

# Direct payments

to meet your social care needs



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## Contents

About this booklet .....	3
Direct payments - the facts .....	4
Direct payments - the process .....	6
Financial matters .....	10
Addressing problems .....	14
Keeping safe .....	16
Useful contacts .....	18

## About this booklet

Direct payments are cash payments paid to you to meet your care and support needs. If a personal budget has been allocated to you following a social care assessment, you can choose to receive this as direct payments or as a managed budget. Direct payments give more choice and control over how support is provided and can give you, your family and carers more flexibility and independence.

This booklet explains all you need to know about direct payments. It covers exactly what they are, what they can be used for and how, and the support that is available to you. The financial aspects of direct payments are also covered, as are details on dealing with any associated issues.



# Direct payments - the facts

## What are Direct payments?

Direct payments are cash payments paid to you to pay for your social care and support, instead of us - the council - providing and paying for this support directly. They are a way in which your personal budget is paid to you.

Direct payments offer you greater flexibility and control over your life, as they enable you to decide who helps you, when they help you and what they will do.

Direct payments are not a benefit.

*“My direct payment has been essential for me, it has enabled me to go to college - something I could never do without it”.*

*“My direct payment has allowed me to advertise and choose exactly who I want to care for me”.*

## What are the advantages of direct payments?

People who receive direct payments say they appreciate having more choice, control and independence. They are also more flexible - services can be adjusted from day to day to fit in with your lifestyle.

## What can direct payments be used for?

Your direct payment must be used to meet your social care needs - as described in your support plan (which will have been agreed between you and our social care staff). Depending upon your plan the payment could be spent on personal care, involvement in social, leisure, sport, educational, training or employment activities, even short breaks.

Direct payments can be used in a wide variety of creative ways, as long as it is safe and legal to do so. You can choose to employ a personal assistant (providing you with support at the times you want), purchase help directly from a care agency or provider, or use the payment to purchase goods or services outlined in your support plan. You may also wish to find an alternative to the respite support that the council can provide.

There are some exceptions. You can't use your direct payment to employ a relative living in the same property as you, unless there are exceptional circumstances agreed by the council. Nor can direct payments currently be used to buy regular council services, or residential care.



## Who can receive direct payments?

To receive direct payments, you need to have received a social care assessment which has indicated that you have eligible care and support needs. This will generate a personal budget. You will then be helped to create your own support plan. This will outline how your personal budget will be spent to meet your needs. You can choose to receive this personal budget as direct payments or as a managed budget. The council must be satisfied that you will use the money to meet your care and support needs and achieve the agreed 'outcomes' stated in your support plan. An 'outcome' refers to an aim or objective you want to achieve or need to happen, for example continuing to live in your home. You should be able to say which outcomes are the most important to you and receive support to achieve them.

A personal budget can be allocated to:

- Adults with a physical, sensory or learning disability (including older adults)
- Adults with mental health problems
- Adult carers - aged over 18

With a managed budget the council look after your personal budget for you and allocate payments as directed by you. If you choose to receive your personal budget as direct payments, you can have a prepaid card, with an on-line account in which to receive the money and spend it yourself to meet your care and support needs.

*"Personal assistants are a huge part of my life, they are in my home every day. Becoming an employer through my direct payments means I have total control over who works for me."*

*"The beauty of direct payments is you can get your family life back, care can fit in with you and your family's needs".*

*"I am more independent now. My direct payment means I can employ carers to accompany me anywhere".*



## Direct payments - the process

Direct payments can be used in a variety of ways to suit your own needs. You should be aware however that they must be used legally (you can't pay people cash in hand) and you can't use them to purchase assistance and support from close relatives who live in the same household as you, except in very exceptional circumstances agreed by the council.

You may choose to employ your own personal assistant, arrange support staff through a care agency or use it in other ways to meet your needs as long as agreed by the council. Your social worker will discuss your preferences with you and what you wish to achieve with your direct payments. They will help you identify the amount of support you feel you will need to make them work for you.



Employing your own personal assistant can give you the most control over your support and make your direct payments go as far as possible. This does carry employment responsibilities and some people need support to help them. Support can include help with paying your personal assistant or provider, along with help with all other associated employment responsibilities. You may feel confident dealing with these employment responsibilities yourself, but if not there are a number of organisations who can provide you with the support you need. We will fund this through your personal budget.

