

Choice of Accommodation and 'Top-Ups' (V2.1 April 2019)

1) Introduction.

If you are moving into, or already living in, a care home, supported living or shared lives on a permanent basis which is arranged for you by the council you can, within limits, choose where you live. You can also choose accommodation that costs more than the amount that the council agrees to pay for your care and support, by arranging for a 'Top-Up' to be paid if someone agrees to pay this difference.

2) Agreeing your care needs

If you ask for help from Adult Social Care Services we must firstly assess your needs and decide if you are eligible for care and support arranged by the Council. If you are, we will then agree an amount of money needed to fund this (your personal budget amount), this is the amount we will pay for any help that you receive and it must only be used for what we agree will meet your care and support needs.

3) Your right to choose your accommodation (preferred accommodation).

When you choose your accommodation you may want to stay in the area where you are living now, move near to family or live somewhere which is managed by a particular organisation. The Care Act 2014 sets the rules for 'Choice of Accommodation' which all Councils must follow. There are 6 conditions which need to be met when you choose:

- 1) **Your care and support needs:** the council must decide that your needs will be best met by arranging care in a care home, shared lives, or supported living accommodation.
- 2) **Type of Accommodation:** Accommodation must be the type specified in your care and support plan.
- 3) **Suitability of Accommodation:** The accommodation must be able to meet your eligible care needs.
- 4) **Cost.** Your personal budget must be enough to give you at least one choice of accommodation and the council will try to ensure there is a choice of more than one affordable setting.
- 5) **Availability:** The accommodation must have a place available for you.
- 6) **Terms and Conditions:** The provider must agree to contract with the Council to provide you with accommodation subject to the council's usual terms and conditions.

4) If the chosen accommodation doesn't have a place available

If the accommodation you have chosen doesn't have a place available you may need to have care and support at home or go into alternative (interim) accommodation while you are waiting. This often occurs for people leaving hospital as, once the medical staff decide that you can be discharged, the law requires the council to arrange your move within a very short period. The hospital will not allow you to stay until your chosen place becomes available.

If the interim accommodation charges more than the amount in your personal budget the council will pay the difference whilst it continues to be an agreed interim arrangement. If you then decide to stay in that accommodation permanently you will only be able to stay there if a Top-Up payment is made.

5) If the chosen accommodation costs more than the council will agree to pay (Top-Ups)

If you choose to live somewhere that costs more than your personal budget amount there must be a 'Top-Up' to pay the difference between the care provider's fees and the amount set in your personal budget for the costs of your accommodation. A Top-Up can be paid by:

- You – For the first 12 weeks of a permanent move into a residential / nursing home IF you have a property which is subject to the 12-week disregard.
- Your family, a friend or an organisation such as a charity.

The person/organisation who plans to pay the Top-Up will need to complete an Application Form (Assessment of Affordability) and may also need to provide financial and legal documents to satisfy the council that they will be able to afford the Top-Up for the likely duration of your stay. This should be

done as soon as possible when you think that a Top-Up may be necessary. If the person/ organisation who applies to pay the Top-Up cannot satisfy the council that they have sufficient resources, the council will not agree to the placement in that accommodation. You will need to consider other accommodation options.

6) Financial Assessment

The Council must consider what you can afford to contribute towards your care costs; this is decided by a Financial Assessment, you will only be asked to pay what this assessment decides you can afford. For more information please see our leaflet "**Financial Assessment and Charging for Care and Support**". Please note the Top-Up Payment must be paid **in addition** to any assessed contribution.

7) The Top-Up Agreement

Before the Top-Up can start you must sign a legal agreement with the Council which will set out exactly how the scheme will work for you. It will include information about responsibilities and charges and how any changes to your situation should be managed. The Top-Up agreement is a legal document and will detail the following:

- The weekly amount of the top up payment
- The weekly amount of the person's personal budget
- How frequently payments must be paid and to whom
- How/when an arrangement is to be reviewed
- The consequences should the person/organisation paying the Top-Up be unable to continue to make a payment or arrears have built up. This could include moving the person receiving care.
- The effect of any increases in charges made by the care provider
- The effect of any changes in the financial circumstances of the person/organisation paying the top-up.

8) Changes in accommodation fees

The person/organisation paying the Top-Up should be aware that the Top-Up amount may vary when care providers review their fee levels. Your personal budget will be reviewed regularly and may increase or decrease to ensure the amount is still sufficient to meet your eligible needs. The council cannot guarantee that the care provider will change its costs at the same rate and this may affect the amount of the Top-Up payment needed.

9) If the 'Top-Up can no longer be paid

If the person/organisation paying the Top-Up is unable to continue to pay this the Council will not automatically cover this cost it but may consider doing so in the short term whilst it investigates the most appropriate action.

You may have to move within the same accommodation or to another accommodation that charges fees that are within the amount set in your personal budget. We will carry out an assessment to make sure that any change of accommodation is suitable for you. The Council will also seek to recover any debt to the Council due to failure to pay the agreed Top-Up amount.

This leaflet is not a full statement of the law. You are advised to get independent legal and financial advice including welfare benefits advice in order to understand how a Top-Up may affect you, details for these can be found by searching for "Advice and Information Services - Financial and Legal" in our [Adult Social Care and Health Directory](#).

If you would like more information please see www.milton-keynes.gov.uk/financialassessment and our leaflets:

- "Financial assessment and charging for care and support"
- "Deferred Payment Arrangements"

or you can contact: Financial Assessment Team, Milton Keynes Civic Offices, 1 Saxon Gate East, Milton Keynes MK9 3EJ

Email financialassessments@milton-keynes.gov.uk

T 01908 253687