

Adult Social Care

Choice of Accommodation and Top Ups policy

This policy should be read in conjunction with the [Adult Social Care policy for people with care and support needs.](#)

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Adult Social Care Choice of Accommodation and Top Ups policy

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1. Introduction

- 1.1 This policy should be read in conjunction with Gloucestershire County Council's (we / the Council) Adult Social Care policy for people with care and support needs which provides information about assessment of an adult's needs for care and support, eligibility and support planning under the Care Act 2014 (the Care Act).
- 1.2 This policy applies when the Council intends to meet an adult's eligible needs through care in a care home, shared lives scheme or supported living accommodation.
- 1.3 When the Council is arranging this type of care and certain conditions are met, [The Care and Support and Aftercare \(Choice of Accommodation\) Regulations 2014](#) (the Regulations) give adults the right to choose their preferred care provider or location.
- 1.4 This policy sets out the conditions which apply to choice of accommodation. Policy applies to:
 - adults for whom the Council intends to arrange care in a care home, shared lives scheme or supported living accommodation.
 - staff in Adult Social Care, brokerage and commissioning teams
 - any organisation authorised by the Council to act on its behalf (delegated organisation). Delegated organisations must meet the requirements of this policy when acting on behalf of the Council.

2. Supporting choice and involvement

- 2.1 The Council will provide universal information about care and support and where to get independent financial advice about options for paying for care on its [Your Circle](#) website.
- 2.2 We will explain the right to choice of accommodation to adults whose needs the Council intends to meet through care in a care home, shared lives scheme or supported living accommodation.
- 2.3 We will actively support adults to be involved in planning their care and support. We will make reasonable adjustments in line with our duties under the Equality Act 2010 and the Care Act to overcome barriers to involvement. Please see also our:
 - [Adult Social Care Accessible Information policy](#)
 - [Independent Advocacy in Adult Social Care policy](#)
- 2.4 We will assume that adults are able to make their own decisions about their care arrangements. Where this is not the case, we will follow the Gloucestershire Multi Agency Mental Capacity Act policy and guidance.

3. Choice of accommodation

3.1 The right to choose their preferred accommodation applies when an adult:

- moves into care for the first time
- moves between care settings, such as from one care home to another
- becomes eligible for financial support through the Council at **capital drop** if they previously self-funded their own care.

3.2 The Council will make arrangements with the adult's preferred care provider when all of the following conditions are met:

- the adult's preferred accommodation:
 - is the same type of accommodation as agreed in their support plan
 - is suitable to meet their assessed needs
 - does not exceed the adult's agreed personal budget unless the Council has agreed to a top up
 - is available
- the adult's preferred care provider agrees to the Council's terms and conditions for provision of care and support.

3.3 We will seek specialist advice from the Council's legal team if the person's preferred accommodation is outside of England.

3.4 If we are unable to arrange the adult's preferred accommodation, we will:

- explain the reason why in writing and offer alternatives
- where possible offer interim accommodation if the adult wishes to wait for a vacancy at their preferred accommodation.

4. Top Ups

4.1 The Council will offer at least one care provider which can provide the appropriate level of care within the adult's personal budget. Adults may choose to live somewhere more expensive if someone else (for example a family member) is able to 'top up' the amount that the Council will fund.

4.2 Adults may only pay a top up with their own funds:

- during a 12-week property disregard
- when they have arranged a deferred payment agreement with the Council and the Council has agreed to a self-top up
- when accommodation is arranged as after-care under section 117 of the Mental Health Act 2007.

- 4.3 Any proposed top up for care arranged by the Council will be subject to Council approval. If the Council agrees to a top up arrangement, the Council will require the person to enter into a written top up agreement with the Council if they wish to proceed. People may jointly pay a top up but must nominate one person to be named in the top up agreement so that one person is responsible for making payment.
- 4.4 We will explain the terms and conditions of the agreement, in particular that the top up is a financial commitment and what will happen if the person cannot continue to meet payments. We strongly recommend that anyone who wishes to pay a top up seeks independent financial advice **before** they enter into a top up agreement.

Care and Support Statutory Guidance Annex A

23) The local authority must ensure that the person paying the 'top-up' is willing and able to meet the additional cost for the likely duration of the arrangement, recognising that this may be for some time into the future. Therefore it must ensure that the person paying the 'top-up' enters into a written agreement with the local authority, agreeing to meet that cost. The agreement must, as a minimum, include the following:

- the additional amount to be paid
- the amount specified for the accommodation in the person's personal budget
- the frequency of the payments
- to whom the payments are to be made
- provisions for reviewing the agreement
- a statement on the consequences of ceasing to make payments
- a statement on the effect of any increases in charges that a provider may make
- a statement on the effect of any changes in the financial circumstances of the person paying the 'top-up'.