### Support available

There is a wealth of information about becoming an employer (including a PA directory and PA job vacancies) freely available on Dudley's Community Information Directory, [www.dudleyci.co.uk](http://www.dudleyci.co.uk). Simply click on the PA button.

Support providers are experienced in providing help with things like employment advice, working out rates of pay, recruitment matters and employment and contract issues. They can also provide advice on health and safety matters, provide a payroll service, advise on pensions, the living wage and can pay care bills, as long as this is agreed with us.

A range of levels of support is available from support providers. Your social worker will work with you to decide what level of support service you require to help you manage your direct payments and how much you need to spend on the support service. Details of support providers can be found at [www.dudleyci.co.uk](http://www.dudleyci.co.uk) (click on 'money', the 'direct payment support services'), or ask your social worker for details.

Skills for Care provide 'The information hub' for individual employers and personal assistants. It brings together really useful information from lots of different places. The hub includes information about recruiting, managing and developing your PA(s) and funding for

training. For PA's, the hub has information on finding a role, health & safety and training. Visit [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk) (search for 'Information hub')

The Council can also offer specialised Health & Safety training. Please visit <https://www.dudley.gov.uk/business/dudley-abc-training/> for information.

People who are not allocated a personal budget but who are 'self funders' - funding their own social care and support are also equally entitled to an assessment and support with arranging their care if they wish. Self funders who wish to employ a personal assistant can still purchase the services of one of the Direct Payments Support Service providers.



## Purchasing care from an agency

If you wish to purchase your care from an agency, we can provide you with a list of care providers used by the council. You are free however to use any agency or provider of your choice. The Dudley community information directory lists a range of these -

**[www.dudleyci.co.uk](http://www.dudleyci.co.uk)**

When choosing an agency make sure it holds the correct insurance cover to meet your requirements. Also check it is registered with the Care Quality Commission, if you need staff to help you with personal care.

## Third party supported accounts

### Nominating a person to help you

You can nominate a friend or relative to assist you with your direct payments. This means that they can help you manage your money. This can be useful if you have the ability to consent and direct your care but need some practical assistance with managing your money.

If you nominate a relative or friend to help you manage your direct payment they can be a joint signatory on your direct payment care account. They cannot however also be employed by you to provide your care. Nor must they have any financial interest in any company providing you with services purchased with the direct payments, or be employed by the council.

If you nominate someone to help you, both of you will be responsible for how the direct payments are spent. If you employ a PA, you will be the legal employer, not the nominated person.

If you want your chosen support provider to receive and manage the money on your behalf, the council must agree that you need this. You will still need to be able to direct your care package. If employing a PA the support provider will take responsibility for paying staff and all financial matters but you will still be the employer and as such be responsible for all employment and health and safety matters.

### A 'suitable person'

A 'suitable' person is a person appointed to receive and manage the direct payments of an individual who lacks the mental capacity to consent and manage it themselves, even with the support of a third party. They will often, but not always have been given a registered Lasting or Enduring Power of Attorney for welfare or property and finances, or have been appointed by the Court of Protection as a deputy under the Mental Capacity Act 2005. Someone with a Lasting Power of Attorney for welfare may also choose a suitable if they can't take on the responsibility themselves. If there is no one with this authority, the council may appoint a suitable person once they have been assessed. This would usually be a family member or close friend already involved in the person's care. The suitable person can't be employed as the carer themselves, nor have any financial interest in, or be a director of any company providing services being funded through the direct payments (unless agreed in specific circumstances). A suitable person must be willing and able to receive and manage the direct payments of the individual needing support.



# Case study

## Ryan and Michelle's story

Ryan and Michelle are a young married couple. As a result of an accident Ryan had as a teenager he now has a neurological impairment and is a wheelchair user. Michelle also uses a wheelchair due to nerve damage which followed a surgical procedure.

Ryan and Michelle both receive direct payments and have been thrilled with the changes they have been able to make to the way they live their lives.



### Flexibility, independence and control

Ryan says:

“As wheelchair users we need ongoing support at home and when out and about. We both receive direct payments and they are brilliant for us. They are designed to meet our own needs, giving us flexibility over how we live our lives, a lot more independence, plus total control over who we have coming into our home to help us.

