

Information Leaflet - Choice of Accommodation and Top Up Payments

What do I need to know?

Introduction

This leaflet tells you about your rights to choose the care home where you will receive care and support, once the care planning process has identified that this type of accommodation is the most appropriate way of meeting your needs. It also explains what you will have to do if you wish to choose accommodation that costs more than the amount that has been specified in your personal budget for the provision of that type of accommodation.

Solihull Council (the Council) will always use the care planning process to determine whether your needs are best met in a particular type of accommodation (e.g. a care home, shared lives, supported living or extra care housing). You will be advised which type of accommodation will meet your care needs.

A personal budget is the total amount we have worked out can be spent on your social care and support needs. To work out your personal budget we will assess your care and support needs and, if you meet the criteria for social care, we will work out how much money it would cost to meet your needs. You will be **financially assessed** to work out **how much you can afford to pay towards your personal budget**.

Your right to choose

The care planning process identifies how your needs are to be met. Where this involves a particular type of accommodation, you have the right to choose between different providers and/or locations of that type of accommodation in England provided that:

- The accommodation is of the type specified in your care and support plan and is suitable for your assessed needs. Social work staff will be able to advise you which types of accommodation are suitable.

- To do so would not cost the Council more than the amount specified in your personal budget. **However**, you might wish to choose a setting that costs **more** than the amount in your personal budget. If you do, the difference between the accommodation's weekly charge and your personal budget will have to be met. This is called a **top up payment** and is explained later in this leaflet.
- The accommodation is available. The accommodation that you choose may not have space available. If you do not want to choose different accommodation it may be necessary for you to go on a waiting list until a place becomes available. While you are waiting you we can arrange for you to go into alternative, suitable accommodation or receive care at home while you are waiting. This is called an Interim Care Arrangement.

Your social worker will tell you how long you are likely to wait but this will only be an estimate and not a guarantee.

If the temporary accommodation **we** have arranged charges more than the amount in your personal budget **we** will pay the difference. But **if you** then decide to stay in that accommodation permanently you will only be able to do so if **a top up** is paid – top up payments are explained later in this leaflet.

- The care provider is willing to enter into a contract with the Council at the rate identified in the Personal Budget and on our normal terms and conditions

The above choice applies to all care providers both within and outside the Borough.

You may wish to choose to live near to where you are now living or move to a different area to be closer to your family, or in a specialist home such as one run by a religious organisation. There are special cross-border arrangements if you wish your local council to arrange for you to live in accommodation in Wales, Scotland or Northern Ireland. You should seek advice from social work staff if you would like your local council to arrange this.

If you are in hospital

You have all of the rights set out in this leaflet if you are going to move from hospital to accommodation of your choice, but there are some special rules for this.

Once the medical staff are sure that you can be discharged from hospital the law requires that the council must arrange your move within a very short period. If the accommodation that you choose does not have a place available, it will not be

possible for you to stay in hospital until a place becomes available and you may then need to have an Interim Care Arrangement, as set out above.

Your right to choose more expensive accommodation and top up payments

When making your choice, you may choose a setting that costs more than the amount identified in your personal budget. There are many reasons why a setting may cost more, such as commercial business reasons, or because it considers it provides accommodation of a superior standard, for example a bigger room or other additional services.

The amount identified in your personal budget must be sufficient to meet your needs and we will ensure that at least one option is available that is affordable within your personal budget and will try to ensure that there is more than one. **However**, you can choose to live somewhere that costs more if you wish. If you do, your family, a friend or someone else such as a charity, or in some limited circumstances you, must be willing and able to make **a top up payment** to cover the difference between the care home's fees and the amount in your personal budget for the duration of your stay. **This is in addition to the amount you will have been financially assessed to pay towards your personal budget.** If no suitable accommodation is available within the amount in your personal budget, the personal budget will be adjusted to meet the costs of the accommodation needed to meet your assessed eligible needs.

It is very important that you are aware of the following:-

- The amount set in your personal budget will be reviewed regularly and may increase to ensure the amount is still sufficient to meet your eligible needs. **However**, we cannot guarantee that the accommodation will increase its costs at the same rate and this may affect the level of the top up payment.
- The top up will always be the difference between the care home's fees and your personal budget.
- Whoever is paying the top-up (you or the third party) will need to sign a written agreement that they are **willing and able** to meet the difference in cost and will continue to do so throughout your stay.

- Prior to signing the agreement, the person paying the top up will need to provide evidence that paying the top-up is sustainable for the period over which the person will want to use the top-up.
- Typically, where the top-up amount is more than £25.00 per week: The Third Party will need to provide evidence that they have savings to the value of at least three years worth of the required top-up amount, or complete a budget sheet to demonstrate that they have weekly income that exceeds their weekly expenditure by the required top-up amount.
- If the person paying the top-up cannot satisfy us that they will be able to afford the top up for the likely duration of your stay, we will not agree to arrange care and support in your preferred accommodation.
- The person paying the top-up should be aware that the top-up amount may vary as providers review their fee levels.
- If the person paying the top-up is unable to continue to pay the difference you may have to move to another room within the accommodation or to another accommodation that charges fees that are within the amount set in your personal budget.
- Any move to other accommodation will only happen after a community care and risk assessment of your needs to make sure that the other accommodation is right for you.

I am considering paying a top up fee, what does this mean for me?

It is important to note that usually **most of your income** will be used in the financial assessment to work out what **you can afford to pay towards your personal budget**. Therefore you can only use your savings or any income that is disregarded in the financial assessment to pay the top up fee, **and**

You can only pay the top up fee in the following circumstances:

- If you are subject to a 12 week property disregard
- You have a deferred payment agreement with the Council
- You are receiving accommodation provided under S117 for mental health aftercare
- If you are eligible for a deferred payment agreement it must be sustainable for at least three years if the top up is to be included in the deferred amount. We may not agree to defer the top up if the deferred payment period is less than three years.

If you do not meet these conditions someone else will have to pay the top up.

We will need to know that whoever is going to pay the top up fee is willing and able to make the additional payment for the likely duration of the contract. We will therefore want to assure ourselves that the person can afford this and will ask them to sign a written agreement confirming they are willing and able to make the payments.

What will be in the written agreement?

The written agreement must include the following:

- The amount of the top up payment
- The amount of the person's personal budget
- How often payments must be paid
- To whom the payments must be paid – this should normally be the Council as we must have oversight of all top up arrangements as we are ultimately responsible for the full cost of care should the top up arrangement break down.
- How an arrangement is to be reviewed
- The consequences should you be unable to continue to make a payment. This could include moving the person receiving care.
- The effect of any increases in charges made by the provider
- The effect of any changes in the financial circumstances of the person paying the top-up.

Other information

If you or your family have any other questions about your rights to choose accommodation, please talk to your social care worker.

Information on payments for the accommodation is given in a separate leaflet **“Financial assessments for care provided in a care home”** which your social care worker or the financial assessment team can provide for you.

Information regarding deferred payments is given in **“12 Week Property Disregard Period and Deferred Payment Agreement (DPA)”** leaflet which your social care worker or the financial assessment team can provide for you.