



Third party top up in Residential and Nursing care

Top ups explained Residential and Nursing care:

What is a third party top up in residential and nursing?

A third-party top-up is a voluntary, additional payment made by a family member, friend, or charity to cover the difference between a care home's fees and the amount Wokingham Borough Council (WBC) pays, allowing a customer to choose a more expensive home. The third party must be able to afford the long-term cost, which is separate from the customer's personal budget.

Who cannot pay for a third party top up?

The customer cannot pay the third party top up. Their income, benefits and capital are used to work out their customer contribution towards their care needs.

How do I get an assessment to see if I should go into a residential or nursing placement?

You will need to:

Contact WBC HUB on 0300 365 1234

Adult Social Care can only look at financial and care support from the date you contact the Adult Social Care Hub. If you arrange care before then, it will be treated as private care and can't be backdated.

You will need to have:

A care assessment ~ this is carried out by a care manager.

A care assessment in adult social care is a free, in-depth evaluation conducted by trained professionals (e.g., care manager) to determine a person's physical, emotional, and social needs to live safely. It identifies if someone qualifies for council-funded support, including residential care or home

support, by assessing their inability to perform daily tasks independently.

1. Key Aspects of the Care Assessment Process

- **Purpose:** To decide if the council should fund support, such as a care home, and to create a care and support plan.
- **Focus Areas:** The assessor examines your situation, health, ability to perform tasks (like washing/dressing), and safety.
- **Scope:** The evaluation covers what you can do for yourself, your desired outcomes, and support from family or community.
- **Eligibility:** The assessment uses national criteria to determine eligibility for support.
- **Types of Assessment:** Includes phone interviews, or in-person visits to your home or hospital.
- **Follow-up:** Following the assessment, a financial assessment (means test) often occurs to calculate your contribution to costs of your care needs.

A financial assessment ~ carried out by a Financial Assessment Officer

A financial assessment (or “means test”) by the financial assessment team is a review of your income and savings (capital) to determine if you are entitled to funding for care costs and how much you must contribute. It usually occurs after a needs assessment and considers pensions, benefits, and assets.

2. Key Aspects of Financial Assessment:

- **Purpose:** To determine if you pay full cost, receive council help, or pay nothing.
- **What is Included:** Savings, investments, property, land, and income (e.g., state pension).

- What is Excluded: Your partner's income/assets.
- Capital Thresholds (England): If you have over £23,250 in assets, you usually pay for all your care.
- Outcome: A written decision on your weekly contribution.

What is a first party top up in residential and nursing?

A first-party top-up (or customer top-up) is a payment made from the customer's own assets—usually their property value—to cover the cost difference between a Wokingham Borough Council (WBC) funded care home place and a more expensive preferred home.

It is rarely allowed, limited to specific scenarios like the 12-week property disregard or a deferred payment agreement

What next?

The family or friend(s) will need to look at care homes that are advised by Wokingham Borough Council that are able to meet the customer's care needs. Once a home is found and you are happy with your choice, you will be advised by the care manager if a third party top up will be required.

If the home that is chosen is more than the amount that WBC can pay, you will be advised what the third party top up will be.

What does the third party need to do now?

We suggest you and your third party seek independent legal and financial advice before deciding whether proceed or to sign the third-party agreement.

The third party will need to prove that they are able to fund the top up for at least **three years or more** by supplying supporting evidence as follows:

- **Capital** - bank statements, ISAs, Shares, investments, etc.

- **Income** - bank statements, payslips, confirm you are employed and confirm retirement age.
- **Other** - evidence to support a different method of funding the top up.
- **Any debt** that you may be paying, i.e., loan, mortgage, etc.
- **Advise** WBC if there are any changes.

This will be reviewed yearly or more frequently if we feel it may not be sustainable or there could be issues arising.

The financial assessment team will review the sustainability and confirm if the third party top up is viable for the period required.

What are the next steps?

If the third party top up is not viable then the customer may need to look for an alternative home or the family can see if anyone else is able to help support the third party top up.

If the third party top up is sustainable then the third party will enter into a written Third Party Top Up Agreement with WBC to meet the additional cost of their chosen accommodation.

The form must be returned signed by the third party or parties. The form is signed by the care manager and sent out to the third party or parties. The invoice will be sent to the third party separately to the customer's contribution (which is still due to be paid and is separate from this agreement).

A care home should not ask a resident, their family, friends, or carers directly for a third-party contribution without the council's involvement, as the council also has to be involved and sign the agreement. If this happens, please contact the Financial Assessment team, immediately, on 0118 976 6000 option 6.

What happens in the case of joint third party Arrangements?

If the Third Party Top Up Agreement involves more than one third party making contributions to the individual's care costs, the duties arising are joint and several.

This means that if one or more of the third parties fails to pay their agreed contribution, the other third parties to the agreement will be liable to the council for the full amount of the defaulting party's share.

If the remaining third parties are unable to pay the top up payment amount in full, the council will terminate the Third Party Top Up Agreement

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

The third party must advise WBC as soon as possible. They should advise at least one month in advance of the top up no longer being sustainable.

If the home will not reduce the rate, the customer will need to move to a home that has a more affordable rate for WBC to be able to pay. A care manager will help with this process.

Will the top up amount change?

Please remember that care home fees may increase over time, and the usual amount we pay may not rise at the same rate. This means the top-up could increase more quickly than the care home's fees. We recommend you consider whether this will stay affordable in the future.

Who can have a first party top up?

The individual is entitled to pay their own top up under the following circumstances.

- Their property is disregarded in the first 12 weeks of staying

in a care home and they will enter a Deferred Payment Agreement.

- They have entered into a Deferred Payment Agreement with WBC and the top up has been agreed as part of this agreement (top up will incur interest once deferred against the property)

The Care Act stipulates adults who are receiving their accommodation under Section 117 MHA are allowed to make top up payments on the same basis as third parties.

The equity in the property should cover a minimum of three years care fees.

If the equity in the property runs out, the first party top up will then need to move to a third party top up.

A care manager will help with this process. The home will be approached to reduce the rate and if it isn't, and the third party is not able to sustain a third party top up, then the customer will have to move to a different care home.

This publication is produced by Wokingham Borough Council. If you would like some help understanding it, or someone you know requires it in an alternative format, please call (0118) 974 6000.

Wokingham Borough Council
Civic Offices, Shute End
Wokingham
Berkshire
RG40 1BN
Tel: (0118) 974 6000
Email: wokinghambc@wokingham.gov.uk

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Wokingham Borough Council
Adult Social Care
Civic Offices Shute End Wokingham
RG40 1WJ

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