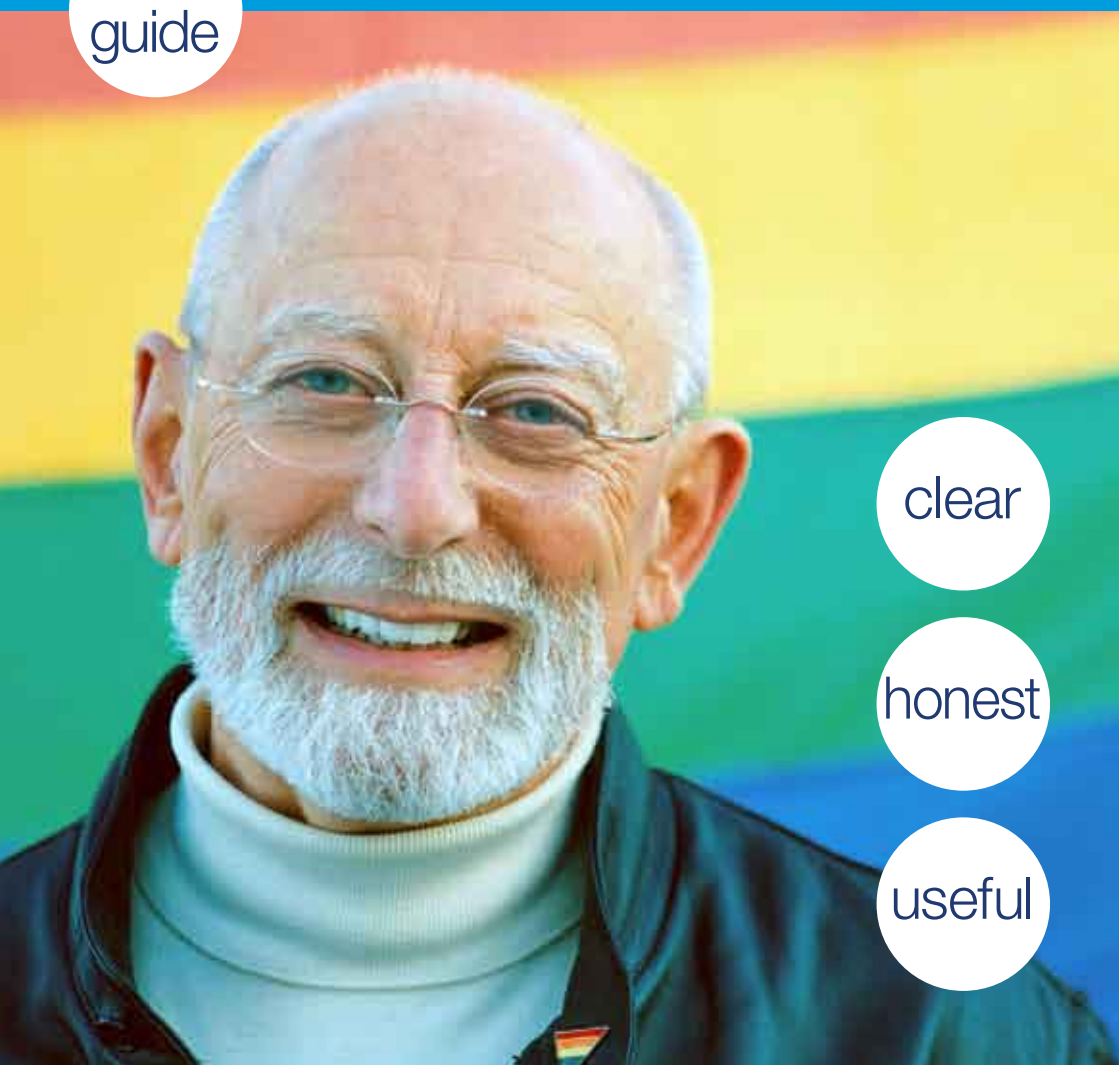


Later life as an older lesbian, gay or bisexual person

free
guide



clear

honest

useful

Contents

page 3	Introduction
4	Meeting others
5	Partnership rights
6	Older same-sex couples and benefits
7	Pensions for couples
8	Tax issues
8	Inheritance and wills
10	Making your wishes known
11	'Next-of-kin' status and incapacity
11	Tenancy rights
12	Safety, security and protection
14	Care services at home
15	Care services: dealing with problems
15	Direct payments
16	Being a carer
17	Housing and residential care
19	Coping with bereavement
20	Useful organisations
24	What should I do now?

