



Adult Social Care Department

Direct Payments Information Guide

Kensington and Chelsea

Overview

This booklet provides a brief overview of Direct Payments; what they are, who is eligible to receive them, how the application process works, and how to use them.

For more information, visit the People First website (www.peoplefirstinfo.org.uk and search for 'direct payments'), or speak with a member of Adult Social Care staff.

What is a Direct Payment?

A Direct Payment is money paid directly to you by the Council for you to arrange and purchase your own care, based on your assessed care and support needs, rather than the Council buy it for you. This allows you to have more choice and control over how your care needs are met, so that services you receive are those you have chosen yourself to help you achieve the things that are important to you.

You have full control and choice over who provides your care. You take full responsibility for finding, organising and managing the care that you want, and paying for that care using your Direct Payment.

Direct Payments can only be used on what has been agreed in your Care and Support Plan following an assessment of your needs. This might include support from a care agency of your choice, or employing a personal assistant directly to help you, or to buy other support services and equipment.

Once set up, the Direct Payment will be paid to you once every 4 weeks.

Direct Payments can be managed by you, or by a third party such as a family member or friend.

Benefits of a Direct Payment

Benefits of a Direct Payment include being able to:

- ▶ choose a care provider who is right for you
- ▶ employ someone you know and trust
- ▶ choose to receive support at a time you want
- ▶ help you learn new skills
- ▶ build new relationships
- ▶ feel part of the community
- ▶ increase your independence
- ▶ enable you to stay in your own home
- ▶ have greater flexibility

Some examples of services a Direct Payment can be used towards:

- ▶ Personal Care
- ▶ Domestic Support
- ▶ Social Support
- ▶ Sitting Service
- ▶ Leisure
- ▶ Activities
- ▶ Equipment
- ▶ Respite care

Responsibilities of a Direct Payment

Direct Payments allow flexibility and choice, but they do entail responsibilities too. These are described later in this booklet.

Who is eligible for a Direct Payment?

Anyone who has been assessed by the Council as having eligible care and support needs may request a Direct Payment. The Council uses the criteria set out in the Care Act 2014 to undertake the assessment and to determine eligibility.

Assessments for care and support may be requested for older people, people with a learning disability, people with physical disabilities and health conditions, and people with mental health needs. Carers are also eligible for support, as well as families with a disabled young person (as part of the young person's transition to adulthood).

If you like to know more about how to ask for an assessment and what is involved, see

www.peoplefirstinfo.org.uk/at-home/staying-in-your-own-home/requesting-an-assessment

How do I apply for a Direct Payment?

If you are already receiving care arranged by the Council but would like to consider the greater choice and control a Direct Payment may give, please speak with your allocated social care worker, or call Social Services Line on 020 7361 3013

If you are not currently receiving care organised by the Council, but feel you require some assistance coping with living at home and day-to-day tasks, please contact the Council's Social Services Line on 020 7361 3013 and ask for an assessment from Adult Social Care. Alternatively, you may ask your GP to refer you on your behalf.

Arranging care and support

If you are eligible for support as a result of the assessment, the member of staff will discuss your care and support needs and the level of care required to meet these needs. This information will then be clearly set out and agreed with you in your personal Care and Support Plan.

Paying for care

Your Care and Support Plan will also contain a calculation of how much the care costs to provide. Social Care is not free, and as part of the support planning process, a financial assessment of your ability to contribute towards the costs of providing your care will be undertaken.

Please see the leaflet 'Adult Social Care Non-Residential Contributions Policy' for full details:

www.peoplefirstinfo.org.uk/media/10508/rbkc-client-guide-paying-for-non-residential-care-mar2021.pdf

Requesting a Direct Payment

You will be offered the option of letting the Council arrange the care for you, in which case the Council will choose care provider(s) for you, or to have a Direct Payment so that you can choose and make arrangements to receive care from provider(s) you prefer.

Because the Direct Payment is usually paid to you on a regular, ongoing basis, you have a responsibility to manage the scheme. You can choose either to manage it yourself or ask someone else to do so on your behalf, such as a relative or friend. You can also ask a third-party organisation to manage it for you, but they will charge a fee to do so however this will be factored into your Direct Payment budget. If you do ask someone else to manage your Direct Payment, that person or organisation will take full responsibility for doing so and for care arrangements and employment responsibilities as appropriate.

In either case, if you choose to receive a Direct Payment, you will be required to sign a Direct Payment Agreement (which sets out the terms and conditions of the scheme).

What can the Direct Payment be spent on?

