



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 an allocation of funding which is sufficient to meet your assessed needs.

You can take a Personal Budget in two ways:

- **Managed Personal Budget** - the Council uses the money to arrange and pay for the care and support you need
- **Direct Payment** - the Council gives you the money to arrange and pay for the care and support yourself

You can also ask the Council to arrange some services for you with a Managed Personal Budget and arrange some of them yourself using a Direct Payment. This is known as a **Mixed Package**.

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.

Direct Payments for people without mental capacity

Some people do not have the mental capacity to request a Direct Payment. 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 their behalf. This other person would receive, manage and take on all of the responsibilities of the Direct Payment and would be known as the **authorised person**.

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.

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. Someone else can agree to open a bank account and manage the money. This person or support service 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 Social 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. See our Factsheet [Selecting a Direct Payment Support Service](#) for more information.

What Direct Payments can 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, 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 Direct Payments cannot be used for

Direct Payments cannot be used for anything illegal, or anything which is not agreed and recorded in your Support Plan.

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

Direct Payments can now be used by people in long term residential care. Please see our Factsheet [Living in a care home - Direct Payments](#).

Payments and personal contributions

We pay Direct Payments every four weeks in advance into your Direct Payment bank account or Pre-Paid Debit Card account.

If you have been financially assessed as having to make a personal contribution, you must pay this into your Direct Payment bank account or Pre-Paid Debit Card account every four weeks. Your personal contribution is always used first to cover care and support costs. Our payments will make up the remainder. See our Factsheet [Direct Payments and Personal Contributions](#) for more detail.

The Direct Payment Agreement

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

It is very important you read and discuss this with your Social Worker.

As part of this Agreement, there are some things that you will need to do such as:

- Open a separate bank account, or use a Pre-Paid Debit Card. Please see our Factsheet [Direct Payments - pre-paid debit cards](#) for more information.
- Keep a record of how you have spent the money (for example receipts/invoices/wage slips)
- Make your Direct Payment bank account statements and spending records available to the Council on request for Auditing purposes

Auditing of your Direct Payment

Everyone who receives a Direct Payment will receive an Audit. This is a check on various aspects of your Direct Payment account and spend by the Direct Payments Auditing Team. Your account will be audited at around 8 weeks after you receive your first payment and then again after about one year. Following Audits will take place once a year.

You will be asked to provide bank statements and/or records of how you have spent the Direct Payment money. If you fail to provide the information we request, this will be treated as a breach of your Direct Payment Agreement and an urgent review of your Direct Payment will be scheduled. This may result in your Direct Payment being stopped and the Council taking action to recover all Direct Payment money paid to you.

If you use a Direct Payment Support Service provider we will ask them to provide us with bank statements on your behalf.

If you have a Pre-Paid Debit Card to receive your Direct Payment you will not be asked to send bank statements to us as we can access these online on your behalf.

For more information about what happens at an Audit, please refer to our Factsheet [Direct Payments Auditing](#).

Misuse of Direct Payments

If we identify that you are intentionally spending your Direct Payment on things which were not agreed in your Support Plan this will be classed as 'misuse' and a breach of your Direct Payment Agreement. This may lead to your Direct Payment being stopped and you being billed for all the Direct Payment money we calculate you have misused.

Direct Payment 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.

Contact information

If you have any questions about anything contained in this leaflet please contact:

Nottinghamshire County Council Customer Service Centre:

Phone: 0300 500 80 80 (Monday to Friday: 8am to 6pm)

Email: enquiries@nottscc.gov.uk

Web: www.nottinghamshire.gov.uk

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