



## Direct Payments for Social Care April 2015

In Newcastle most people who are able to get help funded by the Council will be given a personal budget. This is an agreed amount of money that can be used in many different ways to meet social care needs. If you can get a Personal Budget you will be able to have it given to you as a direct payment in most cases but you can also ask the Council to arrange support on your behalf instead. This information sheet tells you what you need to know about direct payments.

Even people who do not fully understand what a direct payment is or would struggle to manage one because they have problems with their memory or making decisions can have a direct payment if they have someone suitable who can take responsibility for it on their behalf and it is agreed that it is the right option.

### What are direct payments?

Direct payments are made to people who have been assessed as needing Council-funded social care. Instead of the Council arranging services for you, we will pay money into a bank account for you to buy the support you need in the way that you prefer. The Council has to agree with the way you want to use your direct payment, but disagreements are not common. You will get a Care and Support Plan and Direct Payment Agreement that shows what the agreement is.

### What can I use my direct payments for?

People generally have more choice with a direct payment because they can arrange services that the Council sometimes cannot provide. These are some common ways that people use a direct payment:

- Employing personal assistants to provide personal care and other support; this could be someone that you know already or someone recruited from an advertisement
- Contracting with a care agency instead of having the Council do it for you
- Buying community activities instead of going to a day centre

The only things you are definitely **not** allowed to use your social care Direct Payment for are:

- Employing a close relative who lives in the same household as you

- Buying things that health services should provide (like wheelchairs, medicines or pads for people who are incontinent)
- Buying treatment that health services should provide (such as physiotherapy or chiropody)
- Buying things that the Council provides directly
- Paying for regular household expenses that everyone has (things like gas, electricity, rent or food shopping)
- Giving cash to other people for doing things for you (but it is ok to buy things with cash as long as you get receipts and it has been agreed with the social worker)
- Buying alcohol, cigarettes or using it for gambling
- Using it to help you pursue a hobby or activity is fine – but you can't use a direct payment to buy any hobby-related equipment that could be classed as an offensive weapon (for example knives or guns)
- Anything else that is against the law!

### **Is using a direct payment an easy thing to do?**

Direct payments work very well for a lot of people in Newcastle and there is support available to help you. Direct payments can give you more control and flexibility over how you get your support, but with those important benefits come some important responsibilities.

Here are the main ones:

- You have to have a separate bank account for your direct payment and keep your own money separate (apart from your financial contribution, if you have one).
- You have to be able to show us how you have spent your direct payment. This means that you have to keep receipts and bank statements. If you cannot prove how you have spent the money, or have spent it in ways that we haven't agreed to, then you will have to pay the money back. The Council can take legal action against you if you do not do so, because we have to protect public money.
- If you choose to employ personal assistants, you are just that: an employer. This means that you have to treat your personal assistants properly according to employment law. You are also responsible for paying tax and National Insurance contributions (but you can get help to work these figures out).
- If you employ personal assistants, you have to enrol them in a pension scheme; this might sound difficult and there are rules about it but we can help you with it.
- You also have to be ready to deal with any recruitment and disciplinary issues.

- You need to plan for replacement support if your personal assistant is sick or leaves.

We can offer you help with most of these things but we can't take complete responsibility for your direct payment. We know that sometimes things can go wrong but in our experience it is when people don't get the right advice or don't take their responsibilities seriously. Most importantly, the Council has to be certain that having a direct payment will meet needs and keep people safe. If we are not, we will stop direct payments and arrange care instead.

## **What help can I get with using direct payments?**

We want to encourage people to use direct payments and the Council has got support in place for you. You can also be helped by relatives or friends if you like, provided that they help you to be in control of your support and do what is right for you. These are the ways that people can get help with direct payments:

- The Council funds a Direct Payment Support Service provided by a user-led organisation. You can get free, independent advice and assistance with budgeting, deciding on the best way to use direct payments, checks to make when choosing a care agency, recruiting and employing personal assistants and what to do when things go wrong.
- The Council insists that everyone who employs personal assistants has an insurance policy that covers you for employer's liability and provides clear legal advice on how to deal with employment problems. You can pay for this out of your direct payment.
- The Council audits direct payments regularly; the people who carry out the audits can identify when things are going wrong and help you to put it right. This sometimes means getting a social worker involved.
- You can buy a payroll service at a low cost from your direct payment. There are also managed payroll services that for a slightly higher fee can receive the money and handle financial transactions, including paying tax and National Insurance for your personal assistants.
- There are courses on safe employment available and we strongly encourage you to take part if you are thinking about or have decided to employ a personal assistant. In some cases we might insist on you completing a course.
- There are other courses on health and safety matters that your personal assistants can go to. The Direct Payment Support Service can let you know about possible options. Some are free, and we can also agree to you spending some of your direct payment on training for personal assistants.

- Very rarely people can be vulnerable to abuse from personal assistants. If this happens you must tell us about it and we will support you as much as we can. We will need to agree a plan of how to deal with the concerns, because employment law still has to be followed in such situations.
- People who cannot understand about direct payments or employing personal assistants can still get direct payments if someone like a relative, friend or partner can act on their behalf. This is called having a “suitable person” who can sign up to a direct payment and take on all the responsibilities. The Council has to decide who can be a “suitable person” and this can only happen in cases where a person is assessed as not having mental capacity to make decisions about direct payments.
- Even people who can make decisions can ask someone to help them as a supporter. In such situations the person signing up to the direct payment still has overall responsibility, but can get help with some of the tasks involved from the named supporter.

### **Will the amount of money I get as a direct payment always stay the same?**

The amount of direct payment that you get is based on the level of assessed need that you have. If your needs or circumstances change, then so could your direct payment.

- The support you receive through your direct payment will be reviewed by a social worker every year.
- The amount of money you receive will be adjusted if your needs have changed.
- This means the amount of direct payment may stay the same but also could go up or down.
- If you no longer need any support from the Council or you need a different type of help (like residential care) your direct payment will stop and we will reclaim any unspent money in your direct payment account.

### **Do I have to have direct payments?**

No you don't. Direct payments do make a real difference to people's lives but they are not necessarily for everyone.

The Council has a duty to inform you about direct payments and support you to manage if you want them. We will also discuss the pros and cons with you to help you to make an informed decision, whether you are an adult with eligible needs or planning to act as a suitable person. Sometimes the Council will decide that direct payments are not right for a person at a particular time. In that case we would organise the person's support for them.

## Where can I find out more about Direct Payments and what help is available?

You can talk to your social worker or contact the Council on Social Care Direct on **0191 278 8377** or you can get in touch with:

### **Direct Payments Support Service at Disability North**

The Dene Centre, Castle Farm Road, Gosforth, Newcastle-Upon-Tyne NE3 1PH

Tel: **0191 284 0480** | Fax: **0191 2130910**



[www.disabilitynorth.org](http://www.disabilitynorth.org).

**If you require this information in another format, for example a large print version please contact Community Health and Social Care Direct:**

Phone: 0191 278 8377

Textphone: 0191 278 8359

Email: [scd@newcastle.gov.uk](mailto:scd@newcastle.gov.uk)