

Personal Budgets and Direct Payments - a Guide to Personalisation in South Gloucestershire

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Introduction

Personal budgets and direct payments are about offering people choice and control in how they are supported to meet their outcomes and needs following an assessment from the council.

This guide covers what personal budgets and direct payments are, and how they work in South Gloucestershire. It may be useful for any person considering a direct payment, their carers, and friends or family. It may also be useful for people working in the care and support sector. It explains personal budgets and direct payments, answers some of the frequently asked questions that lots of people have about them, and provides a list of helpful websites to visit in order to get more information.

We welcome feedback about this guide. If you have any comments or suggestions, please email CAHinfo@southglos.gov.uk

Personal Budgets and Direct Payments - The basics

What is a personal budget?

A personal budget is the way we enable people to have greater choice and take control over how their care and support needs are met. A personal budget is an estimate of how much money will be available to meet a person's assessed needs. The final personal budget sets out the total amount of the budget, including what the council will pay, and what amount (if any) the person will pay. If you have been assessed as being eligible for care and support, you will be offered a personal budget.

How do I use my personal budget?

A personal budget is designed to give YOU control over the way your support and care is organised. It will give you the freedom to plan how you receive your support to meet your agreed outcomes and assessed, eligible unmet needs in your care and support plan. You get to choose how you spend your money to meet your needs and outcomes, which in turn allows you to personalise your service, increase your choice and control, and help to improve your independence.

There are a number of ways you can choose to receive your personal budget:

Direct Payments – These allow you to receive your personal budget as a cash payment, which you can use to buy services that assist you to achieve your agreed outcomes and meet your assessed, eligible needs in your care and support plan. Direct payments provide greater choice and flexibility in the way you arrange the support you want, and you can include things we (the Council) do not organise and directly pay for. See more about direct payments on page 5.

A managed budget – You may decide that you prefer not to receive your personal budget as money, and instead you want us (the Council) to make your arrangements for you. If you choose to do this, we will use the money to pay for your support. Your support will be limited to the organisations that we contract with, and the services we provide.

A combination budget (a mixture of the above) - You may decide that you want a Direct Payment for some of your support, but you want your social worker to arrange some things for you – we call this a combination budget.

Individual service funds (ISF) – This allows you to have the freedom of choice of who you want to provide your support, without the trouble of managing the money. An ISF is not a direct payment, because the council still 'manage' your budget for you and 'contract' the service to a provider, but they do allow you more control over how a personal budget is used to provide your care and support. ISFs are ideal for people whose situation changes regularly, and where a flexible package of support may be required.

We will work with you to choose a provider that will help you meet the needs and outcomes agreed in your care and support plan. The provider can only use your budget for your support and must provide details to you of how much you have spent from your budget and what is remaining. This gives you some flexibility and control, as you agree with the provider the exact detail of your support.

Individual service funds are not yet available in South Gloucestershire, though we are working on a pilot to introduce them.

What are Direct Payments?

Direct payments are cash payments from your personal budget made directly to you, for you to spend on care and support services to meet needs and outcomes in your care and support plan. With a direct payment you can have the money paid onto a Direct Payment card which the council supplies, and use it to arrange and pay for your support.

You may choose to have some things paid using direct payments, while other things could be paid for directly by the council (see 'Combination budget' above)

Who can have a direct payment?

In most cases we will offer a direct payment if:

- you have eligible, unmet needs. You can read [more about eligible needs](#) in our document '[Care Act – frequently asked questions](#)'
- you are able to agree to a direct payment, and manage one on your own (or with support)

Many different types of people have direct payments, such as:

- those with a physical or sensory impairment
- people of 65 and over who need support to live independently
- people with a learning difficulty
- people with mental health needs
- people with HIV or AIDS
- carers of a disabled person who is over 18
- parents of disabled children

We can also offer direct payments for people lacking the mental capacity to consent, if there is an authorised person to manage the direct payment on their behalf.

Who can't have a direct payment?

Those who are excluded from receiving Direct Payments are:

- Offenders on a community order, or serving a suspended prison sentence, under the Criminal Justice Act 2003, which includes a requirement to accept treatment for drug or alcohol dependency
- An offender on a community rehabilitation order or a community punishment and rehabilitation order under the Powers of Criminal Courts (Sentencing) Act 2000, which includes a requirement to accept treatment for drug or alcohol dependency
- Offenders released from prison on licence under the Criminal Justice Act 1991, the Criminal Justice Act 2003 or the Crime (Sentences) Act 1997 subject to an additional requirement to undergo treatment for drug or alcohol dependency and
- People subject to equivalent provisions under Scottish criminal justice legislation.