Age Concern provides information free for older people, their families and those who work with them. If you would like to make a donation to support our work please visit www.ageconcern.org.uk

Printed on paper made from 100% post-consumer waste

Code: ACIG18

Date of publication: March 2008

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This guide is not a comprehensive statement of the law in this subject and Age Concern cannot give individual legal or financial advice.

The information in this guide describes the situation in England. Different rules may apply in Northern Ireland, Scotland and Wales.

Some rules may have changed since the publication of this guide.

If you have any queries which this guide does not answer, seek further advice from one of the organisations suggested.



Introduction

You may be surprised to have picked up this guide specifically aimed at older people who are gay, bisexual or lesbian. Many of the issues relating to planning for later life will of course be very similar whether you are gay or heterosexual. However, there are some things that might need different attention. On the positive side, this is because the legal context is changing in a mainly very helpful way in relation to gay people. On the negative side, there may be some difficulties you are facing in relation to others' assumptions or prejudices that could require a distinct approach.

Throughout this guide you will find suggestions for organisations that can give further information and advice about your options. Their contact details can be found in the 'Useful organisations' section.

▶ **pages 20–23** Contact details for local organisations can usually be found in your local phone book. If you have difficulty finding them, your local Age Concern should be able to help. ▶ **page 20**

As far as possible, information given is applicable across the UK but in some instances different arrangements may apply in Northern Ireland, Scotland and Wales. Readers in those countries are advised to contact their national Age Concern organisations for further information where appropriate.

▶ **page 20**

Meeting others

Does it sometimes feel as if you are the only lesbian or gay person with grey hair and on a pension? It can be lonely getting older but if we are also gay, the lesbian and gay pubs and clubs can feel as out of bounds as the traditional old people's day centres. We do not seem to 'fit' easily in either world.

You are not alone! Older lesbians and gay men may seem more invisible but of course we are still out there!

If you have access to the internet, you can join internet discussion forums and make contact with other older lesbian, gay and bi people.

If you prefer talking on the phone, you can find your local lesbian and gay helpline by contacting the London Lesbian and Gay Switchboard. ► [page 22](#)

Do not rule out the possibility of using a personal ad. Many people find lifelong friends and even partners through personal advertisements, and you can keep your details confidential through the message systems that most reputable papers now operate.

what
next?

You could start by trying the Age Concern internet discussion forums. Go to www.ageconcern.org.uk/discuss, click on 'Discuss' and then do a search for 'lesbian', 'gay' or 'bisexual'. Why not check if there is a 'men seeking men' or 'women seeking women' section in your local papers?

Partnership rights

Civil partnerships for same-sex couples came into effect in December 2005. Civil partnership is not 'marriage' in the religious sense of the word but, for the first time, it gives registered same-sex couples the same rights, privileges and responsibilities in almost every area that heterosexual couples get when they marry. These include:

- 'next-of-kin' rights
- pensions and benefits
- tax implications
- inheritance
- tenancy
- bereavement and registration of death.

If you are in a relationship, it is a personal decision whether or not you wish to have it formally registered. But, as you get older, the status of civil partnership could provide important increased security for you as a couple.

what
next?

For more detailed information on same-sex partnership rights contact Age Concern. ► [page 20](#)



Older same-sex couples and benefits

One of the most important things you need to know is that, for certain benefits, same-sex couples who live together are now treated as a couple and no longer as two single people, whether or not they have registered a civil partnership. This brings same-sex couples in line with heterosexual couples but may have financial disadvantages for some people.

For example, it may reduce means-tested benefits such as Pension Credit, Housing Benefit or Council Tax Benefit because your partner's income will be included as part of the overall assessment.

It will not, however, reduce non means-tested benefits such as a state retirement pension or Attendance Allowance, which are paid to you because of your individual circumstances.

If you receive any means-tested benefits it is very important that you notify the office that pays your benefits soon as possible. If you do not disclose that you have a civil partner or are living together as civil partners this will be viewed as a fraudulent claim and any amount overpaid will be recoverable.

what
next?

For more information about which benefits are means tested and which are not, contact Age Concern.

