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**Paying Care Home Fees: Third Party Top Ups**

**Introduction**

To help you plan your care and support, we will tell you how much money is available to meet your needs. This amount is called your **personal budget.**

We will also carry out a financial assessment to determine how much you can afford to contribute towards the cost of your care and support.

If you are thinking about moving into a care home, we will make sure that your personal budget is enough to pay for a care home, which can meet your needs.

If you choose to live in a care home that is more expensive than the amount of money in your personal budget, you will need to ask someone else (usually a relative or a friend) to pay the extra cost.

This extra cost is called a **top up fee**.

If your relative or friend agrees to pay the extra cost, they will be known as the **third party**.

This fact sheet aims to help you and your relative or friend understand how third-party top up fees work.

**Making sure you have a choice of accommodation**

We have a legal duty to make sure that **at least one suitable care home is available and affordable within your personal budget.** Your third party will only be required to pay a top up if you choose to move to a more expensive care home than the homes available and affordable within your personal budget.

**Who pays the top up fee?**

A third party will usually pay the top up fee. Most of the time this will be a family member or friend. In some circumstances, a charitable organisation or legal representative may also pay top up fee.

If you need to move to a care home in an emergency or on a temporary basis and we are unable to provide you with at least one option that is available and affordable within your personal budget, we must not ask for a top up fee. Only when you chose a more expensive accommodation can we seek a top up payment.

If you choose to move to the care home permanently, any top up fee will need to be paid by a third party or you may be required to move to alternative accommodation within your personal budget.

There must be a third party responsible for paying the top up fee. If a top up fee is to be made by more than one Third Party, all Third Parties should be named on the agreement with a main bill payer identified.

You can only pay the top up fee yourself if:

* you are subject to a 12-week property disregard, or
* you have a deferred payment agreement in place with Doncaster Council, and the terms of the agreement reflect this arrangement, or
* you are receiving accommodation provided under Section 117 for mental health aftercare.

If you pay the top up fee yourself, this is known as a **first party top up**.

**How much is the top up fee?**

The top up fee is not a set fee. It will always be the difference between the care home fees and your personal budget. When you are considering care homes, your social worker will help you understand how much the top up fee will be

**How should the top up fee be paid?**

The Council’s standard practice for new top-up arrangements is to pay the care home the **full fee** for the care. This will include the agreed top up fee and we will bill the third party for the agreed amount. We will invoice you for your contribution as assessed by your financial assessment.

We prefer this option, as it means we have an overview of the top up agreement and can guarantee care homes are paid in a timely way for the care and support they provide.

Alternatively, if your third party wishes to pay the top up direct to the care home, this is possible.

**The top up agreement**

Your third party will need to enter into a written agreement to confirm they are willing and able to make the top up payment while you live in the care home, recognising that this may be for some time into the future.

If your third party agrees to paying the top up fee to Doncaster Council, they will need to agree to enter into an agreement with us, sign a copy and one copy will be sent to your third party. The agreement will be signed by a council representative.

If the third party chooses to pay the top up fee directly to the care home, they will need to agree to enter into an agreement with us and the care home. The agreement will need to be signed by all parties. A copy of the signed agreement will be sent to the care home provider and third party.

The agreement includes:

* The total cost of the care home fees
* The third party top up amount
* How often payments will be made
* How the payments will be made
* How often the agreement will be reviewed
* Consequences of the third party top up fee not being sustained for the duration of the placement
* The effect of any increases in charges made by the care home

We will review the top up agreement at least once a year with your third party to make sure they are still willing and able to pay the top up fee.

**Things to consider before agreeing to pay a top up fee**

You need to be aware that care home fees are likely to increase each year, but your personal budget may not increase at the same rate. Therefore, the third party top up fee is likely to increase.

If your circumstances change and a new financial assessment results in a change in the level of contribution you make, this may not reduce the need for a top up payment.

A top up fee is a significant financial commitment. Anyone considering paying a third party top up fee should seek independent financial advice.

We have the right to refuse to fund accommodation where it seems likely a top up fee will not be sustained.

**What happens if your third party can no longer afford the top up payment?**

The third party is responsible for making top up payments for the duration of the top up agreement. They should contact Doncaster Council immediately if they feel they are unable or unwilling to continue with the payments, so we can consider alternative arrangements with you.

These may include:

* asking it there are any other family members or friends to support with meeting the cost of the third party top up fee.
* checking if a charity can pay your top up fees.
* talking to the care home to see if they can reduce or waive the third party top up fee.

If the above options are not possible, and your third party cannot continue to pay the top up fees, this may result in you being required to move to an alternative care home suitable to meet your needs and affordable within your personal budget. You would not be required to move until we discussed your needs and wishes with you.

**What happens if your** **third party stops paying the top up fee?**

If your third party stops paying the agreed top up fee without prior notification to Doncaster Council, we will pursue any unpaid top up fees through debt recovery action.

**More information**

More information about paying for care and support is available including financial assessments is available at [www.doncaster.gov.uk](http://www.doncaster.gov.uk)

Alternatively, more help finding a care home is available at [www.ageuk.org.uk](http://www.ageuk.org.uk) under information and advice

You can also talk to your social work team. If you are not sure who to contact, please call 01302 737391.