

Residential or Nursing Home care and Third Party Top Ups

What do I need to know?

This factsheet tells you about your rights to choose the care home that you will live in, if you decide that is the best way to meet your needs. It also explains what happens if you wish to choose a care home that is more expensive than the cost the Council is able to pay.

Your right to choose

You have the right to choose to live in any care home in England. You may choose to live near to where you are living now, or move to a different area to be closer to your family, or in a specialist home that meets your cultural needs.

There are special arrangements if you want to live in Wales, Scotland or Northern Ireland and you should ask your care worker for advice on this.

There are some conditions that need to be met for you to have your choice of care home.

1. Care and support needs

That your care and support plan specifies that your needs are going to be met by arranging care in a care home.

2. Type and suitability of accommodation

That the care home you choose is suitable to meet your eligible care needs. Your care worker will advise you which types of care home are suitable to meet the needs that are set out in your care and support plan. The Council will have undertaken a care

planning process and prepared a personal budget for you that will cover the cost of meeting your eligible care and support needs.

3. Cost

You may wish to choose a care home that charges more than the amount in your personal budget. If you do, a payment will need to be made to pay the difference between the weekly charge for the care home you have chosen and the amount in your personal budget. These are called **top up payments** and are explained on page 2.

4. Availability

The care home that you choose may not have space available. If you do not want to choose a different care home you may need to go on a waiting list until a place becomes available and go into alternative accommodation or receive care at home while you are waiting. This is called an Interim Care arrangement. If the temporary accommodation costs more than the amount in your personal budget the Council will pay the difference. However if you then decide to stay in that accommodation permanently you will only be able to stay if a top up is paid – see page 2 for more information.

5. Terms and conditions

The provider of the care home you choose must agree to contract with the council to provide you with accommodation subject to the Council's usual terms and condition.

If you are in hospital

You have all the rights set out in this factsheet if you are going to move from hospital to the care home 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 care home that you choose does not have a place available the hospital will not be able to allow you to stay until a place becomes available so you may need an Interim Care arrangement as set out above.

Your right to choose more expensive accommodation

When choosing your care home you may choose one that costs more than the amount identified in your personal budget. The care home may charge more for commercial business reasons or because it considers it provides accommodation of a superior standard.

You can choose to live in that care home if you wish. If you do, your family, a friend or a charity, or in certain circumstances you, must be willing to make a top up payment to cover the difference between the care home fees and the amount in your personal budget. The Council cannot force you into having to pay a top up fee because there is not a suitable care home available with the amount in your personal budget.

If this is the case your personal budget will be adjusted to meet the costs of the accommodation needed to meet your assessed eligible needs.

Who can make a top up payment

There are rules about who can make the top up payments. You can only make the payment yourself if you:

- have a deferred payment agreement in place with the Council
- are subject to a 12 week disregard – you can pay the top up during this period only
- are subject to Section 117

In most cases the top up payment will be made by a friend, relative, or in some cases by a charity. The person making the top up is called the Third Party as they are not the Council and not the person receiving care.

Important points to note

- 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 the Council cannot guarantee that the care home will increase its costs at the same rate and this may affect the level of top up payment required
- The top up will always be the difference between the care home fees and your personal budget
- Whoever is paying the top up will need to sign a legal agreement that they are willing and able to meet the difference in cost and will continue to do so throughout your stay. Before signing the agreement they will need to satisfy the Council that they can afford the top up and it is sustainable.
- The top up amount may vary as care homes review their fee levels (usually yearly)
- If the person paying the top up is unable to continue to make the payment you may

have to move to another room within the care home or to another care home that charges fees within the amount set in your personal budget.

- Any move to another care home will only happen after a community care and risk assessment of your needs to make sure that the other care home is right for you.
- A top up payment must be paid in addition to the assessed contribution of the person receiving care

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

We will want to know that you or the Third Party is willing and able to make the additional payment for the likely duration of the contract. We will ask the Third Party to complete the Third Party Agreement and financial declaration. If more than one person agrees to share the cost of the top up all parties must complete a separate declaration and agreement for the amount they will be paying.

Your care worker will signpost you to independent financial advice before you make the decision.

What will be in the legal agreement?

The agreement will cover the following:

- The weekly amount of the top up payment
- Weekly amount of the personal budget
- Frequency of payments – the Council will invoice for the top up on a monthly basis
- The consequences if the person making the top up payment is unable to continue or falls into arrears
- Person making the top up payments must notify the Council immediately of any changes in their financial circumstances

Help and information

If you or your family have any questions about your rights to choose a care home please talk to your care worker.

Having Your Say

We would like you to tell us how you think Bedford Borough Council's Adult Social Care services have worked for you and what you think of our services. To give us feedback please speak to the manager or staff in the Customer Finance Team or write to the address below.

Bedford Borough Council's Adult Social Care services are independently regulated by the Care Quality Commission (CQC). If you want to discuss our service(s) with them they can be contacted at:

Tel: 03000 616161

Care Quality Commission
Citygate,
Gallowgate
Newcastle upon Tyne
NE1 4PA

Email: enquiries@cqc.org.uk

Useful local contacts

Age UK Bedfordshire, Tel: 01234 360510

Bedford Citizens Advice Bureau
Tel: 01234 867944 for advice
Monday - Thursday 10am - 1pm

Carers in Bedfordshire, Tel: 0300 111 1919

Sight Concern, Tel: 01234 311555

Safeguarding Team 01234 276222
adult.protection@bedford.gov.uk

Police (Vulnerable Adult Investigation Unit)
Tel: 01582 473073

Emergencies: 999

NHS Medical Advice: 111
(for non emergencies)

Emergency Duty Team - (Adult Social Care
out of hours service) Tel: 0300 300 8123

Finding out more

If you would like further copies, a large-
print copy or information about us and our
services, please telephone or email us at
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General Enquiries

Tel: 01234 267422

Adult Social Care

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