▶ [page 20](#)

Pensions for couples

The law has now been changed to extend state pension rights to civil partners. Civil partners who do not have enough National Insurance contributions in their own right may qualify for a basic state pension when their partners who were born after 6 April 1950 reach state pension age.

If your civil partner dies, you may be able to qualify for a state pension based on your deceased partner's contribution record, or you may be entitled to some Graduated or Additional Pension.

Survivor benefits in pension schemes

Civil partners are now entitled to a survivor's pension from their civil partner's occupational pensions on the same basis as if they were widowed.

Private pension schemes are not under any legal obligation to extend survivor benefits to unmarried/unregistered partners, but you can nominate someone to benefit.

Widow's benefit

Lesbian or bisexual women who have previously been married and are being paid a widow's pension lose this if they enter into a civil partnership.

what
next?

You should both contact your respective pension schemes to ensure that your wishes are made explicit, or contact the Pension Service for more information.

▶ page 23

Tax issues

Civil partners born before 5 April 1935 can claim the married couples' tax allowance and tax benefits that allow someone to transfer savings to a partner who pays no tax or tax at a lower rate. They can also inherit money and property from their partner without paying inheritance tax.

This rule does not apply to partners living together who have not registered their partnership. Where the value of assets, such as a house, exceeds the inheritance tax exemption amount, the surviving partner might have to sell their home to pay the tax debt after their partner's death.

what
next?

Same-sex partners who choose not to enter into a civil partnership should consider taking out appropriate life insurance. This is a complex field and Age Concern recommends you seek independent financial advice.

Inheritance and wills

It is important to make a will. It is even more important if you are lesbian or gay and think that family members might contest your wishes.

Civil partners have the same inheritance rights as married couples. If a couple entering into a civil partnership already have wills, those become null and void under civil partnership legislation unless each partner adds a codicil explaining their new situation, preferably before becoming civil partners.

what
next?

Information guides *Putting your affairs in order* and *What to do when someone dies* are available from Age Concern. ▶ [page 20](#) The Law Society publishes a guide called *Plan before you partner up*. ▶ [page 22](#)



case
study

Eric was worried about how secure he would be in his own home if anything happened to his partner...

- “ I moved in with my partner George 10 years ago. George holds the tenancy for the flat in his name only, we haven’t organised our civil partnership and neither of us has made a will yet. George’s son Richard really dislikes me, and our relationship, and so I worry what might happen if anything happened to George. It is a hard subject to talk about as I don’t want George to feel pressured in any way.
- “ The other evening, we met another couple who told us about a gay-friendly solicitor who had helped them with their wills and Lasting Powers of Attorney. Age Concern told us we should approach our landlord to find out what the position is, as I should be entitled to take on the tenancy if George died or possibly be added to the tenancy agreement. We have made a date with the solicitor to get it all sorted and we may even ‘tie the knot’ with our civil partnership this year to celebrate our 10 years together. ”

Making your wishes known

If you want someone specific to be able to look after decisions in the event that you were to lose mental capacity, you should consider making Lasting Powers of Attorney (LPAs). These replace Enduring Powers of Attorney.

There are separate LPAs for Property and Affairs and for Personal Welfare and both need to be formally registered with the Office of the Public Guardian, which does involve some cost. The Personal Welfare LPA might be particularly relevant if you have family members who could exclude your partner or gay friends in future, as it enables you to specify who you want to have contact with and what kinds of social activities you want to be involved with.

When deciding who to choose as your attorney(s) it is important to make sure you choose someone you can trust to act in your best interests.

what
next?

To find out more about LPAs and to order the relevant forms, you can contact the Office of the Public Guardian ► [page 23](#) or contact Age Concern ► [page 20](#) for further information.



‘Next-of-kin’ status and incapacity

The concept of ‘next of kin’ actually has very limited meaning in the context of healthcare. The individual concerned is the only person who can give his or her consent to any treatment, unless they have authorised someone to do so on their behalf under a Lasting Power of Attorney. You can refuse treatment by making an advance decision (sometimes known as a living will).

Otherwise health professionals make decisions based on the best interests and medical needs of that patient, in consultation with those closest to the patient, such as his or her partner. There have, however, been anecdotal cases of same-sex partners being excluded from consultation or access to information, and even being denied the right to visit. A civil partnership can help to make your status clearer.