“We employ five part-time personal assistants as personal carers who help us with our mobility issues, as well as getting out and about - we can go to the cinema when we choose, Michelle has taken up swimming and we enjoy eating out and enjoying life, our carers have been chosen by us and we have built bonds with them.

“We use a support provider to help us look after the employment aspects - it's all made really easy with their support. The council makes sure that no one is alone; they offer a choice of professional approved providers who will guide you and look after you.

I'm keen for people to hear all of the positives about direct payments - they really are the way forward. I now volunteer with local peer support group Disability in Action - offering advice to other people who may be thinking about changing to direct payments.”

### Living our lives the way we want

Michelle adds:

“Direct payments have helped us to live our lives the way we want to live them. The great thing is we get a say in what we need and when we need it. We don't have to wait in for carers at set times we can do things as and when we want. We can get out and about; they have proved invaluable for allowing us to keep in close touch with our families and friends. The really great thing is the flexibility - our carers fit in with our day to day needs and things can be altered daily if we want.

# Financial matters

Making financial arrangements for your direct payments is not at all complicated and there is lots of support available to help you. Here are some frequently asked questions:

## Do I need a separate bank account?

To receive direct payments you will need a prepaid card and account. This will be arranged and set up for you by the Council. Alternatively, to receive direct payments you will need to open a 'care account' - a separate bank or building society account - to be used for your direct payments only. Make sure that this account will not incur any bank charges; if it does you will have less money to use. The account must be in your name (or in joint names with the person you nominate to help you manage your direct payments, or in the name of the 'suitable person').

## Will having my personal budget paid as direct payments affect my benefits?

No, but the DWP (Department of Work & Pensions) will need to be notified if you receive any benefits. If you receive housing or council tax benefit (and are not in receipt of income support or pension credit), you will need to tell these teams in the council that you are now receiving direct payments.

## Will I have to contribute towards my care costs?

In Dudley borough everyone who has funding towards their social care needs will have a financial assessment to find out if they will have to make a contribution to their social care support. If you do have to, the amount will depend on your income and savings. You will be informed of this in writing and asked to pay the amount stated, to the council from your own resources, completely separate from your direct payments.

## How often will the direct payments be paid?

Payment will normally be directly loaded onto your prepaid card.

The money may be paid either four weekly in advance or as an annual payment. If four weekly, the first payment will be to the end of the current four weekly cycle. You will be sent a letter telling you the start date and other payment dates.

If you have chosen to open a 'care account', payment will be paid into your nominated bank account, unless it has been agreed to make the payment to your Nominated Person.

## What is included in the direct payment money?

If you choose to employ a personal assistant your direct payments will cover the cost of your support service, employers liability insurance, a DBS check for them, statutory holiday pay, tax, pension if applicable and National Insurance liabilities. Your direct payments support service provider can advise on this and help you with the costings to decide on a legal hourly rate you can afford to pay your staff.

## What if my direct payments are not enough to cover the costs of my chosen agency or provider?

You can 'top up' your direct payments with your own money if the money is not enough.

## Will I need to keep any financial records?

If you have chosen to take a prepaid card for receipt of your Direct Payments then you will not be required to submit regular financial returns. You may still be required from time to time to show us how the money has been spent and financial records, e.g. invoices and receipts, must always be retained. You will need to keep these records for at least seven years.

If you have a 'care account' you will need to provide financial information to the council on request. This could be three monthly, six monthly or annually (depending on your circumstances). The council will send you a simple form (a 'front sheet') to be signed and returned, along with copies of your 'care account' bank statements. You will need to write



the purpose of each withdrawal from the account on the bank statements. This is simply to show how and where the money has been spent. We can show you how to do this in the beginning if you feel unsure. Alternatively you can ask a family member, friend or a support provider to help you with it.

You need to be aware that it is your (and your nominated person's) or the suitable person's responsibility to provide this information and your direct payments could be withdrawn if it is not. You should also make sure that you keep all receipts and invoices relating to the purchase of your care for seven years.

## Can my personal budget be reduced or increased?

Yes, if your care needs change or if the council's threshold for providing funding changes.

