

Isle of Wight Council Adult Social Care

Direct Payment Support Service Policy

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1 Document Information

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V2.0	December 2020	Reviewed and final version
V2.1	May 2022	Standard Annual Review. Section 12 amended re. information on carer living in the same household and family not living in the same household.

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3 Purpose, Scope and Aims

This policy sets out how the Isle of Wight Council (IWC) will meet its statutory obligations in relation to Direct Payments as set out in the [Care Act 2014](#) and the [Care and Support \(Direct Payments\) Regulations 2014](#). It also clearly sets out what Direct Payment money can and cannot be spent on and defines what will constitute fraudulent use, clarifying these points for those in receipt of direct payments.

The policy explains how the IWC manages Direct Payments and services on behalf of individuals.

4 What is the Direct Payment Support Service?

The Direct Payment Support Service Team are an in-house brokerage service. They administer payments to the providers of your care and support on behalf of any adult in receipt of a Direct Payment Personal Budget and in accordance with their agreed Care Plan (identifies what outcomes you want to achieve and the support you may need as a result).

If it has been decided, in conjunction with your Social Care worker, that you require the Direct Payment Support Service, the IWC will manage the Direct Payment on your behalf. This is a free service.

5 Who can receive the Direct Payment Support Service?

Any adult who has been assessed as having eligible Care Act needs and requires support to live the life they choose. You can only have this service if you have a direct payment personal budget.

6 What is a Direct Payment Agreement?

You will be required to sign a Direct Payment Agreement with the IWC. The Direct Payments Team will make payments onto your Pre-Paid Card which will be managed by yourself, your Payee, external broker or the Direct Payment Support Service Team. The team will regularly monitor all transactions to ensure they have been made in accordance with the agreed Care Plan. Payments will only be made onto the Pre-Paid Card.

If you are unable to manage the Direct Payment or are unable to adhere to the terms of the Agreement, the Payee must inform the IWC immediately and alternative arrangements will be made.

The Direct Payment Agreement stipulates:

- If it has been decided in conjunction with your Social Care worker that you require the Direct Payment Support Service, the IWC will be able to manage the Direct Payment on your behalf and this free service. However, should you require an independent, external broker to manage your Direct Payment, you will be required to fund any additional costs yourself.

- If the audit reveals that the Payee is not effectively managing the Direct Payment funds or that the terms of the Payment Agreement are not being adhered to, alternative arrangements will be made to provide care. This may involve the introduction of the Direct Payment Support Service to manage the Direct Payment on the individual's behalf.

You have a choice managing your Direct Payment funding. They are:

- Yourself
- Payee or nominated person
- Direct Payment Support Service
- Appoint and arrange an Independent external broker yourself. Your Social Care worker will discuss with you your options about how you wish to manage your Direct Payment funding and provide you with information on Independent external brokers.

If you do not wish the Isle of Wight Council to manage your Direct Payment for you and you decide to appoint an independent service to manage your Direct Payment you will be required to fund any additional costs yourself.

Further details on Direct Payments can be found by reading the council's Direct Payment Personal Budget Policy found at:

<https://www.iow.gov.uk/documentlibrary/view/direct-payment-personal-budget-policy>

7 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 to achieve your outcomes. If eligible needs are identified, we will work with you to develop your Care Plan.

8 What is my Care Plan?

Sets out how you will achieve your outcomes, shows how you have decided to spend your Direct Payment Personal Budget and how much control you will have 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 Care 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 to meet outcomes.

9 How can I arrange to have the Direct Payment Support Service?

You will not receive any direct funds if it has been decided you require the Direct Payment Support Service. Your Social Care worker will discuss this with you at your care act assessment and arrange for the Direct Payment Support Service Team to pay for services to meet your outcomes.

10 Will I have to pay towards my 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.

11. 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.

12. 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, 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.
- Paying for care which is costed at a higher amount, than what has been agreed within your current Care Plan. The Direct Payment can only be used to pay for care in line with the current Care Plan. If your Care Plan states you will be expected to pay a proportion of the care agreed, privately, in addition to your assessed Maximum Weekly Charge, you will need to ensure that the correct weekly amounts are paid from the Pre-Paid Card and there isn't an overspend from the Pre-Paid Card

Carer residing in the same household:

The Local Authority does not allow you to use Direct Payments to pay for services from your husband, wife, partner, or from any other 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 Local Authority **may** allow payment to someone in the list above, but only if it is satisfied that it is necessary to meet your needs and is an exceptional circumstance. Each circumstance is different. 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 Local Authority 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 Local Authority.

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 Local Authority is satisfied that this family member is suitable and capable of meeting your care needs).

13 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 Pre-Paid 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

14 What is a Pre-Paid Card

There are two ways to manage your Personal Budget Direct Payment:

1. If you have been assessed as having eligible care needs, you may choose to receive your personal budget as a Direct Payment. This will enable you to organise and pay for your care yourself. We will provide you with a Pre-Paid Card to manage the money we pay you. This will enable you, your representative, Payee, Direct Payment Support Service Team or independent external broker to pay the providers of your care and support.

We will transfer the money you receive onto your Pre-Paid Card that can then be used just like a debit card. You will only be able to make payments with the card when there are enough funds in the account as you cannot go overdrawn.

You will not be able to withdraw cash using your card but you can make payments by using the associated online banking facility or by making a telephone call to the Pre-Paid Card support team.

2. The Direct Payment Support Service Team can manage the Direct Payment funds via the Pre-Paid Card on your behalf, by making payments to your chosen providers. The Personal Assistants/Carers or Agencies you have chosen to provide your care will need to submit their invoices to the Direct Payment Support Service Team (either by email or through the post). You can contact the Direct Payment Support Service Team on 01983 823440 or directpaymentsupportservice@iow.gov.uk

The invoices are then checked by the Direct Payment Support Service Team to ensure they reflect what is authorised in your current Care Plan and make payment to your chosen providers on your behalf.