



*Helping Achieving Independence*

**Direct Payment & Employer Support Helpline** – Mon - Fri 10am - 1pm

**Tel:** 01908 101346 (answer phone facility available) **Email:** [sdshelpline@connectionsupport.org.uk](mailto:sdshelpline@connectionsupport.org.uk)

### **What is a Direct Payment?**

A Direct Payment is the way a Council or NHS can pay someone all or part of their Personal Budget as a sum of money to choose and buy care services that are more tailored to their unique circumstances and situations. A Direct Payment gives the responsibility for making decisions with support arrangements and managing these to the person receiving it.

### **Are there any rules with using a Direct Payment?**

The purpose of the DP is to allow someone choice and flexibility with how they improve their situation and manage their difficulties, other than the rule that the money must be used for things which are legal and appropriate and have been agreed in a Care & Support Plan, there are very few limitations with using it.

### **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. Traditional support services don't always work for everyone, and people value the opportunity to tailor support arrangements to their personal preferences and lifestyles. It also provides greater choice as people are not restricted to using a set type of service or a service from an approved 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. 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 who can be paid a Direct Payment can either be:**

- the person who is eligible for support
- someone they have nominated to manage the money on their behalf.
- someone who is authorised to act on their behalf due to a 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. In Milton-Keynes, the Direct Payment will not include any personal contribution, this is paid separately into the account by the Direct Payment user.

### **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 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?**

There are a range of services offering support and understand what's involved with taking a Direct Payment and use it successfully, these include:

- **Direct Payment Information & Advice Service** can offer information and advice with using a Direct Payment and the responsibilities involved.
- **Pre-Payment Card** is an option available to reduce having to complete monitoring information with income and spend to the Council or NHS. It works in the same way as an online bank account, but the Council can access and view the account to monitor it.
- **Employment Advice and Support Service** – offering advice and support in all aspects of becoming an employer, helping find, recruit, and employ staff and offer additional support as required.
- **Payroll Service** can help administrate staff wages and HMRC payments, including any employer pension scheme.
- **Holding Account Service** can offer to help administrate 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.

### **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 local authority 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 ensuring services continue whilst they undertake a reassessment.

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

A Council would discuss this with individuals, but a Direct Payment should 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 using managing their Direct Payment money themselves in their own dedicated bank account, the Council or NHS will require them to complete a form on a regular basis, usually every 3 months to confirm what the Direct Payment has been used for and if requested, send in receipts and bank statements.

### **Can people employ family members as personal assistants?**

Yes – this type of arrangement can work well for many people as long as it's all set up correctly and appropriately. The employee may be a family member, but the DP user will still have legal responsibilities with being an employer, as such it's important to seek advice and ensure it's the right option to use. A Council will need to give agreement for the Direct Payment to be used to pay a close family member if they live with the DP user and would agree if it was shown necessary to ensure the persons need could be met.

### **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 or Health care support. Serious concerns with how the Direct Payment has been managed or used will also risk the Direct Payment being reviewed and possibly ceased, but this should be as a last resort and only after considering other options which may enable the person to continue using a Direct Payment appropriately.