

Dear Sir/Madam,

I am writing to request the following information under the Freedom of Information Act for your local authority.

In all data and questions please include all types of care homes including with nursing and without as well as dementia specialist homes within any reference to 'care homes'.

Our Freedom of Information request centres around the issue of care home third party top ups- that is, the process whereby a relative or friend may pay an extra amount of money so that an older person may go to a care home that costs more than the council is offering to pay someone as their personal budget.

### **Third Party Top-Ups**

- 1. (a) What is the total number of care home placements for individuals aged 65+ organised by the local authority?**

**Please provide data for the following dates.**

<b>31 March 2017</b>	2962
<b>31 March 2016</b>	3111

- (b) What is the total number of care home placements that include a third party top-up for someone aged 65 and over organised by the local authority?**

**Please provide data for the following dates.**

<b>31 March 2017</b>	319
<b>31 March 2016</b>	347

- (c) Of the total number of care home placements for someone aged 65 and over that include a third party top-up, how many of these agreements are between:**

- i) the third party, the provider, and the local authority**
- ii) just the third party and the provider**

**Please provide data for the following date.**

**31 March 2017**

All of the arrangements that we are aware of, are between the TP, the LA and the provider. It is contrary to the terms of our contract with the provider for them to make TP arrangements with the resident or their representatives which are not managed by the LA

**2. What percentage of those individuals aged 65+ who have entered a third party top-up arrangement with the local authority were presented with a written agreement before starting the payment, as outlined in the Care Act 2014?**

Please provide data for the following financial years.

1 April 2016 – 31 March 2017

1 April 2015 – 31 March 2016

Only a very small number of TP arrangements are paid prior to the LA being presented with a signed written agreement, this would only be in exceptional circumstances. We believe that more than 95% of cases are paid following the LA being presented with a written agreement, but we do not record the exceptions in a reportable format.

**3. How often does the local authority review third party top-up agreements for care homes in your area with the individual who pays this top up? (Please specify whether this review takes place as part of the service user's annual review and also how the third party is included.)**

**Please tick appropriate answer.**

More than once a year

Once a year (As part of service user's annual review)

Once a year (Not as part of service user's annual review)

Less frequently than once per year

Other (Please specify)

This is not looked at unless the provider wishes to increase/decrease the fee which may result in a new agreement being required

**4. What information and advice services are provided by your local authority to ensure people receive 'sufficient' information and advice prior to entering a third party top-up agreement? Please specify both online and offline sources. (Please attach any information materials made available if possible.)**

**Does this include a referral to independent financial information and advice? (Please attach any information materials made available if possible. We would be particularly interested to know if a directory is provided.)**

The council has a robust Third Party Agreement (attached) which sets out the things the payee needs to consider before agreeing to become a Third Party Payee. This agreement is discussed in depth between the care manger (SWK) and the relative/representative when the

placement is being considered. The care manager also provides a copy of our fact sheet about third party payments (attached) and our factsheet about paying for residential care (attached) and will discuss the content of these two documents with the resident and or their representatives. We do not specifically refer for financial advice, but we do advise people to seek advice and provide contact details for some organisations they may seek advice from. Though this list is not exhaustive.

- 5. How does the council satisfy itself that each person assessed as needing state funded care has been offered at least one care home place that can be met within their personal budget? Please include any guidance procedure or policy documents describing the steps that should be taken to ensure that an option not requiring a third party top up has been offered.**

Managerial and Assessment Staff adhere to the Care Act Care and Support Statutory Guidance (Annex A) and ensure that a genuine choice is offered which includes at least one option of a residential care placement that can be met within the individuals' personal budget. This includes an offer to support the individual to find residential placements which are suitable for them or if they prefer, signpost them to where they can find information relating to residential placements including <http://www.nottshelpyourself.org.uk/> and a copy of the Nottinghamshire County Council Care and Support Directory. This directory gives each Care Home a quality banding between one and five which indicates how much the Council may be willing to pay toward that placement. If no suitable care home placement is available within the identified personal budget, the Council will adjust the personal budget so that the individual's care will be provided in a more expensive setting

### **Deferred Payments**

- 6. For each of the financial years below, how many applications did the council receive for deferred payments with regards to care homes and how many of these were accepted?**

