

Direct Payments

A guide written for carers by carers



LEARNING DISABILITY CARERS VOICE

Direct Payments

A guide written by carers for carers

Direct payments in brief

- *Direct payments are payments the Council makes to you or your carer*
- *Instead of the Council paying for day care and other services on your behalf, you pay for them yourself or your carer does*
- *Moving to direct payments is very straightforward*
- *You set up a “no-frills” bank account, at any bank or at a credit union, for the money you receive from the Council*
- *You then use it to pay for your services*
- *All you need to do is keep a record of what you spend*

Now read on, to find out more about direct payments, how to obtain them, and the services they can be used to pay for.

Please note that all references to ‘the Council’ are to Kirklees Council (Social Services).

1. What are direct payments?

- Direct payments are payments from your local Council for people who have been assessed as needing help from social services.
- They are intended to increase your independence and choice by enabling you (and your carer) to choose, and pay for, your own services, rather than having the Council do it for you.
- You will have greater control over how your needs are met, because you can choose how this will be done.

2. Who can have direct payments?

- If you have had an assessment and the Council has decided that you qualify for support, you must be offered the option of direct payments, if you wish to have them, but you do not need to do so.
- The direct payments can be paid to you or to your carer to manage for you.
- You or your carer will then be able to use the direct payments to pay for the service(s) that you think will best meet the outcomes identified in your support plan.
- The key point is that direct payments will enable you to make your own choice about which service(s) you receive.
- You can choose for the Council to go on providing you with a service or buying it for you from another provider.
- You can also change your mind, and stop having direct payments, if you decide that they are not right for you.

3. What can direct payments be used for?

- Direct payments can only be used to provide the support that you have been assessed as needing, and to help you to achieve the outcomes set out in your support plan.
- This covers a wide range of possibilities, including:
 - o paying for day services in the community
 - o employing an assistant to help meet your personal needs
 - o support with employment, leisure and social activities.
- One very important thing about direct payments is the possibility they offer for a number of carers to **combine their budgets** in order to buy a service that isn’t currently available. The collective buying power of a number of people and their carers could be considerable and could create entirely new forms of support if they so wished.

4. What can direct payments not be used for?

- If you spend the direct payment money on something that does not relate to meeting your assessed needs, the Council can recover the money from you.
- Direct payments cannot be used to buy services that the Council itself provides.
- There are also some restrictions on the people you can employ to meet your needs.
- In general, the rules do not allow you to use direct payments to employ a close relative that you live with, such as your spouse or partner.
- However, if you want to employ someone you live with to help meet your needs, you should discuss your situation with the Council, as you may be allowed to do so, if there are exceptional circumstances.
- Buying services that you can get free of charge from the NHS.

5. What is the difference between personal budgets and direct payments?

- You may hear about *personal budgets*, as well as *direct payments*.
- Personal budgets refer to the amount of money that the Council has allocated for meeting your assessed needs – for example, the cost of providing you with day services on a certain number of days per week.
- You can then:
 - o **either** take this allocation of money in the form of a direct payment
 - o **or** leave it with the Council, and let the Council provide you with the service or pay for it on your behalf.
 - o **or** choose a combination of the two
- The choice is yours, but direct payments are designed to give you more choice and flexibility about how your assessed needs are met.

6. How much will I get?

- The direct payment you get will depend on your assessment, and the amount of money the Council decides is required to meet your assessed needs.
- The payments must be equivalent to the Council's estimate of the reasonable cost of providing the services you need.

- However:
 - o the Council does not have to give you more funding than is required to meet your assessed needs, in order to satisfy your preference for a particular service
 - o it will be up to you to make up the difference, if you still wish to use a more expensive service.
- If you do not think that the amount offered by the Council is sufficient to meet your needs, you will need to use the Complaints Procedure to appeal against it.

7. Will I have to contribute?

- Yes. Just as when the Council provides you with support services, or arranges them on your behalf, you will be asked to contribute to the cost of the services you obtain by means of direct payments.
- You will be asked for information, so that a financial assessment can be carried out, and then you will be informed of the amount of your weekly contribution.
- You will have to make this contribution in any week that you use direct payments, and even if you use the service less often than usual, the contribution will still be required.
- If you do not make the contributions into your direct payment account, there will not be enough money available to pay for the support you need.
- The amount you will need to contribute may change - for example, for single people, it should reduce when you reach the age of 25.
- The Council must inform you before any changes are made.



8. How do I apply for direct payments?

- The arrangement for direct payments starts with the assessment of your needs by the Council.
- If the assessment shows that you qualify for support, you are entitled to receive direct payments, instead of the services being arranged for you by the Council.
- If you have already had an assessment, and the Council is providing or arranging services for you, you can ask to have direct payments instead.
- To get an assessment of your needs by the Council, you need to contact Gateway to Care on 01484 414933.

9. Do I have a right to direct payments?

- Almost all people who are assessed as in need of social care services have a right to direct payments.
- So, if the Council has assessed you as qualifying for support to meet your needs, you have the right to get that support in the form of direct payments.