What can my direct payments be used for?

Quite simply your Direct Payments can be used, in the best way you see fit, to meet any identified outcomes or unmet eligible needs as mentioned in your care and support plan. If you don't have a copy of your plan, please contact your allocated social worker. Using your direct payment should improve your wellbeing, as well as meeting your assessed needs and outcomes. Your social worker will explore this with you when finalising your plan.

Some of the common things people use direct payments for are:

- **Personal Assistants** – These are people you employ to give you the help you need. This could be a friend, neighbour or family member as long as they don't live with you. For more information on personal assistants see our [guide to employing staff](#)
- **Activities away from home** - Support for things like accessing college courses, going to a leisure centre or finding work. You can ask for support from an agency or a personal assistant
- **Short Breaks** - support to pay for a short break somewhere that you choose
- **Equipment** - to pay towards a piece of equipment of your choice, which meets your needs as assessed by your Occupational Therapist.

What can't I use a direct payment for?

Direct payments from the Council can't be used for things like:

- Housing Services
- Health Services, although you may be able to have a personal health budget. See [South Gloucestershire CCG's website](#) for more information
- Permanent residential or nursing home support
- Services from your council
- Gambling or alcohol
- For short breaks in a residential home when the stay exceeds a period of 4 consecutive weeks in any 12 month period. It may be possible to have a short break for longer than 4 weeks, but this would need to be arranged through the council and not through direct payments
- Support for people living in Extra Care Housing, as this is provided by the organisation working within the Extra Care development
- For periods of reablement, which is short term support after you leave hospital or when you first start to receive support
- To pay a family member who lives with you to provide care and support. However family members living with you or outside your home may be paid by you to help with the administration and management of your direct payment. Please speak to your social worker if you think this may work in your situation. Payments would generally be for one or two hours a week.

Arranging to receive your Direct Payments

There are two ways you can receive your money.

- The money goes straight to your direct payment card account, which the council will arrange for you. You make payments for your support from this money
- You may also choose a nominated person, someone who agrees to act on your behalf. Your nominated person spends the money on the support you need as set out in your care and support plan. If you have a nominated person, the money will also be paid to a direct payment card account, and you will be able to use this account as well as your nominated person.

If you are receiving a regular direct payment rather than a one-off payment, the council will provide you with a **Direct Payment Card**. The Direct Payment card is similar to a bank account with a debit card and looks like a debit or credit card. The card is loaded with the direct payment you receive

from the council and you can use the card to pay for services and items to meet your outcomes and assessed eligible needs in your support plan.

The payment card works just like any other debit card. This means it can be used for payments in person, over the phone, and over the Internet. See our [Direct Payment Card Account Frequently Asked Questions](#) and our [Online guide](#) for more information.

The Direct Payments Card Account is our preferred way of making direct payments. We support people to work through any barriers to using the account and ensure it works for them. We recognise however that sometimes people need to use an alternative way of receiving direct payments. We will work with service users and their carers to find the best solution for them and their circumstances.

What will my direct payment include?

If you are going to employ a personal assistant the council will fund your direct payment at an hourly rate approximately £2.50 above what we recommend you pay your personal assistant. The difference needs to build up as contingency funding to cover the costs of you being an employer.

There may also be start up costs paid in the first payment you receive, this is to cover your initial costs as an employer and get you started. Your social worker may agree to add in start up costs for things such as insurance, disclosure and barring service checks and advertising for personal assistants.

If you are using a provider or agency, the direct payment will include an hourly rate that is based on the average rate for providers, or the cost of day services.

You should be clear exactly what funding is included in your direct payment and what this is provided for. If you are not sure please speak to your social worker. If you have a Direct Payment Support Provider they can also help you to be clear on how the funding and finances work.

When will I receive my direct payment?

Your direct payment is loaded onto the card every two weeks, and is paid three weeks in advance. For parents of disabled children, the payment is made monthly in advance.

The calendar below shows what date the money is paid into your account for disabled adults. Parents of disabled children receive their payment at different points during the month.