Tenancy rights

A lesbian, gay man or bisexual in a same-sex relationship now has the same right as a spouse or cohabitee of the opposite sex to take over a deceased partner’s tenancy.

In most cases, if two people register a civil partnership or live together as if they are civil partners and one is a tenant, he or she should be entitled to add the partner’s name to the tenancy.

what
next?

This is still relatively new legislation so it is important you and your landlord are aware of your rights. To find out more contact Stonewall. ► [page 23](#)

Safety, security and protection

Most lesbian, gay and bisexual people are used to living with some degree of fear and apprehension about other people's prejudice. Older gay and bisexual men will have had early experiences of living their lives outside the law, which might understandably breed mistrust of the police.

Fortunately, times really are changing. Even if there are still incidents of individual police-officer prejudice, organisational structures to address discriminatory practice are much more rigorous.

If you or someone you know receives any kind of verbal abuse, hate mail, intimidation or violence, it is important to seek help. If the abuse is because of your or their sexual orientation, it is also vital that the police are aware that this is a homophobic crime. If you are unhappy with the police's response, all police departments have formal complaints procedures.

Violence at home

People in same-sex relationships can also be the victims of domestic violence within their relationship and may be more reluctant to report this because of uncertainty about how it will be dealt with. Again, it is very important not to suffer in silence and to seek help and support.

what
next?

For help and information relating to homophobic crime, contact the GALOP helpline. ▶ [page 22](#) For help and information relating to domestic violence, contact Broken Rainbow. ▶ [page 21](#)



case
study

Cath was surprised to find how helpful the local police were, when she was having problems with her neighbours...

- “ I am a 68-year-old lesbian and live on my own in a council flat. I have always got on reasonably well with my neighbours until recently a new family moved in next door, whose two teenage sons have started to hassle me. It started with them pointing and laughing but has now become more intimidating as they have used abusive language about ‘dykes’. I was sleeping badly at night, worrying that they might break in.
- “ I didn’t really want to contact the police as I wasn’t sure how they’d react. But when I finally plucked up courage to talk to them, I found they had a Lesbian, Gay, Bisexual and Transgender Liaison Officer who treated my fears very seriously and spoke to the Council’s Housing Officer. The boys have received a formal warning from the Council, as the tenancy agreement fortunately includes a clause about harassment of neighbours. It is still not easy for me, but I do feel I have back-up if things get worse. ”

Care services at home

As you become older and more dependent on others, you can suddenly find your privacy increasingly undermined by visitors from health and social services. In some cases, this can put lesbians or gay men off asking for help and support because they are fearful of intolerant or insensitive reactions from strangers.

In reality, care is generally offered by staff who will not judge you and with whom, over time, you may be able to talk openly. Since the implementation of the Government's Equality Act (Sexual Orientation) Regulations 2007, no service provider can discriminate against you because you are lesbian, gay or bisexual.

what
next?

More information is available from Stonewall's leaflets *The colour of your money* and *Protecting patients – your rights as lesbian, gay and bisexual people*.

▶ page 23

- ❏ **My home care worker said she was unhappy about washing me after I had cut myself shaving as she thought I might have AIDS. She has also insinuated in the past that I must be a paedophile just because I am a gay man. I found myself dreading her visits because she is so obviously homophobic.**
- ❏ **When I spoke to the home care manager and dropped the new Equality Act legislation into the conversation, she was extremely apologetic and said she would find another regular home care worker for me. She was also going to ensure that the worker concerned received a warning about her behaviour and attended some further training. Hopefully no other gay person will have to put up with this again. ♪**

Care services: dealing with problems

If you ever experience prejudice or intimidation from a worker relating to your sexual orientation, do make a complaint to the service manager.

This is not something you should have to put up with any more as an inevitable part of being lesbian, gay or bisexual. You now also have the law, as well as justice and common sense, on your side.

Although it may feel daunting to make an issue of a prejudiced comment made by a care worker, it is important not only for your peace of mind but also for other lesbian and gay people who may use the service in future.

what
next?

If you are not satisfied by the response from the service manager, you are entitled to pursue the matter further through the Commission for Social Care Inspection. ► [page 21](#)

Direct payments

Some older lesbians and gay men have found that opting for the direct payments system offers them more freedom to organise their own care and therefore use carers they feel comfortable with.

what
next?