You can only purchase types of care and support that have been agreed and set out in your Care and Support plan. For example, you may want to:

- employ your own personal assistant
- pay a care agency to support you with daily tasks
- buy small pieces of equipment that will support your independence
- pay for a short break away from home to give your carer a break
- book an activity or class you enjoy, instead of going to a day centre

The services you buy need to be legal, affordable, and safe.

What can't the Direct Payment be spent on?

You must not spend your Direct Payment on anything that is considered inappropriate and does not fulfil your goals and outcomes which have been agreed in your Care and Support Plan.

Such items might include:

- anything illegal
- drugs, alcohol, tobacco or gambling
- personal spending that are not related to your care and support
- financial fees and charges that are not related to the service of your Prepaid Card (or Direct Payments Bank account)
- anything that is the responsibility of another agency, such as the NHS or the Council's housing department.

If you mispend, or fail to keep a clear record of how you spent your Direct Payment, you may be required to repay some or all of your Direct Payments. In some circumstances we may take legal action to recover the money.

If you are unsure whether a service or product can be purchased with your Direct Payment, please contact your allocated social care worker who will be able to advise.

How do I receive and manage my Direct Payment?

The Council will set up a Prepaid Card Account for you to receive your Direct Payment and send you a Prepaid Card to purchase the care that has been agreed. You can only purchase services that have been specified and agreed with you on your Care and Support Plan.

This Prepaid Card can be used like a debit card to purchase support online, in person, or over the telephone. You can also set up direct debits and standing orders to pay regular costs. You will not be able to withdraw cash from an ATM as cash payments are prohibited under the Direct Payments scheme. However, you can manage your account online or on the phone, for instance to check or manage your account information, make payments and view your card balance.

If you have been financially assessed to contribute towards the cost of your care, the amount you have been assessed to contribute will also need to be paid by you into the Direct Payment account on a regular, agreed basis.

Only in exceptional cases where a prepaid card or third party managed account is not suitable can your Direct Payment be paid into a different bank account. This situation would need to be agreed, and the account opened and operated solely for this purpose. The Council would require frequent and regular bank statements and records of your spending in this situation.

Keeping records of your spending

You, or the person who manages your Direct Payment, will need to keep records of how your Direct Payment is being spent. The Council will check that it is being well managed and it is being spent appropriately and as agreed, to meet the assessed needs in your Care and Support Plan.

If your Direct Payment is paid into a bank account other than the Prepaid Card Account, the Council will need to see copies of bank statements, receipts, invoices, staff wage records, or ask you to complete a financial monitoring form.

Wherever possible you should pay for services and goods by account transfer or internet banking, so that you have a record of how you spend your money. If on occasions there is no alternative except to pay for services by cash - for instance for taxi fares – you must agree this first with the Council and keep receipts for each transaction as we may ask at any time to see them.

We will also regularly check you are paying your assessed financial contribution into your Direct Payment account.

You will be required to keep all Direct Payments account information and spending for seven years, as agencies such as HM Revenue and Customs (HMRC) can ask for these records for this period after the payment.

If your Direct Payment is paid into Prepaid Card Account, you can upload copies of receipts or invoices into the card account system and monitor expenditure via our online access facility, as set out in the Direct Payments Agreement.

Reviewing your Care and Support Plan and Direct Payment

Once your Direct Payment has been set up, we will review your Care and Support Plan with you after six months from the first payment, and then once a year. We do this to make sure that you are getting the support you need and that you are happy using Direct Payments.

As a result of the review, it is possible the level of the care and support you receive - and the Direct Payment to cover that care - may change.

We will review your Direct Payment arrangements within the first three months and every three months thereafter. This could reduce to every six or twelve months if we feel your Direct Payments is being well managed.

If there are changes to your circumstances and you wish to amend the amount of care and support you receive, then you can request a review at any time.

Employing a Personal Assistant

Many people choose a Direct Payment because it enables them to hire a Personal Assistant (PA). A PA is someone you employ directly to give you the care and support you need. You have more choice and control over how your support needs are met. Your support can be personalised to meet your specific requirements.

If you decide to employ a PA, there are legal requirements for which you are responsible. We can give advice and support about these requirements.

For instance, you should:

- take out Employers Liability Insurance Cover, to protect you if a carer has an accident
- register as an employer with HMRC, arrange for the calculation of Tax and National Insurance, and pay your staff the recommended London Living Wage, or at least the National Minimum Wage. We recommend that you purchase support from a payroll provider to do this for you, which costs will be included in your Direct Payment.
- provide payslips to all employees
- make sure you have enough money to cover your staff when they are on annual leave / off sick
- keep up to date employment contracts with everybody you employ and ensure they have the legal right to work
- follow employment law in terms of giving people notice, redundancy, statutory payments where applicable
- provide a safe working environment and training for your staff to fulfil their roles
- make a contingency plan for when your usual arrangements break down. The Council will arrange support to meet your critical needs if you are at risk of having no support
- ensure safe working practices

For more information, please refer to the Direct Payment Agreement, or speak with your allocated social care worker.