If your care needs change significantly you can ask for a reassessment of your needs. You also have the chance at your annual review to update your support plan which may then cost more or less than your current plan.

You will need to tell your social worker of any hospital stays or periods of time where your care needs are being met by other means (such as respite stays). If you use an agency the direct payments will be suspended immediately. If you employ any personal assistants the payments will continue for up to four weeks to allow you to pay them a retainer. You will need to tell your social worker when you return home. If you don't return within four weeks your direct payment will be reviewed and a decision made about whether to continue payments at this point.

## When would I have to repay any part of my direct payment?

If your prepaid card account or your financial returns show that money has built up in the care account amounting to more than six weeks worth of your direct payments, the excess above the six weeks would need to be repaid to the council unless the excess is being built up for a specific reason. A build up of the money may show that the assessment was wrong or that your care needs are not being met. Where funds are recouped you will be credited and, where applicable, refunded with your charge contribution for the equivalent weeks of recoup.

Your direct payments would be cancelled or suspended if the money was not used to meet your care needs or if it was misspent. This could be fraud. If so the council will take legal action to recover the money.



# Addressing problems

As with everyday life, sometimes problems may occur. Things that might happen include the following:

## Your care arrangements break down

We encourage everyone to make back-up support arrangements because sometimes problems can occur and your care arrangements may break down. Despite your best efforts there might still however be occasions where you are not able to make alternative care arrangements if problems do occur. In these circumstances the council will arrange care to meet your most urgent or acute care needs.

## Your support needs are not being adequately met

If this is the case we have a responsibility to step in and help you. A review or reassessment of your needs may need to take place. We may have to help you arrange care services for a period of time to ensure your needs are met.

## You get into difficulties with your direct payments

Mistakes happen in life and can happen when people are receiving direct payments. If you get into difficulties with your direct payments or get confused, don't worry. Contact your social worker or a support provider who will help you.



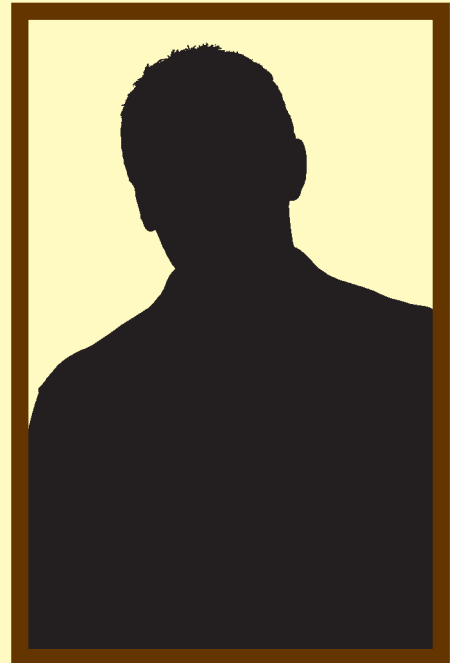
# Case study

## The Hands family's story

Mr and Mrs Hands care for their son who is 24 and has severe autism, as well as epilepsy.

In the past they had used care agencies but wanted more flexibility and control over their son's care.

They now receive direct payments, with Mr Hands being the suitable person. This has enabled them to employ a full time personal assistant, along with three part time sessional personal assistants who can be called on as and when required. All are male as this is what is preferred.



Mr Hands takes responsibility for the payroll system and accounts and find this easy to organise.

### Familiarity and continuity

Mr Hands said: "Having the personal budget through direct payments has given my son the freedom to live his life as he wishes.

"With a diagnosis of severe autism, being able to build a structure for our son each day and vary this routine when he can cope with change is vital. Direct payments let us do this. They have made a huge difference to our lives, for all three of us, not one of us could go back to the old way.

"In the past we never knew which carer would come to our home from day to day. Our son found that hard to cope with as because of his autism, he needs familiarity and continuity. Direct payments have given him that and he is so much happier."

# Keeping safe

When receiving direct payments and arranging care it is important to be able to trust your care providers - whether employed by you as personal assistants or care provided through an agency.

Agency staff will have been checked and assessed to meet the care agency's requirements. When employing your own care staff it is important to take certain steps to make sure that you keep safe and that there is no threat to you. We feel it is important that you seek advice from a support provider when choosing people to care for you in your own home. The council strongly recommends that a DBS check is carried out on anyone you wish to employ.



