

DIRECT PAYMENTS: Guidance to Care Managers

The Community Care, Services for Carers and Children's Services (Direct Payments) Guidance 2003 requires the Local Authority to make direct payments to all individuals who are eligible to receive them and who want them. Assessment of need and decisions about how these needs should be met must include consideration of direct payments. The following points of information relate to all adult client groups; i.e. older and disabled people aged 16 and over, and carers aged 16 and over.

1. The above Regulations give Adult & Community Services Directorates the duty to make direct payments to eligible users.
2. Direct payments can only be made to adults who have been assessed under NHS and Community Care Act. Direct payments cannot be used to pay for the services of a relative or partner living in the same household as the recipient, e.g. where the relationship between the two people is personal rather than contractual, unless it is the only way to meet the assessed need. The Local Authority can waive this rule only in very exceptional circumstances. Payment can be made to a third party as AGENT for the user but the person for whom the direct payment is made must retain the ultimate control over the money and final responsibility for how it is spent. There are now no restrictions for direct payments to adult service users and they can be paid to all client groups where appropriate.
3. The Regulations define what services may be paid for by a direct payment. Direct payments should be as cost effective as the services the Local Authority would otherwise arrange. If individuals wish, the Local Authority can arrange mixed packages for individuals with some directly provided services and direct payments for other needs. This may include aids, equipment and adaptations, but direct payments are not a substitute for DFGs. Aids, equipment or adaptations could include such things as Wightcare Lifeline, a portable telephone to contact carers, or minor equipment/adaptations that reduce the need for direct care. Guidance should be sought from the appropriate operational manager.
4. When direct payments are to be used for the purchase of personal assistance and the assessed client needs meet the local eligibility criteria, there are 2 options:
Option 1) For those people who wish to employ their own personal assistants (or an unregistered agency) an hourly rate will be allowed, and will include a percentage to cover client overhead costs. Alternative lower hourly rates can be paid for specific circumstances.
Option 2) For those people who wish to arrange their own help but want to purchase from a registered home care agency, an hourly rate will be paid that equates to the amount the Directorate pays for home care. Service users can then purchase the care from agencies that have agreed to participate in the scheme. *The hourly rates for both options will be reviewed annually.*
5. Users must be willing to receive direct payments in lieu of services. The agreement to receive direct payments will be indicated on the Care Plan and a 'contract' will be set up between the user and the Adult & Community Services Directorate.

6. The ability and desire of the user to manage direct payments will be recorded on Section 2.9 of the Assessment of Need. Checklist 1 attached is a useful guide in determining a person's ability to manage direct payments. Checklist 2 should be used at the care planning stage. The Care Plan should also identify the assistance the user may need to manage direct payments. The Care Manager/Community Care Officer will review and monitor the appropriateness of the care purchased in accordance with the existing review policy. Financial monitoring will be the responsibility of the relevant administrative staff and will be in accordance with the agreed protocol. Concern about the appropriateness to continue direct payments will be referred to the Team Manager. The decision to withdraw payment will be taken by the Service Manager.
7. Carer need should be assessed and direct payments can be made for services that also meet carer need. Direct payments can be made to carers where the service user is refusing help and the service will support the carer in their caring role. Plans for such payments will need to be discussed in detail with the appropriate operational manager.
8. Users who are unhappy with the decision not to offer direct payments should use the existing complaints procedure. Differing views will be recorded on the Assessment of Need.
9. Direct payments cannot be used to purchase long term residential care, only short term care which must not exceed 4 consecutive weeks in any 12 months. Periods of less than 4 weeks will be added together towards the maximum unless they are separated by a period of more than 28 days.
10. The user is ACCOUNTABLE at all times. They must have EMERGENCY CARE arrangements but if they have not set these up, or the system does not work, in the last resort the Local Authority must respond to emergency needs.
11. Contributions will be calculated on the same basis as other home care support. Where the recipient is also in receipt of ILF, the whole of the care component of DLA will be assessed as income and the total ILF contribution will be allowed as expenditure.
12. It is important that people have time to consider the issue of receiving direct payments. It may be necessary to purchase the care to meet assessed need in the usual way before direct payments are actually set up. People may also be offered a trial period on the scheme, but this may lead to problems in recruiting Personal Assistants in the short term.
13. A brochure on direct payments is available (although it only relates to Option 1) and information packs can be provided to users considering direct payments to enable them to make an informed decision. Help in deciding whether to take on direct payments and support with managing them is available from The Riverside Centre.

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CHECKLIST 1

1. Does the person understand the nature of direct payments?
2. Can the person express preferences between different types of service?
3. Does the person currently take other important decisions for himself/herself?
4. Will the person be able to keep the necessary records?
5. Does the person understand the legal responsibilities that may arise if he/she becomes an employer, and can he/she cope with them?
6. Will the person be able to ensure that he/she receives services he/she has paid for?
7. Does the person have a fluctuating or deteriorating condition that may affect his/her ability to manage on an ongoing basis?

If the answer to both of the first two questions is "No", then that person is unlikely to be able to manage direct payments. Negative answers to the remaining questions may raise doubts, but we should consider what assistance would enable the person to manage that aspect, rather than taking it as an automatic indication that the person is unable to manage.

CHECKLIST 2

1. What are the person's needs, as identified in the assessment?
2. To which of these needs do the direct payments relate?
3. How will the person secure the appropriate services?
4. What variations does the Local Authority expect to be asked in advance to approve?
5. What arrangements has the person made to cover emergencies?
6. How much money does the Local Authority consider necessary to secure appropriate services?
7. How much of this total will the Local Authority contribute in direct payments, and how much is the person expected to contribute?
8. How often and in what form will payments be made?
9. What information does the Local Authority require for audit purposes and when?
10. What arrangements does the Local Authority propose for monitoring? What information should the person provide? What access to the person's home will be required?
11. What, if any, other conditions are attached to the direct payment?
12. When will the next review take place?
13. In what circumstances will the Local Authority consider discontinuing direct payments (permanently or temporarily)?
14. How will the Local Authority and user handle any temporary gap in direct payments being made?
15. How much notice will be given if the Local Authority discontinues?
16. How will any outstanding commitments be handled if direct payments are discontinued?
17. In what circumstances would direct payments be withdrawn with no notice?
18. In what circumstances would the Local Authority seek repayment?