

**Suffolk County Council- Adult and Community Services
Protocol for Dealing with Under and Over Payments to Providers**

A	DEFINITIONS	
	In this Protocol the following definitions apply:	
	“Under Payment” means:	that payment to the Council or the Provider has been below the agreed contact price.
	“Over Payment” means:	that payment to the Council or the Provider has been above the agreed contact price.
	“Variations” means:	that there is a difference between the total invoiced by the Provider and the Service commissioned by the Council.
B	PURPOSE OF THIS PROTOCOL	
	B1	This Protocol sets out the Council's responses in situations where it is identified that there has been an over or under payment identified; this may be in relation to the Council orb the provider.
	B2	The Provider must inform the Council when a Service User is no longer using the service.
C	UNDER PAYMENTS Care Homes	
	C1	Where an underpayment to a Provider is identified, in relation to the agreed contract price in Schedule 15, the Council will pay the underpaid amount to the Provider in the next due pay period.
	C2	The Council will not pay the Provider where a third party contributor has defaulted in their agreement with the Provider.
	C3	The Provider must notify the Council following a resident no longer living in the Care Home.
D	OVER PAYMENTS Care Homes	
	D1	If the Council makes payment for any period when the Customer is not receiving the Service, the Provider shall repay any such payment to the Council, or future payments by the Council to the Provider may be adjusted accordingly; this is without prejudice to any other remedies available under the Standard Terms and Conditions. Notice will be sent to the Provider in advance of any such deductions being made (see 1.1.6 Schedule 4 Price)
	D2	Where an overpayment to a Provider is identified, in relation to the agreed contract price (Schedule 4), the Council will adjust the payment to the Provider, in line with the overpaid amount; where possible this will be completed in the next due pay period.
	D3	Where there is no longer any Suffolk funded resident in the care home and an overpayment has been made to the Provider by the Council, the Council will invoice the Provider for the amount overpaid.

E	VARIATIONS Home Care and Day Services	
	E1	<p>Where a Service Users home care service has temporarily varied from that commissioned due to an emergency situation the Provider will notify the relevant Customer First Office as soon as possible after the temporary change to ensure any adjustment required is completed.</p> <p>Before a planned temporary variation or a permanent change to a Service Users home care service takes place, authorisation for this change will be obtained from the relevant Customer First Office. In all instances the name of the authorising officer in Customer First must be sought and retained as this information will be required in the event of a dispute.</p>
	E2	<p>Where the Council identifies an unexplained variation the invoice for this Service User will be withheld and the Provider will be contacted for further information.</p>
		<p>Where it is identified that an overpayment has been made to the Provider by the Council the following actions may be taken:</p> <ul style="list-style-type: none"> • any future payment by the Council to the Provider may be adjusted accordingly • where there are no Suffolk funded Service Users the Council will invoice the Provider for the amount due • a Credit Note will be requested by the Council to the provider for any overpayment; future payment may be delayed if the credit note is not received.