Direct Payments - Calendar of Payments March 2017 to April 2018

Start date for payment period	End date for payment period	Date money goes into your account
20 March 2017	2 April 2017	10 March 2017
3 April 2017	16 April 2017	24 March 2017
17 April 2017	30 April 2017	7 April 2017
1 May 2017	14 May 2017	21 April 2017
15 May 2017	28 May 2017	5 May 2017
29 May 2017	11 June 2017	19 May 2017
12 June 2017	25 June 2017	2 June 2017
26 June 2017	9 July 2017	16 June 2017
10 July 2017	23 July 2017	30 June 2017
24 July 2017	6 August 2017	14 July 2017
7 August 2017	20 August 2017	28 July 2017

21 August 2017	3 September 2017	11 August 2017
4 September 2017	17 September 2017	25 August 2017
18 September 2017	1 October 2017	8 September 2017
2 October 2017	15 October 2017	22 September 2017
16 October 2017	29 October 2017	6 October 2017
30 October 2017	12 November 2017	20 October 2017
13 November 2017	26 November 2017	3 November 2017
27 November 2017	10 December 2017	17 November 2017
11 December 2017	24 December 2017	1 December 2017
25 December 2017	7 January 2018	15 December 2017
8 January 2018	21 January 2018	29 December 2017
22 January 2018	4 February 2018	12 January 2018
5 February 2018	18 February 2018	26 January 2018
19 February 2018	4 March 2018	9 February 2018
5 March 2018	18 March 2018	23 February 2018
19 March 2018	1 April 2018	9 March 2018
2 April 2018	15 April 2018	23 March 2018
16 April 2018	29 April 2018	6 April 2018
30 April 2018	13 May 2018	20 April 2018

How do I apply for Direct Payments?

If you already get a care and support service from us, discuss direct payments with your social worker or social work assistant. They will need to make sure that you are able to consent to getting a direct payment. They will discuss with you what support you will need to set up the direct payment.

If you do not already receive a service, you will have an assessment with a social worker, who will help you to work out what support and assistance you need, and whether you meet the criteria for help from the council to meet these needs. You can request an assessment by contacting us on 01454 868007.

During an assessment, the social worker will help you identify what you want to achieve and what outcomes you have for your support. You will then be able to write a care and support plan, setting out how you will meet your outcomes and needs, and the amount of money needed to do this (your 'personal budget'). A care and support plan is a document which outlines the support you need and how you want to receive it. It forms an agreement between you and the council indicating how your personal budget will be spent and on what. You can do this yourself, or with the help of the social worker, your family and friends, or possibly an external provider. The care and support plan will need to be approved and then your support will start.

You can find out more about how we assess care and support needs in our factsheet '[General Information about Adult Social Care](#)' or our [Care Act: frequently asked questions](#) document.

Will I have to pay towards the direct payment?

If you are aged 18 or over, we will assess you to find out how much you will have to pay towards your support. This is called a financial assessment. The amount you have to pay will be taken from the direct payment, and you will be asked to add your contribution onto the direct payments card.

Everyone can have free advice and information from us and all our assessments are free. However, most adult care services have to be paid for and you will be expected to contribute toward the cost of services you may receive, if this is possible. The council may be able to help with these

costs but to do this we need to take your financial circumstances into account. You don't have to tell us about your financial situation if you don't want to, but if this is the case, we will assume that you are able to afford to pay for your care yourself.

You can find out more about how we assess and charge for care and support in our document '[Care and Support to help you stay in your own home: information on charges](#)'

Direct payments making a difference to real people

Here is what some people have said about direct payments in South Gloucestershire:

"I think more people should have Direct Payments, they don't know what they are missing."

"It gives you more freedom to live your life."

"It's a lifeline to enable her to live how she wants to live in her own home."

"My needs are met and it's my choice."

"I think it is a very good scheme and it allows people to stay in their own homes, so it's got to be good, hasn't it?"



<https://youtu.be/dK7qGZcei2o>

What does a Support Provider do?

Some of the responsibilities relating to taking a direct payment, especially employing staff, are quite complicated, and may sound a little scary, but you don't need to worry.

If you employ someone to help you lead an independent life, we have details of support providers that can help you. The providers can help you with all the tasks related to finding staff and being an employer. These providers can offer support from the start through to the end of the process. They can also offer support on an ongoing basis if you need help to manage your direct

payment once you have set up your arrangement. If you are intending to recruit and employ personal assistants, the council needs to know that you are in touch with one of the providers. This is so you can receive the correct advice to make sure that you are working within the law. You can find out more about this in our [guide to employing your own staff](#).

Providers can also help you to get your direct payment started if you are buying services with it, for example if you are buying support from a home care agency.

All the organisations listed provide a free no-obligation phone call or visit, to help you make the choice that is best for you, in terms of whether direct payments will suit you and which provider is best suited to your needs. If you choose to use one of the providers you will have to pay the provider for the help they give you. The council will add an extra amount to your direct payment to pay for the support we think you need.

