

DIRECT PAYMENT FAQ's

What is a Direct Payment?

A Direct Payment is the way a Council can pay someone all or part of their Personal Budget as a sum of money to choose and buy care services. The Direct Payment must be used for purchasing support services which are legal and appropriate in meeting someone's care needs. It can't be used for buying alcohol or drugs, gambling or employing someone outside of a contractual arrangement (cash in hand arrangement).

Why would someone choose to have a Direct Payment?

People who require care and support are usually best placed to decide themselves, or with help from someone who knows them best, how they can improve their situation and manage their difficulties so things don't get worse for them. Many people value the opportunity to tailor support towards their personal preferences and choice and achieve this by taking a Direct Payment. It also provides greater choice as people can buy support services from outside of a local authority's preferred provider list.

What needs to happen before a Direct Payment is paid?

Before releasing a Direct Payment the Council will need to agree the person's support plan and ensure that the services the person has chosen, and how they will use them, will help manage their difficulties and not put them at further risk. The Council will require people to sign an agreement confirming they will use the Direct Payment money appropriately and within the Direct Payment rules.

Who can receive a Direct Payment?

A Direct Payment can be paid to someone who is eligible to receive services and a Personal Budget from either their local Council or NHS.

Social Care - People eligible for support from their local Council whose income and savings are above the financial threshold of £23,250 will self-fund their care and will not be able to receive a Direct Payment. People paying a personal contribution which is above the costs of their care and support services and Personal Budget will be 'Full-Cost' and will not be able to use a Direct Payment.

People who can be paid a Direct Payment can either be:

- the person who receives support
- someone they have nominated to manage the money on their behalf
- someone who is authorised to act on their behalf due to lack of capacity
- a parent or guardian of someone under the age of 16.

What are representatives and nominees?

A **representative** is someone who is authorised to act on the person's behalf due to a lack of capacity.

A **nominee** is someone who has been nominated by the person to manage the money on their behalf.

What are Direct Payments for Carers?

Following a Carer's Assessment, a Carer's Personal Budget may be offered to help improve a carer's health and well-being and access work or training opportunities. People can take their Carer's Personal Budget in the form of a Direct Payment.

When is the Direct Payment money paid?

The Direct Payment is paid every 4 weeks directly into a bank account and will include the amount of any personal contribution someone has been assessed as needing to pay.

Can a Council refuse to give someone a Direct Payment?

Direct Payments are made available to someone if it is appropriate in meeting their care needs and they are satisfied that the person can manage the Direct Payments themselves or with whatever help or support is available for them. Under the regulations, a Direct Payment cannot be offered to someone under a court order for drug or alcohol treatment program or similar schemes.

What support is available to help someone use a Direct Payment successfully?

A Social Care or Health Care professional can refer people into the range of help available to understand what's involved with taking a Direct Payment and use it successfully to buy services and support. The range of help available includes:

- **Direct Payment Information & Advice Service** – providing information and advice for using a Direct Payment and the support options available
- **Employment Support & Advice Service** – providing information and advice with becoming an employer of Personal Assistants, helping people to recruit and employ staff and offer on-going support with being an employer.
- **Pre-Payment Card** – This is the preferred option for people to use to manage the Direct Payment money. It works in the same way as an online bank account to buy services and support either online, face to face or over the phone. The Council can view the account to check how the money is being spend and as such there is less administration and paperwork involved when taking this option.
- **Payroll Service** – providing assistance to administer staff wages and employer PAYE responsibilities, including any employer pension scheme.
- **Holding Account Service** - available to help manage the Direct Payment money, pay care bills on someone's behalf and submit details to the Council with how the Direct Payment has been used.

Can I be forced to use a Direct Payment Pre-Paid Card?

No – although this is the Council's preferred option to help someone manage a Direct Payment successfully, people cannot be forced into taking it.

How much should the Direct Payment be?

The Direct Payment has to be an amount sufficient to buy appropriate care services including the employment of Personal Assistants and paying all the costs associated with choosing this type of service.

What if someone moves out of their Council area?

If someone moves to a different area on a permanent basis they would be treated as having ordinary residence in that area and the new Council would be responsible for re-assessing the person and identifying the services which they are eligible for.

What happens if someone is admitted for a short stay in hospital or a residential setting?

A Council would discuss this with individuals, but in principle a Direct Payment can still continue as people will need to pay staff wages if employing Personal Assistants or retain the services of a care agency for when they return home. When appropriate, services can continue to be provided to the person in hospital to support them with non-health care needs.

What are Direct Payment Monitoring Forms?

If someone is self-managing their Direct Payment, the Council will require them to complete a form approximately four times a year to confirm what the Direct Payment has been used for and return with copies of bank statements.

Can people employ family members as personal assistants?

Yes – this type of arrangement can work really well for many people when set up and managed appropriately. A Council would need to agree for the Direct Payment to be used to pay a close family member living in the same home as the relative receiving support and would do so when they felt this was the most appropriate solution to meet the person's needs.

Can the Council stop a Direct Payment?

Yes – this can be when someone's difficulties improve to an extent that they no longer meet the criteria to receive social care support from their Council. Serious concerns with how the Direct Payment has been managed or used will also risk the Direct Payment being ceased, but this should be as a last resort and only after giving consideration to other options which may enable the person to continue using a Direct Payment appropriately.