Direct payments in North Somerset – a guide

What you need to know if you are thinking about:

- Having a direct payment yourself.
- Managing a direct payment on behalf of another adult or a child.

1. What are direct payments (DPs)?

Direct Payments are cash payments made to people who need care (following a community care assessment) by a local authority to enable them to buy their own care or support services. A ‘direct payment’ simply means that the money goes directly from the council’s funds to an individual.

They can be made to parents on behalf of their child and from the age of 16, a young person can receive a DP in the own right.

Direct Payments are used to buy support to help someone live at home. They can be used for employment of a personal assistant, pay for short breaks, pay an agency directly to provide support and to buy equipment. They can be used very flexibly and creatively – some parents have used the DP money to pay for social activities for their child.

It is important that the use of the money can be seen to help the individual do the things that have been agreed in their support plan.

If North Somerset Council agrees to fund some or all of someone’s care and support services, they will be offered the choice of:

- The council arranging services for you.
- Receiving money (‘direct payments’) from the council, and arranging and payment for your care and support yourself.
If someone would really struggle to manage the money and does not have anyone who can help them, then the Council may look at having a third party (for example an Independent Broker) manage the direct payment on their behalf.

2. How do I know if direct payments would work for me?

Direct payments could be for you if:

- You want to keep or take control of your own care and support services.
- You want to have more choice about services and different kinds of support that meet your needs.
- You’re confident with money and completing paperwork.
- You’re happy to keep receipts and invoices and submit these to social services on time.

Direct payments are probably not for you if:

- You’re not confident about keeping careful records and safely filing important documents away, such as receipts.
- You spend frequent or long periods in hospital.
- You’re happy to let your local authority provide you with care services.

3. How do I get a direct payment for myself, my child or someone I look after?

To receive direct payments, you first need to contact North Somerset Council by calling Care Connect on 01275 888 801 to ask them to assess your care and support needs (or the needs of the person you are supporting, or your child).

If somebody cannot manage the direct payment themselves, there are ways of finding someone else to help them with it, or manage it on their behalf. This will be the case for children and young people where a parent or carer will receive the direct payment.

A young person can have a direct payment in their own right from the age of 16 if they are ready for that responsibility.

If you are already in touch with a social care worker, you can ask them about direct payments when they complete the assessment. If you are
already receiving council services but want to look at direct payments as an option, you can speak to your worker or call Care Connect as above.

4. Will it cost me anything?

Someone under the age of 18 would not be financially assessed and would not be expected to put in a contribution to their agreed support.

If someone is over the age of 18, they may have to put something towards their support costs. There is a financial assessment to complete which lets the council know if the person needs to pay something.

5. How do direct payments work?

DPs go straight into a bank account – if you receive regular DPs we will ask you to set up a separate bank account, as this will make tracking the money easier.

You need to show us how you are spending the money by sending us a financial return every 12 weeks. We will show you how to do this.

(In the future we may be able to offer a pre-paid card system to some DP users).

If you have a one-off DP (for example to pay for a respite break) you may be able to use an existing bank account as long as you can show us how the money was spent.

6. What can I spend direct payments on?

You can’t just spend the money on anything – the council has to know you are spending the DP money on the things agreed in the support plan.

There are some general rules. You cannot spend the DP money on anything illegal or anything that would damage your health (for example, cigarettes and alcohol) and you have to show that you are getting good value from the money.
You can use DPs very flexibly and the Council wants you to be creative!

**For example**

Simon has a learning disability and gets bored and restless at weekends – his outcomes are to be more independent and confident when out and about. His parents’ outcomes are around being able to relax and spend some time together.

Simon uses his direct payment to pay for an annual zoo pass and enjoys going with his Uncle (who gets in free as a carer). Simon enjoys the zoo but also learns about practical things (like getting drinks and food for them both at the café and managing the money).

7. **Can I use my DPs to pay an agency?**

For many people, using a home care agency is a lot easier.

The agency will handle all payments, taxes and insurance, as well as doing police checks and following up references. However, you may not always have the same person visiting your home. It usually costs more than employing a PA yourself, depending on your care needs and where you live.

If you need support with personal care (washing; dressing; using the toilet) then you must buy support from an agency registered with the Care Quality Commission (CQC) as they oversee the standards of these type of services.

8. **What about paying agencies to support my child?**

If you want an agency to work with a child when you are not around to supervise, then that agency must also be registered with the Office for Standards in Education, Children’s Services and Skills (OFSTED) who oversee the standards of Children’s services.

If the agency worker is helping you with practical tasks but you are taking parental responsibility for what is happening, then the agency does not have to be OFSTED registered.
9. Can I employ my own staff?

You can decide to employ someone directly – that is, you take on the full legal responsibility of employing. However, it also means that you can build a close relationship with the person you employ and arrange things between you so that is works well for you both.