The sorts of help the providers can offer includes:

- employing personal assistants – for example how to advertise for and interview people, getting the right personal assistant for you and how to keep within the law
- arranging insurance – this protects you and the people you employ from the consequences of accidents or injuries while they are supporting you, and can help cover redundancy costs for personal assistants
- getting a disclosure and barring service check, to check if the person you are recruiting has a criminal record or has been barred from this sort of work
- how to buy a service from an agency or provider
- how to keep track of your direct payment - budgeting and keeping a record of what you have spent the direct payment on
- payroll services so that you can pay your personal assistants

You can contact the Direct Payments Support Provider you choose at any time for help and advice once you are getting your Direct Payment.

Support Providers list

We have a list of organisations that can help you to set up and manage your direct payment. This includes contact details and price information.

You can also find a checklist of questions to ask to help you choose a provider in appendix A, which can be printed out.

Support provider	Contact details	Groups they work with	Prices and further information
Ideal for All	Tel: 0121 5585555 Website: www.idealforall.co.uk Email: info@idealforall.co.uk	Older people, Carers, Disabled children, Adults with learning disabilities, Adults with physical Disabilities, Mental health, Self funders	Pricing Information

			Cost of service breakdown
Independent Advocacy	Tel: 02476 697443 Website: www.independentadvocacy.org Email: Office@independentadvocacy.org	Older people, Carers, Disabled Children, People on the autistic Spectrum, Adults with learning disabilities, Adults with physical disabilities, Mental health	Pricing
Lives Through Friends	Tel: 01594 826700 Website: www.livesthroughfriends.org Email: info@livesthroughfriends.org	Older people, Carers, Sensory impairments, Disabled children, Adults with learning disabilities, Adults with physical disabilities, Mental health, HIV	Pricing Information
Penderels Trust	Tel : 01452 411000 Website: www.penderelstrust.org.uk Email: southgloucestershire@penderelstrust.org.uk	Disabled children, Young people, Older people, Carers, People with Sensory impairments, Adults with learning disabilities, Adults with physical disabilities, Mental health	Pricing Information
People Plus	Tel: 0330 1232803 Website: www.ils.peopleplus.co.uk Email: ilssouthwest@peopleplus.co.uk	Older people, Carers, Families, Disabled children & young people, Adults with learning disabilities, Adults with physical disabilities/Sensory Loss, Mental health, Self funders	Easy Words About Us Direct Payments and Health Budgets Managed Accounts Payroll Service Price List
The Rowan Organisation	Tel: 02476 322860 Website: www.therowan.org Email: info@therowan.org	Parents, Carers, Adults or children with learning disabilities, Disabled children, Adults with physical disabilities, Sensory impairment, Mental health	Pricing Information 1 Information 2
WECIL (West of England Centre for Inclusive Living)	Tel: 0117 9479911 Website: http://www.wecil.co.uk/ Email: reception@wecil.co.uk	Parents, Carers, Adults or children with learning disabilities, Disabled children, Adults with physical disabilities, Sensory impairments, Mental health	Information

Keeping Paperwork

Monitoring your Direct Payments

When your care and support plan has been set up, your social worker will check everything is working for you after a couple of weeks. The social worker will then review your support needs after six months, and then once a year. We will double check at each review that we have your personal budget right.

If the amount of money clearly isn't enough to achieve the agreed outcomes and meet your eligible unmet needs, we will reassess and either allocate more funds, or work with you to show you how to make the budget achieve the desired outcomes.

If it turns out that you didn't need as much as expected, an adjustment may be made to the amount we give you and we will discuss with you claiming back the unspent money. If you have delayed buying a service or item but still need the money to do this, then we will discuss this with you so that you keep the funding you need.

We can look at your card account statements on-line, so can see the payments you have made from your account. This means that there is no need for you to send bank account statements to the council, or to fill in regular monitoring records. This makes it easier for you to manage your direct payment.

You will still need to keep paperwork relating to your personal assistants if you employ them, and copies of invoices or receipts for payments made, as the council may ask to see these. See 'Checklist of records to be kept' below for more information.

There is more information about the records you need to keep if you employ a Personal Assistants, please see our [guide to employing staff](#).

Checklist of records to be kept

We do not expect you to keep detailed accounts but there are some records you must keep. We ask that you retain these as we may request them should a spot check be required by the Monitoring Team, internal or external auditors. If you need to purchase stationery to maintain your files you can claim the cost from your Direct Payment account.

The following information is for your guidance only, which you may wish to check with [HM Revenue and Customs](#) who can provide further guidance on employer records. Alternatively, if you have chosen to use a support organisation, please contact them for advice.

