

**Additional Payments for Accommodation  
In Care Homes**

**(Top-Up Fees)**

**Policy**

**2018**

**CONTENTS**

<b>Contents</b>	<b>Page</b>	<b>Section</b>
<b>POLICY</b>	<b>4</b>	
<b>Scope</b>	<b>4</b>	<b>1</b>
<b>Choice of Accommodation</b>	<b>4</b>	<b>2</b>
<b>Third-Party Top-Ups</b>	<b>4</b>	<b>3</b>
<b>First-Party Top-Ups</b>	<b>5</b>	<b>4</b>
<b>Price Increase</b>	<b>5</b>	<b>5</b>

**APPENDICES:**

## INFORMATION SHEET

<b>Service area</b>	Complex Care, Financial Assessment and Social Care Commissioning
<b>Date effective from</b>	January 2018
<b>Responsible officer(s)</b>	Divisional Manager Complex Care Area Manager Revenues & Benefits Quality Assurance Manager Complex Care and Commissioning Policy Officer (Communities)
<b>Date of review(s)</b>	September 2018
<b>Status:</b> <ul style="list-style-type: none"> <li>• <b>Mandatory (all named staff must adhere to guidance)</b></li> <li>• <b>Optional (procedures and practice can vary between teams)</b></li> <li>• </li> </ul>	Mandatory
<b>Target audience</b>	Complex Care Financial assessment and commissioning teams
<b>Date of SMT decision</b>	30/01/18
<b>Related document(s)</b>	Charging Policy 2018 Mental Health Act, Section 117 Policy, HBC 2015 Choice of Accommodation Under the Care Act – Top Up Payments – Information for Providers and Clients (2017) Choice of Accommodation Under the Care Act, First Party, Third Party and S117 Top-Ups – Information for HBC Social Care Workers (2017) Competition & Markets Authority (2017) – Care homes market study, 30 <sup>th</sup> Nov., 2017).
<b>Superseded document(s)</b>	None
<b>File reference</b>	GGCTUPJAN18

<p><b>1</b></p> <p>1.1</p>	<p><b>POLICY</b></p> <p><b>Scope</b></p> <p>This is a joint policy between Halton Borough Council (HBC) and NHS Halton Clinical Commissioning Group. The policy is intended to assist officers of Halton Borough Council involved in carrying out social care needs' assessments and financial assessments. It also includes officers carrying out reassessments, reviews and support planning, or who are otherwise involved in the arrangement and administration of services for people with assessed eligible care needs. It provides a clear framework to the Council's position on Care Home Top-Up payments.</p> <p>The Care Act 2014, The Care and Support and After-care (Choice of Accommodation) Regulations 2014 and the revised Care and Support Statutory Guidance (Annex A) published by the Department of Health in February 2017 provide the legal framework in relation to top-up charges or 'additional payments' for residential care placements.</p>	<p>The government is to publish a green paper on care and support for older people by the summer of 2018.</p>
<p><b>2</b></p> <p>2.1</p> <p>2.2</p> <p>2.3</p> <p>2.4</p>	<p><b>Choice of accommodation and additional payments</b></p> <p>The Adult Social Care assessment determines the level of funding to be provided by Social Care, which reflects an individual's care and support needs. The financial assessment completed by the Income Assessment and Debtor's Team determines the contribution towards care costs to be met by the service user. Together, the agreed Adult Social Care budget and the calculated service user contribution are referred to as a 'personal budget.' This is the total amount the Council has agreed can be spent on the person's social care and support needs.</p> <p>Many care homes in Halton offer accommodation that can be paid for by a personal budget for residential care which is allocated to people who are assessed by Adult Social Care as firstly being eligible for services and secondly having savings and assets below the upper capital limit of £23,250. However, this policy focuses on more expensive accommodation, which is subject to additional payments, often referred to as 'Top-Up' payments.</p> <p>Choosing a care home is an important decision which requires careful consideration and planning in terms of practicalities, the wellbeing of the individual and financially. The Council is committed to ensuring that at least one choice of accommodation is affordable within an individual's agreed personal budget. However, there may be circumstances in which a person chooses to move into a care home that costs more than their personal budget. This could be for reasons of comfort, location or personal preference.</p> <p>Where a person chooses a setting that is more expensive than the amount identified in their personal budget arrangements can be made in certain circumstances as to how the difference will be met. This is known as a 'top-up' payment and is the difference between the amount specified in the personal budget and the actual cost. In such cases, arrangements can be made for the person to be placed in their preferred placement provided a third party is willing and able to meet the additional cost. In certain circumstances the person in need of care and support meets the criteria to pay their own top up (referred to as first party).</p> <p>Where someone is placed in a more expensive setting solely because the Council has been unable to make arrangements at the anticipated cost, the additional cost will be reflected in the person's personal budget.</p>	
<p><b>3</b></p> <p>3.1</p> <p>3.2</p>	<p><b>Third party top-ups</b></p> <p>A Third party is someone who is willing to pay the difference between what the care home charges and the council agrees to pay. This could be a friend, relative, or charitable organisation (such as the armed forces). If this is the case, they can pay the shortfall through what is known as a 'third party top-up'.</p> <p>The third party must be aware that they are committing to the payment of the top-up for the full duration of the person's stay in a care home. At no point can the third party use</p>	<p>The Composition and Marketing Authority - <i>Final Report, Care Homes Market Study (30<sup>th</sup> Nov., 2017)</i> has</p>