- 4.5 The Council will keep top up arrangements under regular review and will also review arrangements:
 - at the request of the person paying the top up
 - in response to changes, such as if the adult's needs change and can no longer be met by the care provider, or there is an increase in the cost of care
- 4.6 Anyone responsible for paying a top up should tell the Council immediately if for any reason they are unable to continue to pay the top up.
- 4.7 Where a top up is discontinued, the Council will seek to recover any outstanding debt to the Council and has the power, subject to a needs and risk assessment, to make alternative arrangements to meet the adult's needs. This may involve moving the adult to other accommodation where the appropriate level of care can be provided without the need for a top up.

5. Emergency preparedness

- 5.1 The Council will have contingency plans in place for emergencies. In exceptional circumstances and only where legal criteria are met, we may not be able to offer choice of accommodation in accordance with this policy.

6. Concerns and complaints

- 6.1 As a first step, the Council encourages anyone who is dissatisfied with Adult Social Care services or with an Adult Social Care decision to:

- discuss their concerns with the staff member they are dealing with or
- ask to speak to the staff member's manager instead.

The Council will try to resolve concerns quickly or explain why this is not possible.

- 6.2 If the concern is not resolved, or if preferred, people may use Council's Adult Social Care complaints procedure to make a complaint. We will provide information about how to use the complaints procedure.

7. Implementing, monitoring and reviewing policy

- 7.1 This policy will be published on the Council's website.

- 7.2 The Council will advise staff and any delegated organisations that policy has been implemented.

- 7.3 The Council will monitor compliance with this policy through routine quality assurance processes such as:

- manager / supervisor oversight of casework
- periodic independent reviews undertaken by the Council's internal auditors
- contract management and monitoring and other processes agreed with organisations authorised or commissioned by the Council to act on its behalf or provide services for the Council.

- 7.4 The Council will review this policy by 30 June 2024.

Appendix 1 – definition of terms

12-week property disregard	<p>Adults who own their own homes may be eligible for a 12-week property disregard during their first 12 weeks in permanent care if:</p> <ul style="list-style-type: none"> their capital or savings apart from the value of their home are less than the upper capital limit (currently £23,250), and they don't qualify for an ongoing property disregard, for example if their partner or certain other relatives share their home with them and will continue to live there when the adult moves into care. <p>The council does not count the value of the adult's home in their financial assessment during the disregard period. This means that during their first 12 weeks in permanent care:</p> <ul style="list-style-type: none"> the adult pays a share of their care home costs - as determined by their financial assessment, and the Council funds the balance. <p>The period gives the adult time to consider what they wish to do with their house, for example sell it, rent it out, apply for a deferred payment agreement. When the period ends, the adult becomes responsible for the full cost of their care.</p>
Capital drop	<p>People whose capital is worth more than the upper capital limit (currently £23,250) have to pay the full cost of their care until their capital drops below this level.</p> <p>The Council will contribute towards the cost of meeting eligible needs when the adult's capital falls below £23,250. This is known as capital drop.</p>
Care home	<p>Care homes provide accommodation and personal care, for example support with washing, dressing or moving around.</p> <p>Some homes can provide nursing care as well as personal care because they employ registered nurses. The term care home does not include NHS hospitals, private hospitals and clinics.</p> <p>Care homes are regulated by the Care Quality Commission (CQC) who are responsible for regulating care and support in England.</p>
Deferred payments	<p>A deferred payment agreement is a secured loan from the council to help homeowners with limited capital (i.e. less than £23,250 apart from their home) pay for their care home costs. The Council must be able to secure the loan against the person's home.</p> <p>Conditions apply - please see the Adult Social Care Deferred Payment Agreements policy for more information.</p>

Financial assessment	The financial assessment is the means test used by local authorities in England to determine how much an adult can afford to pay for their care.
Personal budget	<p>A personal budget is the amount agreed by the Council as sufficient to meet an adult's eligible needs and take into account their reasonable preferences about how they wish their needs to be met when the Council is contributing towards the cost of care.</p> <p>Means tested charges apply to care in a care home, shared lives scheme and supported living accommodation arranged by the Council. We will ask the adult to have a financial assessment to determine how much they will have to pay towards their personal budget (the total cost of their care). The Council will fund any remaining balance.</p>
Shared Lives Scheme	<p>Shared Lives Schemes are an alternative to care in a care home or other more formal care arrangements.</p> <p>Schemes offer people who need care the opportunity to live in a family environment rather than a formal care setting.</p> <p>Schemes are regulated by the Care Quality Commission (CQC).</p> <p>For more information about Shared Lives in Gloucestershire, please see the Gloucestershire Shared Lives Scheme website and the Council's Shared Lives policy.</p>
Supported Living Accommodation	<p>Supported living accommodation is accommodation other than in a care home:</p> <ul style="list-style-type: none"> • in premises which are specifically designed or adapted for occupation by adults with needs for care and support to enable them to live as independently as possible, or • which is provided in premises intended for occupation by adults with needs for care and support where personal care is available if required (but not premises which the adult owns or occupies other than as a tenant or licensee). <p>The personal care elements of services delivered in supported living accommodation are regulated by the Care Quality Commission (CQC)</p>