

# Top-up Policy

## Policy Summary

Top-up Policy for Adult Social Care Residential Services in Stockport

## Statutory Basis for the Guidance

Care Act 2014, Care and Support Statutory Guidance (Issued under the Care Act 2014) Department of Health, February 2017, The Care and Support and After-care (Choice of Accommodation) regulations 2014.

## Version Control

Version Number	Summary Of Change	Approved By	Author	Date
1.0	Final version	Adult Social Care Senior Management Team	Sarah Statham	7/3/17



**ADULT SOCIAL CARE – SERVICES TO PEOPLE DIRECTORATE**  
**TOP-UP POLICY – FOR RESIDENTIAL CARE SERVICES**

**INDEX**

- 1. Policy context**
- 2. Choice of accommodation and additional payments**
- 3. Third party top-ups**
- 4. First party top-ups**
- 5. Price increases**

## **1. Policy context**

- 1.1 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.

## **2. Choice of accommodation and additional payments**

- 2.1 Many care homes in Stockport 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.
- 2.2 The Adult Social Care assessment determines the level of funding to be allocated by Social Care, which reflects an individual person's care and support needs. The financial assessment completed by the Social Care Charging 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', which is the total amount the Council has agreed can be spent on the person's social care and support needs.
- 2.3 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.
- 2.4 Where a person chooses accommodation that is more expensive than their personal budget, an arrangement will need to be made as to how the difference will be met. This additional cost may be met by a third party, such as a relative or friend or in certain circumstances the person in need of care and support.

## **3. Third party top-ups**

- 3.1 Assuming responsibility for paying a top-up for a person who is moving into a care home is a commitment that should only be undertaken after careful consideration and the pursuit of independent advice and information.
- 3.2 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 the cared for person's assets or income to cover the top up payments.

- 3.3 A care home placement cannot be confirmed until the third party has agreed to the terms and conditions of the Individual Service Agreement, the contract between the Council, the care provider and the third party, in writing.
- 3.4 Only one person can be named as the third party contributor on the Individual Service Agreement, which confirms the details of the placement. However, this does not mean that the named person cannot collect funding from other family members 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 and may be liable for any default on the payment.
- 3.5 It is the Council's policy that the third party should pay all top-up payments directly to the care provider.
- 3.6 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 continue to pay the top-up charge until alternative arrangements to meet the cared for person's needs have been confirmed.
- 3.7 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.

#### **4. First party top-ups**

- 4.1 The person whose needs are to be met by the care home placement may themselves choose to make top-up payments in some circumstances.
- 4.2 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 chooses not 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.
- 4.3 If the cared for person has not sold their property after the 12-week property disregard period they may be eligible to join the Council's Deferred Payment Scheme. If accepted onto the scheme, the person may use the equity in their property to pay towards their accommodation and any top-up charges. Further information on the Deferred Payment Scheme is available in the separate policy document available on the Council website:  
<https://www.stockport.gov.uk/the-care-act/care-act-further-information>
- 4.4 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.

- 4.5 A person may also choose to pay their own top-up payments where they are receiving accommodation provided under S117 for mental health aftercare.

## **5. Price increases**

- 5.1 Care homes increase their prices on an annual basis, which will be considered by the Council as part of its annual review of care costs. However, there is no guarantee that any increases to accommodation fees will be covered by the Council. This may mean that there is a greater difference between the personal budget of the cared for person and the increased accommodation charge. Any additional amount that the Council is not able to pay will need to be funded through an increase to the amount of top-up paid by the third party or be added to the loan available through the Deferred Payment Agreement.
- 5.2 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.