

# Direct Payment Factsheet

## What is a Direct Payment?

It is how we give you money that has been assessed to meet your eligible Care Act needs. A direct payment gives you choice and control over how your eligible needs are met, including purchasing and arranging for things that are important in your life. It allows you to use the funds to achieve the outcomes identified in your agreed Care Plan.

## Who can receive a Direct Payment?

Anyone who has been assessed by us as having eligible Care Act needs and requires support to live the life they choose.

## What is a Care Act Assessment?

You can ask us to carry out an assessment of your needs (Care Act Assessment) which is a discussion between you and a social care worker. The assessment will help us work out what your needs are and the outcomes you want to achieve. We will also look at the level of assistance you need, if any, to achieve your outcomes. If eligible needs are identified, we will work with you to develop a Care Plan.

## What is a Care Plan?

This sets out how you will achieve your outcomes, shows how you have decided to spend your direct payment and how much control you want to take over your care and support.

You can create the Care Plan yourself, with family and friends, or with help from us or another organisation. Once you have finished your plan we will check it to see that it covers all elements of your eligible needs. We also have a responsibility to make sure that risks have been considered and the money is being spent in the right way.

## What can a direct payment be spent on?

A direct payment can only be used to achieve the outcomes identified in your Care Plan. Your allocation of direct payment funding will depend on your personal circumstances and the outcomes and needs identified during your Care Act Assessment.

## A direct payment cannot be used for:

Buying things that have not been identified as part of your Care Plan:

- Long term residential care.
- Nursing or healthcare, or medicines.
- Food and drink.
- Alcohol, tobacco or drugs.
- Gambling or paying off debts.
- Equipment provided by the NHS.
- Any illegal activities (including employing people outside of the law).
- 'Cash in hand' payments.
- Day-to-day requirements such as household bills.
- Items that should be funded from other sources, e.g. Disability Facility Grant.

- Items that have already been considered as part of a persons' Disability Related Expenditure when a financial assessment was completed.
- Services or equipment that is the responsibility of another public service to provide for you
- Paying an individual's assessed contribution towards their social care.
- Things that would endanger the individual or another person.
- Everyday things which your own money or other benefits should pay for, like food, transport or rent.

### **Carer residing in the same household:**

The local authority (LA) must not allow you to use direct payments to pay for services from your husband, wife or partner or from family members living with you.

This means the following people:

- parent or parent-in-law
- son, daughter, son-in-law or daughter-in-law
- stepson or stepdaughter
- brother or sister
- aunt or uncle
- grandparent
- husband, wife or partner of any of the relatives in this list
- a person who lives with any of the relatives in this list as if they were that relative's spouse or civil partner.

The LA **may** allow payment to someone in the list above if it is satisfied that it is necessary to meet your needs and is an exceptional circumstance. Each circumstance is different and any request to allow payment to a person listed above who lives in the same household as you will be individually considered on its own merits. However, the test of necessity is a high threshold to meet. The LA may request further evidence from you to demonstrate that such a payment is necessary.

Payment to a person listed above living in the same household will only be made with explicit prior agreement from the LA.

### **Family members not living in the same household:**

You can use the direct payment to pay a family member who does **not** live with you to provide you with care (as long as the LA is satisfied that this family member is suitable and capable of meeting your care needs).

### **How will you receive your direct payment?**

The direct payment funding will be paid to you, your agent/chosen decision maker or direct payment account manager four weekly in advance via a prepaid card.

The money will be paid directly onto the prepaid card and you can then organise, buy and manage the services and goods agreed in your Care Plan.

The cards are used in a similar way to a normal bank debit card and payments can be managed online or via a telephone support service. Cards can be used to purchase personal care, support to access the community, day activities, achieving a safe home environment, preparing meals etc.

You are required to keep invoices and receipts for **all** services purchased.

### **Can someone help you manage your direct payment money?**

There are several different ways of managing your direct payment money. Below is information about the different options available so you can choose the way that best suits you.

#### **Managing it yourself**

This is where your money goes straight to you as a direct payment. You must have the capacity to understand your Care Plan and that your direct payment will be used to pay for this. Your money will be paid to you via a prepaid card and you will be responsible for paying for your agreed care and support using these funds. You must keep accurate records (i.e. invoices and receipts for **all** payments) to show us what you spend your money on.

#### **Agent/Decision Maker**

Is someone acting on your behalf and in your best interests to help you make decisions and plan your direct payment? This can be a friend, family member or someone who knows you well (a 'Suitable Person'), or it could be an independent advocate/account manager.

Your prepaid card is loaded with your money as a direct payment and given to your agent. Agents are an option when you do not have the capacity to understand your support plan and/or manage your money. The agent is responsible for paying for your support from the money received and for keeping records to show us what you spend your money on.

