

# Choosing Accommodation

This factsheet explains what rights people have to choose which care home they will live in when the Local Authority has a duty to assist with the funding and arrangement of the care home placement. It is also relevant to residents who arrange and fund their own care home placement to start with as they may need Local Authority funding assistance later on.

The Care Act 2014, The Care and Support and Aftercare (Choice of Accommodation) Regulations 2014 and Statutory Guidance set out the legal framework that **all** Local Authorities are required to follow when making arrangements for a placement in certain "specified accommodation". Firstly, we would look at all types of accommodation options available to you to optimise your independence such as:

- Supporting you to remain in your own home
- Extra Care/Sheltered Accommodation/Supported Living - living in a flat with your own tenancy but with care and support available/onsite
- Shared Lives Schemes – living within a family environment with care and support

Where a person has been assessed by the Local Authority as being eligible for care and support and the **only** way of meeting those needs is by making arrangements in specified accommodation i.e., a residential or nursing home, Shared Lives Extra Care or Supported Living you will be provided with assistance to choose a suitable accommodation to meet those needs. The Local Authority has a duty to make arrangements at your preferred choice of accommodation provided certain conditions are met as follows:

- Your care and support plan specifies that your needs are going to be met by the provision of accommodation of a specified type
- The preferred accommodation is of the same type as that specified in your care and support plan
- the preferred accommodation is suitable to your needs and is available; and
- where the preferred accommodation is not provided by the local authority, the provider of the accommodation agrees to provide the accommodation to the adult on the local authority's terms.

There is a further "additional cost" condition that will also need to be satisfied if the preferred accommodation is more expensive than your personal budget as follows:

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A person other than you satisfies the Council that they are able and willing to pay the additional cost of the accommodation for the duration of period in which your needs are required to be met in the preferred accommodation and agrees to enter into a written agreement with the Council to pay the additional cost.

- In limited circumstances you may pay the additional cost if you are subject to the 12-week property disregard, or you enter into a Deferred Payment Agreement with the Council

In line with the Care and Support Statutory Guidance the local authority may take into reasonable consideration its own finances and budgetary position when determining how to meet needs. The local authority may reasonably consider how to balance that requirement when determining the “best value” placement to meet eligible needs in discharge of its duties under the Care Act 2014. The cost of the identified best value placement that can meet eligible need will be the amount in which your Personal Budget will be set.

Others factors to consider are:

How much savings you have

What assets you have, including property

How much you will have to contribute to the cost of the care.

## Online content:

<https://www.carechoices.co.uk/publication/worcestershire-care-services-directory/>

<https://www.ageuk.org.uk/information-advice/care/>

## Find out more:

**Adult Front Door - 01905 768053**

**Visit:** [www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)