Planning for a 'rainy day'

As part of creating your Care and Support Plan, your allocated worker will help you create a backup plan for any problems that may occur with your PA (also called 'contingency arrangements'). For instance, if you need to arrange emergency care at short notice because your carer(s) do not arrive, or if your PA is unable to support you due to illness. Your allocated care manager will help you determine how much money is needed to cover these costs. This is called your 'contingency money'.

If your Direct Payment does not cover the cost of your care

If you run out of money and you do not have enough to pay for the help you need, you must tell us. We will explore appropriate options with you to ensure support is available for you. Later, we will need to review how your Direct Payments are being spent and discuss how best to meet your care and support needs appropriately.

Cancelling your Direct Payment

You may cancel your Direct Payment if you feel that you no longer need it, for instance if your situation improves and you no longer require care, or you wish to meet your needs in other ways.

If you become unable to manage your Direct Payment, and alternative arrangements to manage it are not viable, the Council will work with you to make different arrangements for your support.

The Council reserves the right to suspend or remove your Direct Payment and recover any money if you do not use your Direct Payment as agreed, or if you do not follow the requirements set out in the 'Terms and Conditions' of your Direct Payment Agreement. These situations may include, but are not restricted to:

- organising inadequate or inappropriate care
- not paying your assessed contribution
- not purchasing support/services to meet your agreed outcomes
- not fulfilling your employer obligations
- not complying with the financial monitoring and audit processes
- if the Direct Payments are being used for anything illegal or fraudulent, for gambling or the purchase of alcohol.

When your Direct Payment ends, for whatever reason, we will recover any money not spent.

More information, advice and support about Direct Payments

Independent Information and Advice

The following organisations offer specialist advice on a wide range of issues including health and disability, care and support options, money, benefits, and accommodation. Those marked with an asterisk (*) offer some level of information and advice about the Care Act.

ADKC*

A user led organisation managed and controlled by disabled people, campaigning for the rights of disabled people, delivering accessible activities, information, advice and advocacy services.

Action Disability Kensington and Chelsea
Silchester Road, W10 6SB
Telephone: 020 8960 8888
www.adkc.org.uk

Age UK*

The country's largest charity dedicated to helping everyone make the most of later life through providing services and support to inspire, enable and support older people.

Age UK Kensington and Chelsea
1 Thorpe Close, W10 5XL
Telephone: 020 8969 9105
www.ageuk.org.uk/kensingtonandchelsea

Carers Network*

Kensington and Chelsea Hub is the first point of contact for unpaid adult carers living in Kensington and Chelsea who need information, advice or support about being a carer.

Beethoven Centre,
Third Avenue London W10 6JL
Tel: 020 8960 3033
www.carers-network.co.uk

Citizens Advice Bureau*

Helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policymakers.

Citizens Advice Kensington
2 Acklam Road, W10 5Q

Citizens Advice Chelsea,
Chelsea Old Town Hall, Kings Road, SW3 5EE

Telephone: 0808 278 7982 (freephone)
www.citizensadvicekc.org.uk/

Mind

Mind provides advice and support to people with mental health needs and their carers.

Kensington and Chelsea Mind
Office 1, 7 Thorpe Close, W10 5XL
Telephone 020 8964 1333
www.kcmind.org.uk

Skills for Care's [Employing personal assistant's toolkit](http://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx) provides information on:

- **recruiting a PA**, including advertising, interviews and doing the right checks
- **preparing before your PA starts**, including writing a contract, providing a pension and insurance
- **managing your PA**, including supervision
- **developing your PA skills** through training and qualifications
- **sorting out problems**

www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx

Contact Us

Contact Information for ASC and other relevant Council departments

To find out more about direct payments contact: RBKC social service line T: 020 7361 3013 Email: socialservices@rbkc.gov.uk

More information? View: www.peoplefirstinfo.org.uk for a wide range of information about what is available locally to help you stay independent.

Feedback Form and Correspondence contact details

We welcome feedback on how we might improve our services. If you would like to make a comment, compliment or complaint, please contact:

Customer Engagement Team, Adult Social Care, 12th Floor, 64 Victoria Street, London, SW1E 6QP

Telephone: 0800 587 0072 Email: HSSCustomerCare@rbkc.gov.uk