person's interest in an asset which has been transferred at any time in the period of five years prior to, or any time subsequent to, the date of first NHSS application
- The estimated market value of the transferred asset is determined on the basis of the value of the asset at the time of the transfer
- If a farm is transferred in the five years before your date of first application, the farm may still be eligible for the 3 Year Cap benefit.



1. Principal Private Residence Rental Income

2. PPR Net Proceeds of Sale

1. PPR Rental Income

An NHSS client renting their PPR can apply to have the Rental Income of their PPR assessed at 0% (all other rental incomes are assessed at 80%).

- Must apply using the Supplementary PPR Rental Income Application Form – HSE Website

Criteria Requirements must be met

- Person receiving care services supported by Fair Deal
- The property is the PPR of that person and located in the state
- Rental payments are made to the client or their spouse/partner
- The property is registered with the Private Residential Tenancies Board *

2. PPR Net Proceeds of Sale

Where a person sells their PPR while in LTC, the Net proceeds from the sale of that PPR will qualify for the 3-year cap

What are “Net Proceeds of Sale”?

The Net Proceeds of sale amount is the amount of money received by the client or his / her partner following the sale of their principal residence after discharge of all mortgages and other liabilities relating to the sale.



Further Information

HSE Website - NHSS pages Application Form can be downloaded www.hse.ie/fairdeal

NHSS Application Form – step-by-step guide to the Scheme and completing the Application

HSE Live Freephone: [1800 700 700](tel:1800700700)
Monday to Friday, 8am to 8pm and Saturday, 9am to 5pm

Nursing Home Support Offices – location and contact details on Application Form

Courts Service – www.Courts.ie for Decision Making Representation Order applications

Decision Support Service (DSS) www.decisionsupportservice.ie for more info on DMROs