



Care and Support: Third Party Payments

If you have been assessed by Torbay and South Devon NHS Foundation Trust (the Trust) as having needs that are best met in a care home, you have the right, subject to certain conditions, to choose the care home you wish to live in.

The home will have to be of the type specified in your care and support plan, and must be suitable to meet the needs specified in the plan. It will also have to have space available, although you may be able to go into alternative accommodation or receive care at home while you wait for a place to become available. This right applies to care homes anywhere in England. (There are special cross-border arrangements if you wish to live in a care home in Wales, Scotland or Northern Ireland.)

As part of the care and support planning process, you will have been allocated a Personal Budget that will cover the costs of meeting your eligible care and support needs. The Trust will ensure that you have genuine choice of accommodation and that at least one option is available and affordable within your Personal Budget. However, you might wish to choose a care home that costs more than the amount in your Personal Budget. If you do, a payment will need to be made to 'top-up' the difference between the care home's weekly charge and your Personal Budget.

Additional costs (top-up payments)

If you choose a more expensive care home, in most cases a third party will need to agree to pay the additional cost. This might be a family member (but not normally your spouse), a friend, or someone else such as a charity. You may pay your own top-up only in the following circumstances:

- where your home is subject to a twelve-week property disregard
- where you have entered into a Deferred Payment Agreement (DPA) with the Trust (NB: there is no automatic legal entitlement to a DPA for top-up payments)
- if the accommodation being offered is funded under section 117 of the Mental Health Act 1983 but not to your liking and you can find an alternative you prefer.

If a top-up payment is required, the Trust will contract the care home for the full cost. The person paying the top-up will need to provide evidence that they are able to afford to make the payments on a continuing basis, and enter into a signed agreement to pay the top-up at a set frequency.



Ceasing payments

It is important that the person who has agreed to pay the top-up continues to make the payments. If payments are not maintained, the Trust will take appropriate action to recover the payments due, which can include action through the County Court. You may also be required to move to alternative accommodation that is affordable within your Personal Budget. It is important that the person who has agreed to pay the top-up contacts the Trust in writing as soon as their circumstances change, or they become aware that their circumstances are likely to change and they can no longer continue to pay the top-up.

Example of a third party/top up amounts

	Weekly Amount (£a)	4 Weekly Amount (£a x 4)	Yearly Amount (£a x 52)	3 Yearly Amount (£a x 156)
Personal Budget	£431	£1,724	£22,412	67,236
Care Home Cost	£460	£1,840	£23,920	71,760
Third Party Payment/Top-up	£29	£116	£1,508	£4,524

Changes in provider charges

The Trust will review your Personal Budget, normally once a year, to ensure that it is sufficient to meet your eligible needs. We cannot guarantee that the care home will increase its costs at the same rate, and this may affect the level of the top-up payment.

The Trust will negotiate any price changes with the care home as part of the normal care management process, and will seek to keep any increase in charges to the lowest appropriate level. However, there is no guarantee that cost increases will automatically be shared evenly should the care home's charges rise more quickly than the increase in your Personal Budget.

Reviewing the agreement

Top-up agreements will normally be reviewed on an annual basis and usually when care home fees increase on 1 April. However, other events may arise. For example a review of the top-up arrangement may be carried out as part of the care and support planning process.

Financial advice

We recommend that you seek independent financial advice to ensure that any decision you make best supports your individual circumstances:

SOLLA	www.societyoflaterlifeadvisers.co.uk	0845 303 2909
Money Advice Service	www.moneyadvice.org.uk	0300 500 5000
Age UK	www.ageuk.org.uk	0800 169 6565

Contact the Trust

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Nicholson Road
Torquay
TQ2 7TD
Telephone: 01803 210500

For more information and other useful leaflets visit our website
www.torbayandsouthdevon.nhs.uk/careact

