

Direct Payments

Direct payments are intended to give people more choice and control over their care and may be available to someone who has been assessed by the Local Authority as needing care or support at home.

Who can have a Direct Payment?

Anyone who is over 18 years old (16 in Northern Ireland) and has been assessed by their Local Authority as needing care at home. A Direct Payment cannot be given to someone in residential/nursing care at this time. Carers may also receive a Direct Payment (apart from in Scotland).

You cannot be forced to have a direct payment and it should only be offered if the individual is both willing and able to manage the payments with or without assistance from an appropriate person.

There are others who may be able to receive a Direct Payment such as someone who is over 16 years and disabled or someone with a parental responsible for a disabled child.

For someone who lacks capacity to manage their own direct payments they can be made to a willing and appropriate 'suitable person', who receives and manages the payments on behalf of the person who lacks capacity.

What can you buy with a Direct Payment?

A Direct Payment allows more flexibility and choice over the care and support that you buy to meet an assessed care need but it cannot be used to buy something that has not been agreed as an eligible need against the Local Authority criteria.

What is a mixed package?

You can choose to have some of your services provided or arranged directly by social services and use direct payments to arrange the rest for yourself. This can be a useful way of trying out direct payments.

How much will you get?

How much you receive will depend on the assessed eligible need for care and support that you have. Once Adult Social Care (otherwise known as Social Services, Local Authority, Health and Wellbeing...) have done a care needs assessment they will use it to work out if you have any care or support needs that meet their criteria.

The reasonable cost of providing that care will be worked out, this amount is called a 'Personal Budget' and can be paid directly as a 'Direct Payment'. You may be asked to contribute to this and there may also be administration/set up charges which should be outlined and a schedule of payment issued.

What can't you use a Direct Payment for?

The aim of direct payments is to give people more choice and control over the care and support services they are assessed as needing but you can't use them to pay:

- your spouse, partner or a 'close relative'* living in the same household (in exceptional circumstance the local authority has discretion to allow this – but only if it is necessary in order to meet your needs)
- for social services' own provision. In this case you can either receive services from the social services department in the normal way
- for services that the NHS has a duty to provide
- for services provided by housing authorities
- for permanent residential care (apart from up to 4 weeks respite care)

*A close relative is a parent, parent-in-law, aunt, uncle, grandparent, son, daughter, son-in-law, daughter-in-law, step-son or daughter, brother, sister or the spouse of any of these.



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Employing services

Some people worry about the responsibilities of being an employer but many others have found it to be a successful way of arranging their services. If you would prefer not to have the responsibility of being an employer you can use your direct payment to contract with an independent agency or a person who is self-employed.

How are Direct Payments made?

Direct Payments are usually made 4 weekly into a separate bank account, some Councils have a pre-loaded card account for Direct Payments and others will agree to make a weekly payment or have a slightly different payment method. Discuss this before agreeing to manage Direct Payments, what works for you and the evidence you will be expected to provide and the way monitoring will be carried out.

What if you don't spend it all?

A Direct Payment is to be spent on meeting your needs and it is important that you use it. If the local authority finds that you are not using it up, they may decide that you have fewer needs than they first thought and try to reduce your care package.

If unspent the local authorities may require some or all of the money to be paid back if it has not been used for its intended purpose. Before you receive direct payments the circumstances when recovery may be considered should be explained to you.

You can ask for a review at any time if you need it or decide at any time to stop having direct payments. The local authority should then arrange services for you instead so that your needs continue to be met.

Complaints

You have the right to dispute any decision about direct payments or personal budgets. If not satisfied having used this any further complaint can be made to the Local Government Ombudsman.

Confused by Direct Payments and how to use them?

You should always receive appropriate advice and support to help you use appropriate funding option to meets your needs, ask your Local Authority to give you some advice and support if needed, it may be that an advocate could help support you to express your decision.

Disability Rights UK provides information, useful reading materials and a helpline. Your local social services departments should be able to tell you what local support schemes there are and have materials with local information and how to access an advocate to help if required.

Disability Rights UK

12 City Forum, 250 City Road, London, EC1V 8AF

Tel: 0300 555 1525

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www.disabilityrightsuk.org