**Please provide data for the following financial years.**

<b>1 April 2016 – 31 March 2017</b>	45 accepted, 154 rejected
<b>1 April 2015 – 31 March 2016</b>	65 accepted, 133 rejected
<b>1 April 2014 – 31 March 2015</b>	31 accepted, 3 rejected

There are a high number of requests for deferred payment being rejected and a variety of reasons for this. These include;

- Service user lacks capacity and there is no authorised person (LPA, Attorney, Deputy) able to make the agreement
- The property not being registered with the land registry so we are unable to get a charge against it
- The Council is unable to secure the first charge against the property as there are other charges already registered against the property,

- Insufficient equity
- Joint property ownership and not all owners are willing to sign the agreement
- Joint property ownership and both parties in LTC
- Property sold subject to contract
- Existing equity release arrangements on properties.

## **Market Shaping**

### **7. How does the Local Authority satisfy itself that it has met its need to ensure a person with assessed care needs has a variety of high quality (care) services to choose from (as outlined in the Care Act 2014)?**

**The Council carries out a number of activities which contribute towards meeting this Care Act duty, including:**

- Publishing a Market Position Statement to provide key, local market intelligence and setting out the Council's commissioning intentions for the coming year
- Liaison with district and borough councils to discuss the needs of local people, support that is available locally and current market gaps
- Working closely with providers to develop services to support people with more complex care needs such as dementia (a recognised local market gap) and develop services in a different way
- Developing support networks, forums and continuous professional development opportunities for care home managers and staff to share experiences and good practice and enhance their skills
- A robust quality monitoring framework which supports the Council's contract for care home services and dedicated Quality and Market Management (QMM) team. QMM officers work to a portfolio of services; enabling them to work proactively in supporting homes where there may be quality issues
- Targeted support (through the QMM team) for homes where quality issues have been raised as part of the quality monitoring process
- Regular liaison and information sharing with key partners such as the Care Quality Commission and Clinical Commissioning Groups
- Developing a proactive, collaborative relationship with care home providers, including the Nottingham Care Association
- Detailed, collaborative work with providers to examine care home costs and inform the Council's Fair Price for Care Framework. Work is currently underway to review this Framework in line with the Council's Care Act duties
- A five band fee structure for older adults care homes, whereby bandings (and therefore fees) are linked to an annual assessment of service quality. Since 2008 when this structure was implemented, the Council has seen a significant shift from lower to higher bandings, indicating an increase in the overall quality of provision available in Nottinghamshire

- Care homes in the County are able to apply for the Council's 'Dementia Quality Mark' award which attracts an additional payment for individuals where the service provides exceptional innovative support to people with dementia
- The involvement of 'experts by experience' to help share good practice and inform future direction within the sector

**8. Does the local authority take into account the Care Quality Commission ratings of care homes when choosing which care home placements to offer individuals who have been assessed as needing state funded care?**

No

The Council support individuals and their families/carers to make their own choice in respect of care home placements. Whether to take into account the Care Quality Commission ratings of care homes is therefore an individual decision rather than an approach taken by the Council.

**9. a.) If yes, of all of those people who have been assessed as needing a state funded care home placement, what number and percentage were placed in a care home rated by the Care Quality Commission as either 'inadequate' or 'requires improvement'?**

**Please provide data for the following financial years.**

**1 April 2016 – 31 March 2017**

**1 April 2015 – 31 March 2016**

**b.) Please provide statistics for the number of people who are residents in 'inadequate' and 'requires improvement' care homes on the following dates.**

**31 March 2017**

**31 March 2016**

We do not hold this information because we do not record CQC rating in our commissioning system, Mosaic, therefore we cannot readily identify placements in homes which are rated as "inadequate" or "requires improvement". It would be useful to have this information, but practically would mean regular maintenance/updates as Providers are inspected at different times through the year, so Mosaic team would need to devise a process with relevant colleagues to capture and update routinely. This would be a manual exercise to cross ref Mosaic placements against CQC latest. The basis of #9 used to be part of statutory reporting but this requirement ceased a few years ago.

Should answering this request exceed the 'appropriate limit' under the FOI Act please prioritise what can be done within the timeframe.

