

New Guidance Published on Choice of Accommodation Directions Department of Health

DEPARTMENT OF HEALTH News Release (2004/0366) issued by the Government News Network on 14 October 2004

New guidance issued today will give people who have been assessed as needing to move into a care home a real choice about where they live, Health Minister Stephen Ladyman announced.

Under the Choice of Accommodation Directions 1992 councils are required to offer individuals a choice of homes providing the level of care that they need. The new guidance states:

- At an individual's request the council should arrange for care in a care home more expensive than it would usually fund, provided a third party or, in certain circumstances, the resident, is willing and able to top up or pay the difference between the council's standard fees and the actual fees of the care home.
- Councils should only seek top-up payments where an individual has chosen to move into a care home that has higher fees than the fees agreed by the council with local independent care home providers.
- If a person has to move into a care home whose fees are higher than the council's standard fees because of the level of care they need, the council should meet the additional costs itself.

Health Minister Stephen Ladyman said:

“This new Guidance will ensure that people who are assessed as requiring care and support from their local council and who are moving into a care home, for whatever length of time, can exercise real choice over where they live. I want to see people receiving good quality care in a place that's right for them. In the majority of cases this will mean living close to family and friends and continuing to contribute to their local community.

“And, the Guidance makes it absolutely clear that the only circumstances in which councils should request top-up payments from either the person moving into a care home or a third party is when the person chooses to move into a care home where the fees are higher than the fees agreed by the council with care homes. Councils should not request top-up payments from either residents or their families simply because they have failed to agree fees that reflect the actual costs of care with providers. It is totally unacceptable for residents or their relatives to pick up the tab, week in, week out, as a result of poor commissioning practice by councils.

“It reminds councils that it is their responsibility to use best commissioning practice, that delivers high quality care, that encourages fair competition to ensure best value while ensuring that providers receive a fair return for their services.”

Notes to Editors:

The new Guidance is being issued under Section 7 (1) of the Local Authorities Social Services Act 1970. Councils cannot disregard such guidance without good reason. The Guidance is being issued under the cover of LAC (2004)20.

Since 1993 anyone entering a care home, whose placement is funded by the state, must approach a local council for an assessment of their needs. The Choice of Accommodation Directions gave people reassurance that when going into a care home, councils would be required to offer them a choice of homes that could provide the level of care that they needed and there was no risk that councils might force them to enter a particular home against their wishes. Councils were directed to offer a choice of homes subject to certain conditions giving people the opportunity to exercise genuine choice over where they live.

There have been a number of changes since 1992, including the availability of care home places. The Department of Health has taken the opportunity to modernise the guidance. The guidance reflects recent policy changes, such as the introduction of the 12-week property disregard.

The implementation of the Community Care (Delayed Discharge etc.) Act 2003 required a change to the

guidance. At any one time, a proportion of beds in acute hospitals are occupied by people waiting for a place at their preferred care home to become available. In consequence, those patients are not receiving the most suitable care for their needs and other patients are waiting for a hospital bed. This guidance makes it clear that councils should offer suitable alternative accommodation to patients who are their responsibility.

For further information, press enquiries only, please contact the Department of Health media centre on 020 7210 5231.

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