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p>	<p>the cared for persons assets or income to cover the top up payments.</p> <p>Where a top up is being levied a care home placement cannot be confirmed until the third party has agreed to the terms and conditions of the tri-partite agreement; the contract between the Council, the care provider and the third party, in writing.</p> <p>Only one person can be named as the third party contributor on the tri-partite agreement, which confirms the details of the placement. However, this does not mean that the named person cannot collect funding from other friends, relative, or charitable organisation, who may also wish to contribute to the top-up payment. It does however mean that the named person is responsible for making payments directly to the home, or via the Council, and may be liable for any default on the payment.</p> <p>The most effective method of payment will be based on an individual case basis and the most effective solution agreed. This will either be to make their own separate arrangement with the home for payment of the Top-Up component or in some circumstances the Council to pay on their behalf.</p> <p>Where someone is placed in a more expensive setting solely because the council has been unable to make arrangements at the anticipated cost, the additional cost will be reflected in the person's personal budget</p> <p>If the third party is no longer able to continue with the agreement, the Council must be informed of this as soon as possible. The Council will then consider the options available and complete a needs assessment of the cared for person to determine the most appropriate course of action, which may include moving the person to an alternative care home. The Council will pay the top-up charge until alternative arrangements to meet the cared for person's needs have been confirmed.</p> <p>Third party top-up agreements will be reviewed annually by the social worker completing the review of the cared for person's needs and placement arrangements.</p>	<p>recommended stronger protection and clearer policy and guidance on the payment of 3<sup>rd</sup> Party Top-Ups.</p> <p>The CMA report suggests: Care Act Statutory Guidance needs to provide better information for Care Home residents, their families and those arranging care. It also stresses providers should not approach them or their representatives such as relatives in order to ask for a Top-Up.</p>
<p>4</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p><b>First-party top-ups</b></p> <p>The person whose needs are to be met by the care home placement may themselves eligible to make top-up payments in some circumstances.</p> <p>A person can pay their own top-up fee (known as a first-party Top-Up) if:</p> <ul style="list-style-type: none"> <li>• they have entered into either a 12 week Property Disregard;</li> <li>• They have a Deferred Payment Agreement in place;</li> <li>• They are receiving accommodation that is provided under Section 117 for mental health aftercare.</li> </ul> <p>First party top-ups may be an option where the person owns their own property and is subject to a 12-week property disregard. The top-up may be paid from the cared for person's disregarded income or savings (savings below the lower capital limit) during this period. If after the 12 week property disregard period the resident does not want to join the Deferred Payment Scheme, they can no longer pay their own top-up charge and a third party would have to assume responsibility for the payment of the top-up.</p> <p>Once accepted onto the Deferred Payment Scheme, the Council will pay the top-up payments directly to the provider, along with any other accommodation costs that are to be added to the property debt, until such a point that the property is sold. The Council will then recover the total amount loaned to the person to cover their accommodation and top-up charges, plus an amount for interest and administrative costs.</p>	<p>Deferred Payment Policy 2018</p>
<p>5</p> <p>5.1</p>	<p><b>Price increases</b></p> <p>Halton does not guarantee that any increases to accommodation fees will be covered by the Council. As a consequence, there may be a greater difference between the personal budget of the cared for person and the increased accommodation charge. This means that any additional amount that the Council is not able to pay, will need to be funded through an increase in the top-up paid by the third party, or be added to the loan available through the Deferred Payment Agreement.</p>	

5.2	<p>The person agreeing to pay the top up needs to be made aware at the point of agreeing the top up that the top up may not be static and could be subject to increase, not more than annually.</p> <p>If the cared for person has a change in circumstances, a new financial assessment will need to be completed which may change the level of contribution the person has to pay. However, this may not reduce the need for a top-up payment.</p>	
-----	--	--