If there are no children under 16 in your household the DBS check will need to be funded from your personal budget. If there are children under 16 living in the property, a DBS check must be carried out on anyone you wish to employ before commencement of their employment. Dudley Council will fund and arrange the DBS check free of charge and permission will be given by the Council to employ the person concerned.

Below we outline some simple but crucial advice to follow when employing care staff, which is also useful to keep in mind if you choose to use agency staff. It's important to follow this advice even if you are going to employ family members, or people who have been recommended to you.

You need to know that people caring for you will not:

- Abuse you in any way
- Steal from you
- Deliberately fail in their duty to care for you
- Discriminate against you

## To keep safe, follow this advice:

- If you advertise for care staff don't put your home address, telephone number, or details about yourself on the advert. You could ask the jobcentre to advertise for you, or you could use a mailbox number
- Interview any potential carers, ideally away from your home and with someone to help you. Your support provider can help with this if you wish
- When you have decided who you want to employ ask for two references, including the person's most recent employer
- Always ask if agency carers have been DBS checked
- You can find out more about how care agencies have performed in their inspections by visiting the CQC website (their details are listed in the back of this booklet)
- Once your personal assistant/s start working with you it is advisable that you arrange for someone you trust to spend some time with you initially, until you feel comfortable

## If you are unhappy with your care

Always remember you have the right to question anything your care staff do that you are not happy with. You can discuss this with your support provider and they can arrange a meeting with your care staff to discuss it.

If you still feel unhappy your support provider can advise you of the correct disciplinary procedures. In some cases, this can lead to dismissal.

If you are not happy with a member of staff from a care agency your support provider can help you explain the problem to the agency manager and arrange for another member of staff to support you. Alternatively, you could change to a different agency.

## Support is also available from Dudley's safeguarding service

If you or anyone you know is suffering from any kind of neglect or abuse you should report it immediately to a social worker, or your support provider. They will speak to the councils' safeguarding service.

The council has a duty to investigate any allegations of abuse of vulnerable adults, including people receiving Direct payments.

Free training is available on how to identify abuse and what to do if you think it is happening.

Remember we are here to support you and you must share any concerns if you are not happy with your care.

Further information on keeping safe is available at [www.safeguarding.dudley.gov.uk](http://www.safeguarding.dudley.gov.uk)





## Useful contacts

### Dudley Council - access team

Tel - 0300 555 0055

### Dudley Council -

### Dudley Safeguarding Adults Board

Tel - 0300 555 0055

### Dudley Community Information Directory

Tel - 01384 812965

[www.dudleyci.co.uk](http://www.dudleyci.co.uk)

email [community.directory@dudley.gov.uk](mailto:community.directory@dudley.gov.uk)

### Care Quality Commission

Tel - 03000 616161

[www.cqc.org.uk](http://www.cqc.org.uk)

### Skills for Care

[www.skillsforcare.org.uk/individualemployers](http://www.skillsforcare.org.uk/individualemployers)

### HM Revenue and Customs

New employers helpline

Tel - 0300 200 3211



## Other publications in this series

*Direct payments fact sheet - using a care agency/other services*

*Direct payments fact sheet - employing staff*

*Keeping adults safe*

*Support for carers*

*A guide to adult social care and support in Dudley*

*Arranging and paying for care and support while living in your home*

*How much will I have to pay?*



# Further information

**Please contact our  
access to adult social care helpline**



on **0300 555 0055** (Monday to Friday - 9am to 5pm)

An emergency duty team is available on **0300 555 8574**, at all other times

Web [www.dudley.gov.uk/asc](http://www.dudley.gov.uk/asc)

Email [accessteam.dachs@dudley.gov.uk](mailto:accessteam.dachs@dudley.gov.uk)

Post **Brierley Hill Health & Social Care Centre**  
**Venture Way, Brierley Hill DY5 1RU**

**Dudley Community  
Information Directory**

Your online tool to find information about care and support,  
activities, health services and much more across Dudley borough.  
**[www.dudleyci.co.uk](http://www.dudleyci.co.uk)**

If you require any assistance with regards to this document or would like to request an interpreter, large print or audio version, please contact the communications team on 01384 811561