More information on direct payments is available from Age Concern's leaflet *Direct payments from social services – offering choice and control to older lesbian, gay and bisexual people*. ► [page 20](#)

Being a carer

There are many aspects of becoming a carer to someone else – whether an ill or disabled partner or parent – that can make you feel invisible in terms of your own identity and feelings.

As a lesbian, gay or bisexual person looking after a partner, there is also a continual pressure to ‘come out’ about the nature of your relationship as you come into contact with the various professionals involved in their care. It can feel quite strange to be back in this position after many years of just getting on with your lives together.

If you are caring for a parent, your own lesbian or gay identity may feel as if it is pushed to one side, particularly if you are living with the parent and are no longer as free to enjoy a sexual relationship as you were.

Try and ensure you make time for your own needs and interests. To help with this, social services are required to do a separate carer’s assessment in which you can request ‘respite’ time away from your caring role and be advised on relevant benefits.

what
next?

If you would like to talk to a lesbian or gay person about being a carer for someone with dementia, the Lesbian and Gay Network of the Alzheimer’s Society offers a telephone support service. ▶ [page 20](#)

For general information for carers, you can contact Carers UK ▶ [page 21](#) or the Princess Royal Trust for Carers. ▶ [page 23](#)

Housing and residential care

It was such a relief when the manager of the extra-care scheme where I was living encouraged me to open up about my lesbian identity. She didn't push me but she gave plenty of positive messages that she didn't have a problem. It immediately helped me to feel that I was accepted for the whole of me, and more important that I felt safe in my own home. »

If you find yourself needing more intensive care and support at home, for yourself or a partner, you could be facing a difficult decision whether to move into sheltered housing or residential care. As an older lesbian, gay or bisexual person, you will understandably want to know whether you will find an atmosphere in which you feel you can be yourself and be open about your sexual orientation, if you wish. Issues of privacy and freedom of visits for your partner and friends might also be very important.

Finding the right home

There are currently no specialist housing options for older lesbian and gay people in the UK. There are, however, increasing numbers of new developments in 'extra care' housing, which offer the privacy of independent flats with the increased support of a care home. These can offer positive new choices for older lesbian and gay people.

► Continued on next page

► Continued from previous page

When finding a care home or sheltered housing scheme, there are ways in which you can find out more about the attitudes of the manager and staff. If you are confident enough, you could ask the manager directly what their policy is towards lesbian, gay and bisexual residents. The way the manager responds will indicate how comfortable they are with the subject. If you do not want to ask directly, you could ask about other issues, such as how the home accommodates personal relationships in general or whether there is a code of practice on privacy.

Funding residential care

This is an important and complex area and Age Concern produces a range of introductory and detailed information about it. If you are living with a civil partner, your house will not be included in the financial assessment if one of you wishes to remain in your house, as the 'disregard of property' rule will apply.

what
next?

Contact Age Concern for further information on retirement housing and care homes. ► page 20
Age Concern produces information about funding residential care and their publication *The whole of me – meeting the needs of older lesbians, gay men and bisexuals living in care homes and extra care housing* highlights things to expect in organisations positive about lesbian and gay issues. ► page 20

Coping with bereavement

A listening ear

Losing a partner or a close friend is of course extremely traumatic and difficult. If you have led a reasonably private life as a couple, you may find it harder to find the support you need to talk about your loss.

what
next?

If you would like someone to talk to, contact the Lesbian and Gay Bereavement Project, London Lesbian and Gay Switchboard or the London Friend Helpline. ► [page 22](#)

Registering a death

Civil partners register the death of their partner in the same way as married couples.

Bereavement payments or allowances

Civil partners are entitled to the same bereavement payments as married couples. However, these will vary depending on whether you or your partner are of pensionable age.

what
next?

For more information, contact the Benefit Enquiry Line ► [page 21](#) and ask for the leaflet WID A5DWP and the bereavement benefit form BB1 to make a claim, or go to www.jobcentreplus.gov.uk

Contact Age Concern for more information about pensions and entitlement to survivor benefits for same-sex couples. ► [page 20](#)

Useful organisations

Age Concern

For further information and details of your local Age Concern in England, call the Age Concern Information Line on 0800 00 99 66 (free call) or visit our website at www.ageconcern.org.uk
In the rest of the UK, contact your national Age Concern office (see below).