The examples shown below have been extracted from information and guidance provided by CIPFA, the Chartered Institute of Public Finance and Accountancy.

Record	Examples	How long to keep them
Major Financial Records	The council normally have access to these via the direct payments card account, which does not use chequebooks or paying in books. However, if you are using another account and not the payment card account, you may need to keep summaries of any expenditure, such as bank statements, chequebooks, paying in books, and bank account interest details.	Seven years

Everyday supplies and services	Invoices, receipts for Direct Payments items, agency fees, PA wage slips, domestic help, special supplies, leisure activities, and courses. Also receipts for equipment such as a raised toilet seat. These are supporting documents for any queries re the above records in the major financial section	Two years after date of purchase
Major Equipment and non-permanent adaptations	Expenditure on major equipment or major non-permanent adaptation paid via the Direct Payment. Records of warranties, maintenance agreements	Life of equipment plus one year
Permanent adaptations	All records relating to permanent major adaptations	Indefinitely
Employer Records	Employer records – advice on this is part of the role of your support provider, you can also receive advice from HM Revenue and Customs	Contact your support provider of HMRC for advice

Using agencies

You may want to use an agency to provide your support via a direct payment. In this case, you will **not** be the employer, and the agency will be responsible for managing the staff and will pay their wages.

You could also choose for the council to arrange agency support on your behalf. The advantages of receiving a direct payment for agency support is around the flexibility you will have. If you want to make changes to the times and dates of your support you can liaise directly with the agency and don't have to come back to agree this with the council. You can also go back to the same agency if you have had a spell in hospital. If the agency isn't working out for you, you can also choose another agency to work with you.

The agency will ask you to sign their terms and conditions, so that you are clear on how the agency will work with you and what they have agreed to provide.

You pay the agency's invoice from your Direct Payments bank account. Always check that you have discussed all of your arrangements with the agency and that the agency has given you a breakdown of all their costs in writing. You do not want to have any unexpected costs, such as additional charges for mileage and bank holidays etc. that you have not previously agreed to pay.

Before you decide to buy a service from a particular agency we recommend that you ask:

- About their registration with the [Care Quality Commission \(CQC\)](#). It is a requirement that all care agencies are registered with the CQC, if they provide personal care for people who are unable to provide it for themselves, because of old age, illness or disability.
- To see a copy of their insurance policy (for more information on insurance, see our [guide to employing staff](#))
- The agency if all their staff have had a [Disclosure Barring Service \(DBS\) check](#)
- The agency how it manages its staff and how often someone will come and check you are happy with the service being provided
- If the agency employ the staff and meet all their tax and national insurance payments
- How they would deal with any complaint you may have
- What cover will be in place to cover staff holiday, sickness etc.

- What training the agency provides for its staff and what qualifications and experience they have
- If they carry out a risk assessment for you and the staff
- If you will be given copies of the hours that the staff work so that you can pay the correct amount
- How much it will cost you to use their service and how to pay the money to them
- Ask for the full cost of your support in writing.
- How much consistency they can offer in terms of them providing the same staff to support you.

If the agency tells you they will not be able to continue providing care for you, you can look into alternative providers. However if this means that you will be without care for a period please contact us as soon as possible.

Managing direct payments on your behalf

Nominated person

When someone has the mental capacity to consent but needs additional support, Direct Payments can be made to a nominated person who can help the person to manage the Direct Payments. A nominated representative can act on your behalf to either receive the Direct Payment and/or take on the employment responsibility. It is not recommended that any person working as a Personal Assistant is also made responsible for handling the finances or managing the direct payment. This is one example where a managed account could provide the solution.

Managed accounts

Managed accounts enable the flexibility and choice that direct payments offer, with the financial side of the package managed by a direct payments support provider. The person stays in control of their package of support, making decisions about how their support is delivered. However, managed accounts are not a way of managing the direct payment if the person lacks capacity – please see the section on ‘authorised persons’ below for more information on this.

As a general principle, we start with the person taking as much control as possible over their own support, with help from the support provider, social worker and carer. We look at whether a high level support package would help that person to manage the direct payment (such as developing their skills so that they are able to manage their direct payments card and direct payment wherever possible). Where this is not possible, a managed account will be considered.

If the council agrees (subject to an assessment) that a managed account is needed to help someone manage the direct payment, we pay the direct payment funds to the direct payment support provider, through the direct payment card account. All payments such as Personal Assistant wages or agency invoices are made on behalf of you by the direct payment support provider. Payments are made from the direct payment card account, so the council can see the payments that have been made and the balance of the account. You can also receive regular statements from the account.

