

Your guide to

Personal Choice Contributions

Third party Top Ups



Please read
the following
guidance prior
to signing the
Individual Service
Contract

Guidance for placements
into residential or nursing homes



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

Department of Health and Wellbeing

The purpose of this guidance

This guidance outlines the care fee ‘top-up’ arrangements for a person receiving care and support in a Registered residential or nursing care home. This is known as a Personal Choice Contribution (PCC) and is often referred to as a Third Party Top-Up Agreement. It is necessary where the potential resident or their representative has expressed a preference for a Care Home where the fees are more than the Council would normally pay for someone with the resident’s assessed needs or when the resident chooses additional services. This guidance outlines where a PCC would apply, who can make payment and how, and the consequences of non-payment.

When people wish to make a PCC they must therefore read this guidance and complete and sign the Individual Service Contract (ISC) separately to show that they have read and understood this guidance.



Charges

The Council establishes a base rate for the fees it pays for residential and nursing care, but some Care Homes may charge more than these rates. If the resident decides that they wish to live in a home that charges more than the Council’s base rate, or for additional services within the home, then an agreement needs to be put in place whereby they or someone else arranges to make an additional payment, to cover the difference between the service provider’s rate and the Council’s base rate. The Council calculates the base rate of meeting care needs through benchmarking against other Local Authorities and must consider the affordability of Council budgets. The top-up is therefore not intended to cover any of these basic needs

and Providers must be clear what the extra charge is for. We are committed to working with Providers to ensure that the cost of care is understood and establish a fair rate.

Choice

The care planning process identifies how needs are to be met, and may result in a placement in a Residential or Nursing Home. Where this is the case, the potential resident (or their representative) has a right to choose between different service providers as long as the Care Home:

- Is suitable to meet their assessed needs

- Has signed up the Council's current Terms and Conditions. The Care Homes does not necessarily have to be on Bradford's Integrated Residential and Nursing Framework.

Commitment to making the ongoing Contribution

The Council will only be able to proceed with the placement if it can be satisfied that the additional payments will be made on an ongoing basis. It is important that the person agreeing to take responsibility for these payments understands:

- That they must be able to meet the cost of these for the duration of the resident's stay at the home. This could be for some time so consideration should be given to affordability and sustainability.
- The top-up amount may vary as service providers review their fee levels and this may affect the level of the top-up payment. The home must give advance notification of any changes.
- What the implications are, should they no longer be able to afford these payments (see below)

Who can pay?

Under the Care Act 2014, the resident can only pay their own top-up (first party) payment if:

- Their property is not being taken into account during the first 12 weeks of their permanent stay in a care home or;

- The accommodation is being provided under Section 117 of the Mental Health Act 1983, or;
- They have entered into a Deferred Payment Agreement with the Council, whereby the Council pays part of their care home fees as a loan and the money is repaid on sale of the property. The deferred payment is not written off.

A third party can make the payments if they make the payments from their own resources, such as their income or savings. They cannot make them from the resident's resources.

The top-up can be made jointly, for example if more than one member of the family wishes to contribute, however there needs to be one person who takes responsibility for the payment and signs the contract.

How to pay

The payment is made directly to the Home and they will advise you of their specific arrangements.

The Individual Service Contract

The ISC is an agreement between the Council, the Care Home and the Resident which covers all contractual aspects of the placement.

Where there is a PCC, and the payment is made by someone who is not the Resident, then this person will also need to sign section 8 of the ISC only, unless they hold Power of Attorney or Deputyship, in which case they will need to sign the full document.

The ISC will include the details of the PCC, such as the amount and what this covers. By signing the ISC, the resident or Third Party is confirming that they have read and understood this guidance and are willing to pay the contribution throughout the duration of the stay.



Where there are changes to the contribution, the Care Home will write to the Council and the Resident or their representative to update them, detailing what the increases in the contribution are for. The Community Care Administration section within the Council will send out an updated copy of the ISC for the Resident or their representative to sign.

Failure to pay

In the event of non-payment of the PCC or a change in circumstances, there should be discussion with the Care Home in the first instance to seek a resolution.

Where a mutually satisfactory

resolution cannot be reached, the Care Home reserves the right to give the Resident notice to leave. When this happens you will need to contact your allocated Social Worker or Adult Services Access point (details below).

You should be aware that non-payment may ultimately result in the Resident being required to move to alternative accommodation whose price is within the Council's base rate.

If you have any doubts about being able to sustain the agreed payments you should consider choosing a Care Home whose charges are within the Council's base rate, as this is the only way to guarantee that the Resident will not be required to move if you are unable to continue making payments in full.

Information and guidance:

Information and guidance can be obtained from

- The Council's website at www.bradford.gov.uk
- Talking to your allocated Social Worker. If you do not have an allocated Social Worker, please contact Adult Services Access Point on **01274 435400**

Bradford Council would also advise you to seek independent advice such as **CAB** www.citizensadvice.org.uk or **Age UK** www.independentage.org.uk

The wording in this publication can be made available in other formats such as large print and Braille. Please call 01274 431989.