Age Concern's Opening Doors programme

Publications, resources and events for and about older lesbian, gay and bisexual people.
Website: www.ageconcern.org.uk/openingdoors

Age Concern Northern Ireland

Tel: 028 9024 5729 (national call rate)
Website: www.ageconcernni.org

Scottish Helpline for Older People (Age Concern Scotland)

Tel: 0845 125 9732 (lo-call rate)
Websites:
www.olderpeoplescotland.org.uk
www.ageconcernscotland.org.uk

Age Concern Cymru

Tel: 029 2043 1555 (national call rate)
Website: www.accymru.org.uk

Alzheimer's Society Lesbian and Gay Network

Can be contacted through the Alzheimer's Society national helpline: 0845 300 0336 (lo-call rate).
Support service for lesbians or gay men in support roles.
Tel: 01843 220932 or 01865 847471 (national call rate)
Website: www.alzheimers.org.uk/gaycarers

Benefit Enquiry Line

Government-run information line providing information on benefits for people with disabilities, carers and representatives.

Tel: 0800 88 22 00 (free call)

Broken Rainbow

Provides help and information on domestic violence for gay men and lesbian women.

Tel: 0845 260 4460 (lo-call rate)

Website: www.broken-rainbow.org.uk

Carers UK

General help and advice for all carers.

Tel: 0808 808 7777 (free call)

Website: www.carersuk.org

Commission for Social Care Inspection (CSCI)

Responsible for the registration and inspection of social care services in England. You can read online or request copies of their inspection reports on care homes and domestic care agencies.

Tel: 0845 015 0120 (lo-call rate)

Website: www.csci.org.uk

Elderly Accommodation Counsel

Maintains a nationwide database of housing for older people and provides guidance to help enquirers choose suitable accommodation.

Advice line: 020 7820 1343 (national call rate)

Websites:

www.housingcare.org

www.eac.org.uk

GALOP

A lesbian, gay and bisexual anti-violence charity helpline. You can contact them as a safe third party if you are anxious about going directly to the police.

Tel: 020 7704 2040 (national call rate)

Website: www.galop.org.uk

Law Society

Representative body for solicitors in England and Wales. Use the telephone number below to order *Plan before you partner up*.

Tel: 0870 3333 084 (lo-call rate)

Website: www.lawsociety.org.uk

Lesbian and Gay Bereavement Project

Tel: 020 7403 5969 (national call rate)

London Friend

Charitable organisation serving the lesbian, gay, bisexual and transgender community.

Tel: 020 7837 3337 (national call rate)

Website: www.londonfriend.org.uk

London Lesbian and Gay Switchboard

24-hour information and helpline.

Tel: 020 7837 7324 (national call rate)

Websites:

www.llgs.org.uk

www.queery.org.uk (for events)

Office of the Public Guardian (OPG)

For information and forms for Lasting Powers of Attorney.

Tel: 0845 330 2900 (lo-call rate)

Website: www.publicguardian.gov.uk

Pension Service (The)

For details of state pensions, including forecasts and how to claim your pension.

Tel: 0845 60 60 265 (lo-call rate)

State Pension Forecasting Team: 0845 3000 168 (lo-call rate)

Website: www.thepensionservice.gov.uk

Polari

Works for better services for older lesbians, gay men and bisexuals and runs an information service.

Tel: 020 7255 4480 (national call rate)

Website: www.casweb.org/polari

Princess Royal Trust for Carers

Runs a network of carers' centres around the country.

Tel: 020 7480 7788 (national call rate)

Website: www.carers.org

Stonewall

National organisation that campaigns for legal equality and social justice for lesbians, gay men and bisexuals.

Tel: 020 7593 1850 (national call rate)

Website: www.stonewall.org.uk

What should I do now?

If you would like more information on the issues covered in this guide, to order further information guides or to obtain this guide in a more accessible format, please get in touch.

Call the Age Concern Information Line on 0800 00 99 66 (free call) or visit our website, www.ageconcern.org.uk/information

The following Age Concern information guides may also be useful:

- *Financial help in retirement*
- *Help with care in your own home*
- *Putting your affairs in order.*

Age Concern publishes a range of books on issues relevant to older people. Browse our online bookshop at www.ageconcern.org.uk/bookshop

Contact details for your local Age Concern may be in the box below. If not, call the Age Concern Information Line on 0800 00 99 66 (free call).