Other people who are not assessed as needing this support may also choose to buy a managed account service from one of the Direct Payments Support Providers, but the cost of this will have to be met from their direct payment.

Managed accounts are not necessarily long term arrangements, and the direct payments support provider can support the person to take responsibility for the finances, if appropriate.

Acting as an authorised person

We have a duty to offer direct payments to people over 18 who lack mental capacity to consent to them, where there is an authorised person to receive and manage direct payments on their behalf, and to arrange and pay for services and support. It must be in the best interests of the person lacking mental capacity to have direct payments.

If it appears to the social worker and/or carers of the person that their needs might be more appropriately met with a direct payment, but it appears that the person does not have mental capacity to make the decision, a further assessment (Mental Capacity Act Assessment) will be carried out. This will confirm if the person has the capacity to decide for themselves whether or not to choose a direct payment for their support.

If the person needing the support is assessed as lacking capacity to decide to have a direct payment, but it is still in their best interests to have their support provided by a direct payment, then the council will look to appoint an authorised person to receive and manage the payment for them.

Who can be an authorised person, and what do they do?

The authorised person should be the person who has the “strongest incentive” to ensure the money is properly spent on the appropriate care and support identified in the person’s care and support plan. The authorised person must give their consent to receive the direct payment and agree to all the responsibilities involved. The authorised person must at all times act in the best interests of the person who lacks capacity.

The authorised person will often (but not always) have been given a Lasting Power of Attorney or have been appointed by the Court of Protection as a Deputy under the Mental Capacity Act.

Usually the authorised person will be a family member or friend, who may previously have been involved in the care and support of the person. They could also be a representative of a care agency or other support provider in which case a Disclosure and Barring Service Check must be carried out on the proposed authorised person, as well as any staff they employ.

If you have agreed to act as the authorised person, a social worker will complete a checklist to gather the information the council needs to be satisfied that you are the most appropriate person to receive and manage the direct payment and act in the best interests of the person lacking capacity. If you have been given a Lasting Power of Attorney or appointed as a Deputy by the Court of Protection the social worker will ask to see your documentation.

The authorised person must act in the best interests of the person lacking capacity by:

- doing whatever is possible to permit and encourage the person to participate, or to improve their ability to participate, as fully as possible, in acts and decisions
- trying to identify and take into account all the things that the person would take into account if they were acting for themselves, including their past and present wishes and feelings and any beliefs and values which would be likely to influence their decisions
- not making assumptions about what might be in the interests of the person lacking capacity simply on the basis of the person’s age, appearance, condition or behaviour
- consulting others when making decisions

- ensuring a record is kept of the process of working out the best interests of that person (for any major decisions)

As the authorised person you will need to comply with the Direct Payment Best Interests Agreement. The council has a duty to make sure vulnerable people are protected, and for this reason we want people who agree to become the authorised person to be clear about what is expected of them, so that they can make a considered and informed decision to become the authorised person.

Please ensure you read the agreement carefully before signing it and if there is anything you don't understand please ask the social worker who is working with you.

Keeping on track – if something goes wrong

Occasionally things will happen or changes occur and you will need to talk to someone about what to do.

If your eligible, unmet needs are not being met:

We may have a responsibility to become involved to help you. A review, or reassessment of your needs may need to take place. We may have to arrange services for a period of time or support you to enable you to carry on using Direct Payments.

If you are assisting with managing Direct Payments for someone please contact us and let us know about any changes.

The emergency plans you have in place do not work:

You will have discussed a plan about what you will do if your PA goes off sick, takes annual leave or doesn't show up for work. Sometimes the best plans do not always work. We have a responsibility to assist you to meet your outcomes as identified in your Support Plan. If this happens, contact us.

If things are not going well with your PA

If this happens please contact your current direct payment support organisation as soon as possible. Any employment situation can run into problems with absences, performance issues and sometimes disputes. The sooner these issues are addressed the better. You can get advice and guidance from the Advisory, Conciliation and Arbitration Service (ACAS) website: <http://www.acas.org.uk/>

If you get into any difficulty:

Mistakes happen when people are using Direct Payments. Please contact us on 01454 868007 so that we can provide advice and support you.

Direct Payments for carers

A Carer's Direct Payment is a sum of money provided from the council directly to a carer to enable them to have a fulfilling life outside of caring. This can be provided as a one off or ongoing payments.

