



# Direct Payments

## What is a Direct Payment?

If you have had an assessment of your social care needs and it has been agreed that the Council will help to meet some of your needs for care and support, then you will be given a Personal Budget. This is a sum of money that is used to pay for care and support. You can take a Personal Budget in two ways.

The first way is for the Council to use the money to arrange and pay for the care and support you need. This is called a Managed Personal Budget.

The second way is for the Council to give you the money to arrange and pay for the care and support yourself. This is called a Direct Payment.

If you want to you can ask the Council to arrange some services for you with a Managed Personal Budget and arrange some of them yourself using a Direct Payment.

Some people may not want Direct Payments or may not be able to have one. If this is the case the Council will use the managed personal budget to provide the services that are needed from an approved list of providers.

## Benefits of a Direct Payment

Using a Direct Payment gives you much more freedom to arrange the services you want from the companies or carers you prefer at times that suit you. It gives you a lot of choice and control over how your social care needs are met.

Having a Direct Payment means that you can buy services from companies that the Council does not have contracts with. You can also use the money to employ a personal assistant to give you support when you want it or buy

things that help you to meet your assessed needs.

## Who can get a Direct Payment?

Anyone who is eligible for long-term social care support and is offered a personal budget can ask to have a Direct Payment. The Council must then decide if a Direct Payment is an appropriate way to meet someone's needs.

There are a number of reasons why this might not be so. Two of the most common reasons are that a person does not have capacity or is not capable of managing a Direct Payment. These things are considered in more detail below. However, in general it is expected that a Direct Payment would be an appropriate way to meet needs.

## Direct Payments for people who do not have the mental capacity to request them

Some people do not have the mental capacity to request a Direct Payment. Mental capacity is something that is assessed in relation to specific decisions. If someone cannot understand, retain and use the information needed to make a decision about Direct Payments, he or she cannot receive one. People may not have mental capacity for different reasons, for example because they have dementia or a learning disability.

However, if someone does not have mental capacity to request a Direct Payment, someone else can request to receive one on his or her behalf. This other person would take on all of the responsibilities for managing the Direct Payment and would be known as the **authorised person**. In order to become an

authorised person a number of conditions must be met. The Council must also agree that giving the Direct Payment to the authorised person is an appropriate way to meet the care and support needs of the person who has been assessed.

## **Direct Payments for people who need help to manage them**

Managing a Direct Payment involves a number of tasks and responsibilities. These include opening and managing a separate bank account and making payments to the people who provide care and support services. Some people may not be able to do these things without help. However, if someone can manage the Direct Payment with whatever help or support is available to them, then the Council can give a Direct Payment. If someone is not able to manage, even with the help and support that is available, it would not be appropriate for the Council to give a Direct Payment.

Help and support to manage the Direct Payment can be provided in a number of ways. A family member or friend can do this, or there are specialist organisations that provide Direct Payment Support Services.

Help might be needed with different aspects of managing the Direct Payment. Someone else can agree to manage the money and open a bank account. This person would become the **nominated person** for the Direct Payment.

Some people also need help and support with the tasks and responsibilities associated with becoming an employer. These tasks include things like running payroll and paying taxes for the people that they employ.

You can talk to your worker about the sort of help and support you might need to manage a Direct Payment. The Council has a list of accredited Direct Payment Support Service Providers that you can use. If you do need to use one of these, the cost of doing so will be agreed as part of your support plan and the money will be included in your Personal Budget.

## **What can Direct Payments be used for?**

The Council will have carried out an assessment of your needs and given you an idea of how much money will be available to meet your needs. A Council worker will then help you to produce a Support Plan. This describes the outcomes that you want to achieve as a result of receiving some care and support to help you to meet all of your needs. The Support Plan also describes **how** your needs will be met.

The Support Plan will describe how you will use the Direct Payment to meet your assessed needs, in order to achieve the outcomes you have chosen as being important to you. You can use it to buy services, buy things that will help you or to employ someone. You can use the Direct Payment in very creative ways, as long as it is agreed that they are meeting your needs and are agreed in your Support Plan.

## **What can Direct Payments not be used for?**

There are some things that Direct Payments cannot be used for. Some of these are common sense, for example they can not be used for anything that is illegal. Also, they should not be used for things that are the responsibility of other agencies, for example health services, which are the responsibility of the NHS.

There are other things that a Direct Payment cannot normally be used for but that the Council may agree in some circumstances. For example it is not normally appropriate to use a Direct Payment to pay a close family member living in the same household to act as a Personal Assistant.

## **Using Direct Payments in long term residential care**

Until recently it was not possible to use a Direct Payment to pay for services if you are in long term residential care. However,

Nottinghamshire County Council is taking part in a Government test scheme, which means that if you live in Nottinghamshire you can now use a Direct Payment in this way. Please see our factsheet 'Direct payments in care homes – introduction'.

## Case study example

Linda has assessed needs related to a physical disability. Her needs are in connection with:

- maintaining her personal hygiene being appropriately clothed
- making use of necessary facilities or services in the local community

In her Support Plan, Linda identified the outcomes that she wants to achieve as a result of support to meet her needs. These are:

- having a shower each morning
- being dressed in clothes of her choice
- doing a weekly shop in town

Linda has a personal budget of £130 per week. She decides to take it as a Direct Payment. She uses this to employ a Personal Assistant who lives locally to support her for 14 hours a week. The Personal Assistant spends an hour with her each morning helping her to shower and dress. Once a week they spend a couple of hours going into town and Linda is supported to do her shopping. Linda makes the arrangements for her support directly with her Personal Assistant, making changes when necessary – she is in charge.

Linda has opened a bank account herself for the Direct Payment and uses this to pay her Personal Assistant. She used a Direct Payment Support Service to help her recruit her Personal Assistant and to help her with her payroll responsibilities. These include giving her Personal Assistant pay slips and arranging to pay the right amount of tax. Linda pays the Direct Payment Support Service a weekly amount, which comes out of the £130 she receives.

## Setting up a Direct Payment

Direct Payments are designed to give you more control over your care. However, there are some things that you will need to do such as:

Open a separate bank account (or use a pre-payment card). Please see our Fact Sheet "[Direct Payments - pre-paid debit cards](#)".

Keep a record of how you have spent the money (bank statements/invoices).

Make your bank statements and spending records available to the Council.

A social care worker will help to get you started and, if you need more help, we can give you contact details of Direct Payment Support services.

Before the Direct Payment starts you will be asked to sign an agreement with the Council. This sets out clearly the roles and responsibilities on both sides.

If you have Direct Payments and then change your mind, you can stop them at any time.

### Contact information:

Phone: 0300 500 80 80  
Monday to Friday: 8am to 8pm  
Saturday: 8am to 12 noon  
(Calls cost 3p a minute from a BT landline. Mobile costs may vary).  
Email: [enquiries@nottsc.gov.uk](mailto:enquiries@nottsc.gov.uk)  
Web: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Phone 0300 500 80 80 if you need the information in a different language or format.