#### **Direct Payment Account Manager**

Is the person (council or independent service) administering the direct payment funding on your behalf and makes payments to your providers in accordance with your agreed Care Plan.

### **Will you have to pay towards your care?**

We will carry out a financial assessment to establish how much you can afford to pay. Following the financial assessment, you will be told how much you will be asked to contribute towards the cost of your care. Some people make no or only a small contribution whilst other people may have to pay for a larger part or for all of their care – the amount you pay depends upon your financial circumstances.

### **Keeping yourself safe when spending your direct payment?**

You may choose to use your direct payment to pay for services from independent providers. It is important when you purchase services, employ someone to work for you such as a Personal Assistant (PA), especially in your own home, you ensure you remain as safe as possible.

A direct payment offers great flexibility and enables you to purchase services from the wide range of organisations or people. If you recruit a PA you will be an employer and have responsibilities. Further PA guidance can be found by visiting the Isle of Wight's [Personal Assistant Jobs Noticeboard](http://isleofwight.panoticeboard.org.uk/) or at: <http://isleofwight.panoticeboard.org.uk/>

### **Fraudulent Use**

The IWC is under a duty to protect the public funds it administers, and to this end a Direct Payment Officer will monitor the transactions and any additional information

provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

The IWC is committed to the fight against fraud in all forms. Any individual in receipt of a Direct Payment who tries to make any unauthorised transactions from their prepaid card or direct payment bank account may have committed an offence under the Theft Act 1968. Where the Direct Payment Officer suspects that such a fraud may have occurred, the matter will be investigated as appropriate and this may lead to criminal proceedings being instigated.

The IWC will terminate your direct payment with immediate effect if, after investigation, it is found that you are using the direct payment illegally or fraudulently or using it in a way which is not supporting your assessed outcomes.

## Independent Financial Advice

The Isle of Wight Council does not endorse or recommend any financial services. We highly recommend that you seek independent financial advice and it is your responsibility to ensure any financial adviser you instruct is appropriately experienced and qualified. Further information in relation to independent financial advice about your own particular circumstances (including paying for your care, deferred payment scheme, court of protection procedure, lasting power of attorney procedure) can be found at:

The [\*\*Money Advice Service\*\*](https://www.moneyadviceservice.org.uk/en) can be accessed at:

<https://www.moneyadviceservice.org.uk/en>

offer information on paying for care or the option to speak to an online adviser. Their telephone number is 0300 500 5000.

The [\*\*Society of Later Life Advisers\*\*](https://societyoflaterlifeadvisers.co.uk/) can be accessed at:

<https://societyoflaterlifeadvisers.co.uk/>

can help you find advice on how to make financial plans for care in retirement years.

### Other sources of good information and advice:

The [\*\*Isle of Wight Age UK\*\*](http://www.ageuk.org.uk/isleofwight/) can be accessed at:

<http://www.ageuk.org.uk/isleofwight/>

has great advice for older people and those planning for later years.

[\*\*Carers Isle of Wight\*\*](http://carersiw.org.uk/) can be accessed at:

<http://carersiw.org.uk/>

has an excellent resource of advice for carers who need to help someone else.

[\*\*Isle Help\*\*](https://www.islehelp.me/) can be accessed at:

<https://www.islehelp.me/>

offers free, impartial, independent, confidential advice to anyone requiring help and support. Free Advice Line: 0800 144 8848 – Mon to Fri 9am – 5pm

[\*\*NHS Choices\*\*](http://www.nhs.uk/conditions/social-care-and-support-guide/pages/what-is-social-care.aspx) can be accessed at:

<http://www.nhs.uk/conditions/social-care-and-support-guide/pages/what-is-social-care.aspx>

is a comprehensive guide to choosing and arranging care and support.

[\*\*Which? Elderly Care\*\*](http://www.which.co.uk/elderly-care/financing-care) can be accessed at:

<http://www.which.co.uk/elderly-care/financing-care>

provides information on the funding options you can explore for care homes and home care.

[\*\*Court of Protection\*\*](https://courtribunalfinder.service.gov.uk/courts/court-of-protection) can be accessed at:

<https://courtribunalfinder.service.gov.uk/courts/court-of-protection>

Offers advice on people who have capacity issues. The Court of Protection can be contacted on 0300 456 4600 or email

[courtofprotectionenquiries@hmcts.gsi.gov.uk](mailto:courtofprotectionenquiries@hmcts.gsi.gov.uk).

[\*\*Department of Work and Pensions\*\*](https://www.gov.uk/government/organisations/department-for-work-pensions) can be accessed at:

<https://www.gov.uk/government/organisations/department-for-work-pensions>

Provides advice on Appointeeship (the authority needed to manage the benefits of someone who is mentally incapable of doing so themselves).