The amount will depend on the carer's assessed needs and the outcomes they wish to achieve. It must support you in your caring role and help to keep you well and healthy. For example:

- To buy goods and services such as household items that can make caring easier
- To pursue hobbies and leisure activities

- Training to help you manage your caring role

There are a few things you cannot use Direct Payments for:

- To pay yourself as a carer for the care you provide
- Anything that is deemed to be illegal or if it does not keep you safe and well
- Services of a personal care nature (e.g. bathing), respite care or replacement care (e.g. sitting service) for the person you care for. However it may be possible for a direct payment to be given to the service user to meet these needs.

Reviewing your direct payment

The Care Act (2014) tells us that the Council must undertake a Direct Payments Review within the first six months of making the first payment to you and thereafter annually. This gives you time to start using the Direct Payments and is an opportunity to discuss how it is working and to agree any actions.

What is a Direct Payments review?

The aim of the Direct Payments Review is to ensure you are comfortable with using Direct Payments and you are not experiencing any difficulties. It will ensure you are provided with information, guidance and support where required to enable you to meet your responsibilities and the conditions required to continue to receive Direct Payments. We will also discuss with you if your needs or outcomes have changed.

What happens in a Direct Payments review?

If you employ your own PA, we are responsible for checking that you are fulfilling your responsibilities and, if is relevant, we may ask for information and documents relating to this. When the visit is booked with you, we will discuss any documents you need to provide during the visit. This may be for example a copy of the employment contract, the persons self-employed status document or a copy of the HMRC payment slip. (This is not an exhaustive list)

During the Direct Payments Review we will agree and record on the outcome document any actions to be taken, agree timeframes and who will complete the action.

For example: We may agree to provide more information on funding for training for your personal assistant, or you may agree to send a copy of your insurance documents. We will agree who will complete the action and by when.

Financial monitoring and contingency balances

We will review your expenditure on a regular basis and may recoup unspent funding.

Sometimes funding builds up in the direct payment card account, above the four weeks contingency that service users are able to keep in their account. If this happens we will contact you to discuss the reasons, and if the funding can be returned to the council.

The contingency balance is particularly for people who are employing their own personal assistants, and is to cover the costs of employment. It is to cover the following sorts of expenses:

- Annual Employer's liability insurance
- Support when a personal assistant is off sick or on a training course
- Paying personal assistants to attend training courses
- The cost of payroll services

- The cost of disclosure and barring services checks
- The cost of pensions for your personal assistants
- Any tax or national insurance contributions you need to make
- Any gloves or aprons your personal assistant needs to use

If you are using direct payments to pay for agency support, you may bank unused hours if you require more support at a particular time.

What if I am unhappy with direct payments?

There is no guarantee that any particular kind of support will work for you. For example, if there is a problem with a service you are getting we will help you to sort that out. If you wish to change to a different service we can help you to do that too. If receiving and managing a direct payment really doesn't suit you, then you can ask the council to arrange services on your behalf.

In the first instance you should speak with the team or service involved. Most problems can be sorted out quickly this way. You can ask a friend or relative to do this on your behalf if you wish.

For Further information about making a complaint ask for the factsheet Your Experience counts. Or, you may wish to contact the Complaints and Freedom of Information Team:

Freepost RTXL-YJXJ-BXEX
 South Gloucestershire Council Offices
 Children, Adults and Health - Complaints and FOI Team
 Badminton Road
 Yate
 BRISTOL
 BS37 5AF
 Phone: 01454 865 924
 Fax: 01454 865940
 E-mail: CAHfeedback@southglos.gov.uk

What to do when someone receiving a direct payment dies

When someone receiving a Direct Payment dies, the Council needs to be informed so that they can stop the arrangements that are in place.

The Direct Payment Support provider may also be involved during this time to ensure all the employer responsibilities are completed correctly, and any outstanding invoices are paid. For example, if the deceased had been employing a Personal Assistant, this person will need to be paid for the work that they have already completed and any redundancy or annual leave pay that is due to them. The redundancy payment due to each employee under the statutory redundancy payment scheme depends on the individual's age and length of service. If you don't know who your direct payment support provider is please contact us on 01454 868007 and we can advise you of who supplies this support.

The Direct Payment account

The money has been provided to buy services for someone who needed social care support. It does not form part of the person's estate and cannot be used for any other purpose other than contractual obligations that need to be met. It cannot be used for such things as funeral expenses.

Any money left in the Direct Payment account once all due payments have been made will be reclaimed by South Gloucestershire Council. We will advise you how we can do this, in a way that is

straightforward. The council can also help to make final payments from the direct payment account.

If you are the Executor of the Will, you will need to find out if there are any contractual obligations or payments that need to be made from the Direct Payment account.

