

**Isle of Wight Council  
Adult Social Care**

# **Direct Payment Personal Budget Policy**

**May 2022**

## 1 Document Information

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Version History		
Version	Date	Description
1.0	5 July 2012	Final draft
2.1	28 August 2015	Final revised draft
3.1	March 2015	Final re-vised draft in light of Care Act
3.2	27 <sup>th</sup> & 30 <sup>th</sup> March 2015	Kathie Glover and Catherine Smith-Ivory reword 4.5 Employing a Personal Assistant. Discussed and agreed by Tracy Cartmell. Vamsi Pelluri reworded section 4.3.1.
3.3	April / May 2015	Amendments made by Debbie Morris, Matt Porter, Louise Biggs, David Smith, Catherine Smith-Ivory and Kathie Glover. Addition to wording in 4.2.3.1 by Stephen Ward.
4.0	September 2016	Refreshed the ASC Appeals Process (Practice Guide) and created a new Appeals Form. With the introduction of prepayment cards, changed to generic wording and removed reference to bank accounts.
4.1	October 2016	Added in Section on calculating the budget and amended Appeals Process.
4.2 - 4.4	Jan/Feb 2017	Following a meeting with Laura Gaudion and Catherine Smith-Ivory to amend Section 12. Catherine Smith-Ivory complete rewrite March 2017. Mike Corrigan approved 20/03/17.
4.5	March-May 2017	Amendments from Max Yardley and Helen Babington. Roger Merry approved 08/05/17. Carol Tozer signed 11/05/17.
4.6	June 2018	Addition of Fraud section. Garion Bird approved 14/06/18.
4.7	June 2020	Reviewed and updated by Esther Martin 08/06/20.

4.8	December 2020	Reviewed and updated by Daniel Philbrick 31/12/20.
4.9	October 2021	Update made by Daniel Philbrick 15/10/21 to ensure the department understand the process for carers providing care who live in the same household and family members wishing to provide care.
5.0	May 2022	General updates and annual review by Rachel Best 10/05/22. Added additional information re. carers and family members not living in the same household in Section 8.

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### 3 What is a Direct Payment Personal Budget?

It is the amount of money the Isle of Wight Council (IWC) has assessed is necessary to meet an individual's eligible social care needs. It can be delivered in a variety of ways. A Direct Payment gives the individual choice and control over how their eligible needs are met, including purchasing and arranging assistance or services for things that are important in their life. It allows them to use the funds to achieve the outcomes identified in the agreed Care Plan.

### 4 Who can receive a Direct Payment?

A person who has been assessed by the IWC as having eligible support needs and who requires support to maintain their daily living.

### 5 Identifying Your Needs?

Following a referral being made to Adult Social Care the IWC will carry out a Care Act Assessment to discuss the individual's needs and outcomes and determine if they are eligible for support. If eligible, they will then be required to develop a Care Plan.

- Needs justify **why** someone should get social care funding.
- An outcome is the change or benefit that results from doing something. Outcomes are set by the individual and explain **what** the person has to achieve with their Direct Payment.
- Care Plans set out **how** outcomes will be achieved and meet eligible needs.

Individuals can decide how they want to spend their Direct Payment and how much control they want to take over their care and support. There are a number of different options to choose from and people can ask the IWC to:

- Give the Direct Payment directly to them to manage.
- Give the Direct Payment to someone they trust
- Direct Payment Support Service to manage on their behalf
- Request an independent external broker to support them

Whatever the chosen method, the IWC will work with the individual to develop a Care Plan which shows how their Direct Payment will be used to meet their needs and outcomes. They can create the plan themselves, with family and friends, or with help from the IWC or another organisation.

If the individual chooses to have a Direct Payment, they will be required to sign a Direct Payment Agreement, which is a contract between the IWC and the individual, or their representative, that outlines the person's responsibilities regarding the use of their Direct Payment.

The IWC will check that things are working well for individuals and the package of care and support is able to meet their needs by carrying out scheduled and, if required, unscheduled reviews over a 12-month period. This enables the individual to discuss any concerns they may have and make any changes to improve their Care Plan.

## **6 Financial contributions towards the Direct Payment?**

A financial assessment will be completed to establish whether the individual will need to pay a contribution towards their care and support, and this will be based on their financial circumstances. Most people have to contribute something towards the cost of their care and support.

The IWC will pay the full cost of the Direct Payment and the council will invoice the individual on a monthly basis to collect any assessed contribution. The individual's contribution towards the cost of their care and support must be paid from their own funds and NOT from the Direct Payment.

## **7 What can a Direct Payment be spent on?**

An Adult Social Care Direct Payment must be used to achieve the outcomes identified in the agreed Care Plan.

The Direct Payment will depend on the individual's personal circumstances and the outcomes and needs identified during their assessment and may include ensuring they can continue getting out and about and accessing work or learning opportunities.

## **8 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.
- 'Topping up' when the care costs more than what has been agreed in the Care Plan.
- Paying for increased care, which costs more than what is being paid onto the Pre-Paid Card and that is not already agreed within your Care Plan.

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

The local authority (LA) must not allow an individual to use Direct Payments to pay for services from their husband, wife or partner or from family members living with them.

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 an individual's needs and is an exceptional circumstance. Each circumstance is different and any request to allow payment to a listed person who lives in the same household 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 to demonstrate that such a payment is necessary.

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

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

An individual with care and support needs can use their Direct Payment to pay a family member who does **not** live with them to provide them with care (as long as the LA is satisfied that this family member is suitable and capable of meeting their care needs).

## **9 Prepaid Cards**

Prepaid cards are the council's method of delivering Direct Payments. The cards remove the requirement for individuals having a separate bank account and provide the council with monitoring information.

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

There may be occasions when a prepaid card is unsuitable. If this is the case, the IWC will consider the options available on a case by case basis.

Individuals are required to keep invoices and receipts for **all** services purchased as they will be required in the future.

## **10 Fraudulent Use**

The Isle of Wight Council 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 Isle of Wight Council 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.

## **11 Legal Background**

The Care Act 2014 placed Direct Payments into law for the first time and gave individuals who have been assessed as having development eligible needs the right to receive their care and support via a Direct Payment. This right also includes carers.

## **12 How to make a Complaint or Appeal**

If individuals are unhappy with the process, their assessment, care and support plan or Direct Payment, we would like to hear about it as soon as possible. We recommend they speak to an Adult Social Care member of staff in the first instance.

Complaint details can be found by visiting: <https://beta.iow.gov.uk/adult-social-care/feedback/make-a-complaint>

If individuals disagree with a decision made about their assessment of adult social care needs, or finances, or a decision about your Care Plan, they can make an appeal. Details on appeals can be found by visiting: <https://beta.iow.gov.uk/adult-social-care/feedback/appeal-a-decision/>