Although this may sound daunting at first, there is a lot of support available from the Council’s Direct Payment Support Service. They can provide information and templates for contracts.

There are other organizations such as Skills for Care who can also provide information (see section 10 for further information).

Example:

Michelle employs her sister-in-law, Beth to support her with personal care 5 days a week.

This works well for Michelle as Beth lives quite close and is happy to be flexible on the time she arrives (depending on how Michelle is feeling and what needs to happen that day).

10. More about employing your own carers using direct payments

If you use your direct payments to employ a carer, usually called a Personal Assistant (P.A.), you have to take on certain responsibilities as an employer.

That means you'll have to think about tax, national minimum wage, sickness and holiday pay, employers liability insurance and a pension for your P.A.

Whether you employ someone for a few hours a week or full time, the same rules apply. If that sounds a bit daunting, there are people and organisations that can help.
• Look at local firms who offer payroll services. They’ll handle tax and National Insurance contributions for you. You can usually pay for this service out of your DP.
• Speak to Care Connect on 01275 888 801

11. What can a personal assistant (P.A.) do for me or my child?

A personal assistant will support someone to lead as independent a life as possible. They may work for only a few hours a week, or several hours each day (or night) and help with tasks such as:

• Personal care, such as washing, dressing and using the toilet.
• Preparing meals.
• Shopping.
• Help with medication.
• Driving or helping you get around.
• Supporting family carers when they need a break.

Some families employ a PA who is of similar age or slightly older than their child, as this can help them mix with their own age group more easily. The P.A. must be at least 16 years old and be mature enough themselves to take on the responsibility.

12. Employing a personal assistant directly – what does it involve?

Employing someone yourself gives you more choice and control over who cares for you and what tasks they do. But it also makes you an employer, with all the legal, financial and practical issues that go along with employing.

So before going down this road, there’s a lot you’ll need to think about.

(i) Recruiting a personal assistant

Unless you have someone in mind already, you’ll need to advertise, interview and carry out checks.
The Council will not usually allow you to employ someone who lives with you (unless it is agreed there are exceptional circumstances).

(ii) Checking someone’s right to work in the UK

As an employer, you must make sure that any prospective worker is eligible to work in the UK before you employ them. Ask to check people’s passports or other ID to prove they’re from the European Economic Area or have a visa to work here. Remember to keep a copy of the paperwork.

For more information on the right to work in the UK, visit the Home Office website.

(iii) Disclosure and Barring Service (DBS) checks (previously CRB checks)

Criminal Records Bureau (CRB) checks are now called Disclosure and Barring Service (DBS) checks. You are advised to see a copy of the DBS check for anyone you’re looking to employ. The Council can support you with this.

(iv) Drawing up an employment contract for your P.A.

You’ll need to provide a written statement of employment, including the specific tasks the personal assistant should provide, place of work, working hours, pay rate, duration of employment and holiday entitlement.

(v) Pay and tax

You must pay your personal assistant at least the minimum wage – realistically, you’re talking about around £8.00 per hour, but you will need to know how much you can afford from your DP budget.

Find out more about tax and National Insurance when employing people in your home on the HM Revenue & Customs website.

(vi) Time off, sick pay and holiday pay

Not only will you have to pay your P.A, you may also need to find replacement cover. Your carer or personal assistant has an entitlement to:

- Rest breaks.
- A maximum number of working hours in any week (48 in accordance with European Working regulations but this is taken as an average over a 17 week period).
- Holiday pay.
- Sick pay (in most cases).

If you decide to employ directly you must think about what happens if your P.A. cannot work and have a plan in place.

(vii) Insurance

As an employer, you must take out Employer’s Liability Insurance. Your direct payments should be able to pay for this.

13. Keeping records of what you spend your direct payments on

If you receive direct payments you’ll need to keep track of the money you spend. Your council will tell you what information you’ll be expected to provide (such as time-sheets signed by your P.A.s, receipts for equipment or invoices from home care agencies) and how and when to send this information to them.

14. What to do if your circumstances change

If your needs change, contact your council as soon as possible so that they can reassess the level of payments you need – you might be entitled to more. Alternatively, if you don’t need to spend the full amount because your condition improves temporarily, or you go into hospital, they may need to adjust your payments.

15. If you don’t want to continue with direct payments

If you decide you don’t want to receive or manage direct payments yourself anymore, your council has a legal duty to arrange services instead. Similarly, if North Somerset Council decides you can’t manage with direct payments, they might decide to provide services directly.
For more information:

https://www.moneyadviceservice.org.uk/en/articles/using-a-personal-assistant-to-provide-your-care

For specific information about employing directly and how to get funding to support either your own training (to be a better employer) or your PA’s training, visit the ‘Skills for Care’ website below and click on the TAB about employing your own care and support.

http://www.skillsforcare.org.uk/Home.aspx