If you are not the executor of the will

It is very important that you explain the Direct Payments Scheme to the executor. They may not know how Direct Payments work. They need to be made aware that the bank account is a Direct Payment account and that the remaining money in it, after all contractual and legally required sums have been paid out, needs to be returned to the Council.

Personal Budgets and Direct Payments Information Directory

Below is a list of additional information relating to personal budgets and direct payments, and employing or working as a personal assistant.

<p>AgeUK Age UK is the country's largest charity dedicated to helping everyone make the most of later life.</p> <p>http://www.ageuk.org.uk/home-and-care/help-at-home/self-directed-support/making-care-personalised/</p>
<p>Carers UK The UK's only national membership charity for carers. Provides information and advice online, as well as an expert telephone advice and support service.</p> <p>http://www.carersuk.org/help-and-advice/practical-support/getting-care-and-support/direct-payments</p>
<p>Care Quality Commission (CQC) The independent regulator of health and adult social care in England, CQC monitor and inspect services to make sure they meet fundamental standards of quality and safety. CQC publish what we find, including performance ratings to help people choose care services.</p> <p>http://www.cqc.org.uk/</p>
<p>Disability Rights UK DR UK is itself led by people with diverse experiences of disability and health conditions, from different communities.</p> <p>https://www.disabilityrightsuk.org/personal-budgetsthe-right-social-care-support</p>
<p>Gov.uk Central government website which contains information about employment law when employing someone to work in your home.</p> <p>https://www.gov.uk/au-pairs-employment-law</p>
<p>Independent Age Provides clear, free and impartial advice on care and support, money and benefits, health and mobility.</p>

<https://www.independentage.org/information/advice-guides-factsheets-leaflets/using-direct-payments-or-a-personal-budget>

Mental Health Foundation

Information about direct payments from the Mental Health Foundation.

<https://www.mentalhealth.org.uk/learning-disabilities/a-to-z/d/direct-payments>

Money Advice Service

The Money Advice Service helps people manage their money directly through a free and impartial advice service

<https://www.moneyadvice.service.org.uk/en/articles/direct-payments-explained>

NHS Choices

The UK's largest health website. Provides a comprehensive information service helping you to make the best choices about your health and lifestyle, but also about making the most of NHS and social care services in England.

<http://www.nhs.uk/Conditions/social-care-and-support-guide/Pages/direct-payments-personal-budgets.aspx>

Skills for Care

Information for people who employ their own care and support staff and the organisations that support them.

[Skills for Care Information Hub](#)

[Skills for Care Employing Personal Assistants Toolkit](#)

West of England Centre for Inclusive Living

Supporting disabled people with a wide range of services.

<http://www.wecil.co.uk/support-info/direct-payments-support/faqs/>

For professionals:

Think Local, Act Personal

A national partnership of more than 50 organisations committed to transforming health and care through personalisation and community-based support.

[Self-directed support and personal budgets resources from TLAP](#)

Social Care Institute for Excellence

A leading improvement support agency and an independent charity working with adults', families' and children's care and support services across the UK.

[Personal budgets resources and services from SCIE](#)

[Direct payments resources and services from SCIE](#)

Gov.uk

[Care and Support Statutory Guidance: person-centred care and support planning](#) (sections 11 and 12 relate to persona budgets and direct payments)

Local Government Association

The national voice of local government, working with councils to support, promote and improve local government.

[Personal Budget resources from the LGA](#)

[Direct payment resources from the LGA](#)

Appendix A - Support provider checklist

The questions below may be of use to you in helping you to find the right provider. You can print this out and use it to help decide which provider is right for you.

To get you started – think about how many visits a month or support calls you will need and share this with the provider.

Question	Response
I need support with e.g.: <ul style="list-style-type: none">• Recruiting• Arranging insurance• Identifying suitable agencies/services• To budget and make payments How will you support with these tasks and what will the cost be?	
Do you offer flexible packages to suit individual needs?	
How much notice will I need to give should I wish to end the support with you?	
What is your process for dealing with Disclosure and Barring Service Checks?	
What is the process for making a complaint?	
What are the office opening hours?	
Where is your local office?	
Will there be an option of venues for face to face meetings?	

How will you invoice me for the services you are providing i.e. monthly invoices?	
Are you able to provide any information I need in my chosen format i.e. large print / audio etc.	
How will you give me advice on employment law and keep me updated on any changes?	
Do you have a newsletter?	
Do you have a local service user group who hold regular meetings?	
I may use a nominated person to contact you on my behalf – what information would you need on this person?	