10. What do I do if my application for direct payments is refused?

- What you should do depends on why it is refused.
- The most likely explanation is that your assessment shows that your needs are not at a level which qualifies you for Council support.
- If this is the case, you will need to ensure that the Council's assessment has given a full and realistic account of all your needs. (See our first carers booklet **Getting the best outcome from the Assessment Process** for how best to do this)
- You must make sure that you have given the Council all the information you can, in order to make clear exactly what your needs are.
- If you believe that the Council's decision is unfair, you should appeal against it.
- If you decide to appeal, there are people called advocates who can help you to do so, if you wish.
- However, if you are assessed as qualifying for support, but the Council then tells you that you cannot, or should not, have direct payments, this is likely to be an error on their part - you should raise the matter immediately with your social worker and/or Gateway to Care.

11. How do I manage direct payments?

- When you receive direct payments, you take on a number of responsibilities.
- You will be asked to sign an agreement that you will only use direct payments to meet the needs in your support plan.
- You will also need to keep records of how the money is spent, and send in bank statements and invoices when asked to do so.
- If you are unable to manage your own direct payments, it is possible for somebody else, such as your carer, to receive and manage them on your behalf. If someone is to manage a direct payment for you, the Council must ensure that they are appropriate to do so. This is to protect you from financial abuse.
- There should be regular reviews to check that the direct payments are meeting your needs.

12. *Where can I open an account for my direct payments money?*

- Direct payment money must be paid into a separate bank account to the one you normally use.
- You will need to open a new account with a bank or building society.
- This can be a “no-frills” current account, which should not involve you in any charges.
- You or your carer will then pay the bills for the service(s) you receive from that account.
- Alternatively, you can open a Credit Union account (such as at Castle & Minster), which will make the payments directly to those providing the support.
- However, there is a charge for this (which can be paid from the direct payments money).

13. *Will direct payments affect my benefits?*

- No, they will not.
- A direct payment is not a social security benefit, so it will not affect your entitlement to any means-tested benefits you receive, such as housing benefit or income support.

14. *Do I have to return unspent money?*

- If there is unspent money in the direct payments account at the end of the year, the Council will ask for it to be returned.

15. *What do I need to do if I use direct payments money to employ somebody?*

- In addition to using direct payments to pay for services, you can use them to:
 - employ your own staff
 - set up a contract with a care agency
 - use self-employed people.
- If you employ a support worker yourself, you take on extra responsibilities as an employer. There will be additional costs, such as national insurance, a payroll system for paying wages, and account management, but these can be paid from your direct payments money (Castle & Minster would manage this for you).

- One practical issue is that this will limit the amount you can pay your support worker.
- Again, if your support worker currently receives benefits, the wages you pay them may affect those benefits.
- If you need support from a support worker for seven days a week, you will need to recruit a minimum of two people, in order to allow for sickness, paid holidays and rest days.
- If you do not want to employ somebody yourself, there are organisations which can provide somebody for you.



16. *Can I use direct payments to get respite care?*

- You can use direct payments to buy respite care support, provided that this is an identified need in your assessment, and the respite service is not provided by the Council or NHS.
- However, direct payments cannot be used to buy long-term residential care.
- They are intended to be used for independent living, so there is a maximum of 28 days a year for which they can be used to pay for residential care.

17. Can I use direct payments to get services that the Council provides?

- No. Direct payments are intended to buy services which the Council does not provide, so as to increase the choice available to you.
- However, you can meet some of your needs through Council services, and then get direct payments for services to meet your other needs.



18. Can I use direct payments to get services from organizations which have a contract with the Council?

- Yes, if that is your choice – it is only services provided directly by the Council that you cannot use direct payments to purchase.

19. What will change under the new Care and Support Bill?

- As well as introducing new principles in relation to care and support for adults, and support for carers, the Bill will:
 - give personal budgets a basis in law
 - reinforce the entitlement to direct payments.
- You will find more information about the Care and Support Bill on the Department of Health website, at:
 - <http://www.dh.gov.uk/health/2012/07/careandsupportbill/>
- There are helpful factsheets about the new Bill on the Department of Health website, including *Personalizing care and support planning*, which contains information about personal budgets and direct payments.

20. Where can I find out more about direct payments?

- The Department of Health has published two useful documents:
 - *Guidance on Direct Payments - For community care, services for carers and children's services*, England 2009 (amended October 2010)
 - *A guide to receiving direct payments from your local Council* (September 2009).
- They can be found at:
 - http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_121131.pdf
- and
 - http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_104894.pdf.

www.in-control.org.uk This is a national charity whose mission is to create a fairer society where everyone needing additional support has the right, responsibility, and freedom to control that support.

www.carersuk.org This is the national body for carers.

This document has been prepared and published by a group of family carers who care for adults with a learning disability, and who are working to build up a network of family carers which is independent of the Council. Please consider joining the network.

Details of this and other information is on our website

www.ldcarersvoice.co.uk

It is one of our aims as a carers network to 'support carers to become as well-informed and powerful as the organisations they have to deal with.' The production of this booklet is another contribution to achieving this aim.

**For more information about anything
in this booklet please contact**

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