Accommodation choices – choosing residential accommodation and paying top up fees

This factsheet tells you about your rights to choose your accommodation if you need residential care and support, and when you or another person can top up any council funding.

After you have had a social care assessment we will plan with you the care and support you need and talk to you about the best place to live where your needs can be met. This might be a care home or a care home that also provides nursing care.

We will tell you how much it will cost to meet your needs (your personal budget) and how much you may have to pay towards it. There is more information on this in the leaflet ‘Charging for residential care’ which is available on our website at www.hertfordshire.gov.uk/adults or by asking your social care worker.

Your right to choose
If your care and support plan identifies a particular type of accommodation, you have the right to choose between different providers and/or locations of that type of accommodation in England, Scotland or Wales.

Your social care worker can give you a list to choose from. You can also look at this website: www.carehome.co.uk/

You can choose to live near to where you live now 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. We can also help you if you want to live in Wales, Scotland or Northern Ireland. Ask your social worker for advice if you want the council to arrange this.

There are five conditions which need to be met for you to have your choice of accommodation.

1. Care and support needs
Your care and support plan must specify that your needs will be met by arranging care and support in a care home, or in shared lives or a supported living accommodation. More information on shared lives or supported living from your social care worker or on www.hertfordshire.gov.uk/adults
2. **Type of Accommodation**  
The accommodation you choose must be of the type specified in your care and support plan.

3. **Suitability of Accommodation**  
The accommodation you choose must be suitable to meet your eligible care needs. Social care staff will advise you on this.

4. **Cost**  
We will tell you how much it will cost us to meet your eligible care and support needs (your personal budget) and how much you may have to pay towards it. Your personal budget will be enough to meet your assessed eligible needs and ensure that you have at least one choice of accommodation that is affordable within that amount. The council will try to ensure there is more than one affordable choice.

You can choose accommodation that costs more than the amount in your personal budget, but someone must pay the difference. These are called **top up payments**.

If you choose somewhere outside of your local area Hertfordshire County Council will still pay the amount identified in your personal budget, minus your financially assessed contribution. How this would look in practice is shown in the example below.

Example showing a top up calculation

The amounts in this example are not real amounts. They are only used to show how top-up works.

If your personal budget indicates a weekly cost of £500, this is the level at which we can arrange to have your needs met. If the care home you have chosen charges £600 per week for your care, we would work out the amount of top up by subtracting the whole (gross) amount of your personal budget (£500) from the cost of the care home (£600). This leaves a top up of £100 per week.

Let’s assume you have had a financial assessment, and it has been determined that you should contribute £140 per week from your income. The breakdown of the fees in this example is:

- Your contribution - £140
- Hertfordshire’s contribution - £360
-Equals your Personal Budget amount - £500
- Plus the top up - £100
- Equals the care home fee - £600

5. **Availability**  
The accommodation that you choose may not have a space available. If you don’t want to choose somewhere else, you might have to go on a waiting list until a place becomes available and go into alternative accommodation or receive support at home while you are waiting. This is called **Interim Care**.
Your social care worker will tell you how long you are likely to wait but this will only be an estimate and not a guarantee.

If the only available temporary accommodation charges more than the amount in your personal budget the council will pay the difference. If this happens and then you decide to stay in that accommodation permanently, you will only be able to continue staying there if a top up is made.

If you are in hospital
Once 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, the hospital will not be able to allow you to stay in hospital until a place becomes available and you may need to have an interim care arrangement. See 5 above.

Your right to choose more expensive accommodation and make top up payments
There are many reasons why a care home placement may cost more. There may be commercial reasons, or it may be because the home considers it provides accommodation of a superior standard, for example by providing a bigger room or other additional services.

If you chose to live somewhere that costs more than your personal budget, someone will need to pay to top up the care fees. It will normally be a family member, friend or charity that pays this top up.

Legislation tells us that you can only top up your own care if:

- You are in receipt of the 12-week property disregard (when the value of your share of your main home will not normally be taken into account for the first 12 weeks of your permanent placement in a care home)
- you enter into the deferred payment scheme or the letter of undertaking scheme (see our website or ask for a factsheet for more information on these schemes)
- You are receiving care under Section 117 of the Mental Health Act 1983 and have chosen a more expensive care home placement.

A top up usually applies for the whole time of your stay.

The council will not force you into having to pay a top up fee if there is no suitable accommodation available within the amount in your personal budget. In these circumstances, 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 enough to meet your eligible needs. However, the council cannot guarantee that your accommodation will
increase its fees at the same rate and this may affect the level of the top up payment.

- The person paying the top-up should be aware that the top-up amount may vary as providers review their fee levels.

- The top up will always be the difference between the care home’s fees and your personal budget.

- Whoever is paying the top-up 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.

Before signing the agreement, the person paying the top-up will have to satisfy the council that they can afford the weekly top up amount. (They will need to complete a financial circumstances form providing details of their assets and liabilities, as well as their income and expenditure).

If the person paying the top-up cannot satisfy the council that they will be able to afford the top up for the likely length of your stay, the council will not agree to arrange care and support in the preferred accommodation.

- If the person paying the top-up is unable to continue to pay the top-up, 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.

**If you are considering paying your own top up fee**

As mentioned above, you are only allowed to top up your own care in limited circumstances. If these apply to you, Hertfordshire County Council will want to know that you are willing and able to make the additional payment for the likely duration of the contract. They will ask you to fill out a financial questionnaire and to sign a written agreement confirming you are willing and able to make the payments.

The written agreement will include the following:

- The amount of the top up payment
- The amount of your personal budget
- How often payments must be paid
- To whom the payments must be paid

The arrangement will be reviewed:

- If there are any increases in charges made by the provider
- If there are any changes in the financial circumstances of the person paying the top-up
• If the person paying a top-up is unable to continue to make a payment. This could include moving you to less expensive accommodation

*Please note that not all care homes accept top up fee arrangements. Please check with the care home before proceeding.

**More help**
If you or your family have any questions about your rights to choose accommodation, please talk to your social care worker or call HertsHelp using the contact details below.

Information on payments for the accommodation is given in a separate leaflet “Charging for Adult Residential Care”, which your social care worker can provide for you or you can view on our website [www.hertfordshire.gov.uk/adults](http://www.hertfordshire.gov.uk/adults)
Contact Us
For adult care services and to comment or complain:

- www.hertfordshire.gov.uk/adults
- contact@hertfordshire.gov.uk
- 0300 123 4042
- Textphone: 01992 555506

British Sign Language (BSL) video interpreting service available.

Money Advice
Factsheets and advice on benefits and debt issues

- 0300 123 4040
- www.hertfordshire.gov.uk/money

If you need help to understand
Call 0300 123 4042 if you would like help to understand this information or need it in a different format. You can also ask to speak to someone in your own language.

Find a local community service:
- www.hertfordshire.gov.uk/directory

or drop into your local library

HertsHelp
Independent information and advice on local community services, finances and care funding.

- 0300 123 4044
- info@hertshelp.net
- Text HertsHelp to 81025
- Textphone: 0300 456 2364

If you are worried that you or someone you know is at risk of abuse or neglect Call us on 0300 123 4042 (24 hours a day)

Calls to 0300 cost no more than a national rate call to a 01 or 02 number.