

Post Death Care Fees/Rent Repayment

1. Background

Abbeyfield The Dales Limited (ATD) has, on a regular basis, advised or received requests of repayment of rent or fee overpayments from family members of residents who have died. This policy is in place to ensure that, once the rent or fee overpayments have been made and subject to the terms of the resident's Agreement, they can be refunded once the requested documents have been produced.

2. Objectives

ATD is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Mission and Values of ATD. ATD will also comply with all relevant and current legislation.

The objective of this policy is to ensure that:

- The Estate of the deceased receives the balance of such payment, in accordance with ATD's procedures.
- ATD complies with all relevant legislation and regulations.

3. Scope

All residents of ATD, and anyone associated with the payment of a resident's fees and charges.

This policy includes refunds for the overpayment of rent, residential care fees, domiciliary care fees, and for charges for other services delivered.

4. Policy

4.1. Definition

Monies received from a resident or their representative that is more than the charges raised for the services provided.

All excess money should be refunded directly to the resident or their representative, or in the case of a deceased resident then monies should be refunded to their estate once details and evidence of the estate have been established.

If a resident received government funding for their fees, then the way in which a refund is made or 'clawed back' will be dictated by the process peculiar to that local authority.

4.2. Methodology

Once an overpayment has been established by ATD, or upon a request from a family member of the deceased resident, then the following steps should be taken:

- Determine the amount of the overpayment and who made the overpayment (resident, LA or another funding agency)
- If the payment for the resident came from multiple sources, then any repayment due to a local authority agency must be made before the settlement of any private contribution.

- If funds are due to the estate or a deceased resident, a copy of the Grant of Probate (when there's a Will), or Letters of Administration (when there is no Will) will need to be provided.
- A copy of the document must be taken and added to the file as a record.
- Funds must only be released for an overpayment to an estate only when one of the documents described above is received; irrespective of the value of funds due to be repaid or size of the estate.

There may be circumstances when the approach detailed above is overridden, and the following must be followed:

- There may be exceptional circumstances, where officers of ATD can use discretion in order make repayment without the production of the Grant of Probate or Letters of Administration.
- This will be used on very limited situations.
- The final written decision rests with the Finance Director, member of the Senior Management Team or Chief Executive Officer.

Guidance on the Use of Discretion is attached in **Appendix 1**.

5. Finance, Value for Money & Social Value

Adherence to this policy ensures good financial stewardship, the safeguard of company assets and makes sure the organisation receives the correct fees it is entitled to for the services it delivers.

6. Supported Appendices

APPENDIX 1: Use of discretion

APPENDIX 2: Indemnity letter template

7. Linked Policies

N/A

8. Legislation/Regulation

N/A

9. Review

Every 2 years, subject to regulatory and legislative changes.

10. Procedure/Guidance

Should any deceased resident's family require further information on how to obtain a Grant of Probate, or Letters of Administration, then they can be directed to the following link - <https://www.gov.uk/wills-probate-inheritance>

APPENDIX 1 TO THE CARE/RENT REPAYMENT POLICY

Use of discretion by the Finance Director, member of the Senior Management Team and the Chief Executive Officer.

1. If the requestor is the only Executor and Beneficiary under the Will - in this case discretion can be used on the production of a copy of the Will as well as ID from the requestor;
2. For any discretion, a formal explanation of the use of that discretion will need to be made in writing and attached to the Resident's file;
3. Notwithstanding this, the Beneficiary will need to write and sign a letter of indemnity to repay ATD in the event of any future claim. A template of this letter as attached as Appendix 2;
4. Notwithstanding the above, no discretion is permitted for repayment with a value of more than £250.

APPENDIX 2 TO THE CARE/RENT REPAYMENT POLICY

Name
Address1
Address2
Address3
Postcode

[DATE]

Dear Sirs

Re: Repayment of Rent/Care* fees for the late [INSERT NAME]

I confirm that in relation to the rent/care* repayment of £[INSERT AMOUNT] in respect of the late [INSERT NAME] I agree to fully indemnify Abbeyfield The Dales the aforementioned amount in the case of any future claims made against the Abbeyfield The Dales for the payment of the same to me. For the avoidance of doubt this will include any associated costs and legal fees that may be incurred by the Abbeyfield The Dales.

Yours sincerely

[INSERT BENEFICIARY NAME]

* delete as appropriate