



Direct payment's factsheet – 1

An introduction

Sense has produced a series of 12 factsheets on direct payments and purchasing your own support. The aim of these factsheets is to give deafblind people and families clear and relevant information on direct payments.

This factsheet provides an introduction to who can receive direct payments, what they are and how they can be used. You can use direct payments in different ways which means you can take on different levels of responsibility. You can also receive support to manage these responsibilities.

Depending on how you decide to use direct payments, you may find some of the other factsheets useful. They provide information on specific areas of using direct payments.

What are direct payments?

Direct payments are one way to receive the social care support that you have been assessed as needing. You can ask social services to give you an amount of money as a direct payment instead of providing a service. You then have to use this money to pay for the support you have been assessed as needing.

Using direct payments can allow people to have more control and choice over the services they receive. For example, if you are responsible for paying for support, you can have some choice over who supports you, or have more control over how an agency provides support. Direct payments can also help people live more independently and remain in their own home. For example, you can decide what time of day you receive support.

The same systems for eligibility criteria and charges apply whether you decide to receive a service or a direct payment from your council. Eligibility criteria are used by social services to decide whether your needs should be met by them. If you have eligible needs, this means that social services should meet your needs. Charges for social care are paid by individuals who are assessed as being able to pay for some of the cost of the support they receive.

You can receive a regular (usually monthly or quarterly) direct payment to pay for support and/or services. Depending on what you are assessed as needing, you can also receive one-off direct payments to pay for things like equipment or holidays.

Please note: there is another kind of direct payment. Direct Payment is when state benefits are paid directly into your bank account. This is different to direct payments to pay for social care needs.

Who can receive direct payments?

If they have been assessed by social services as having eligible needs, the following people can receive direct payments:

- disabled people over 16 years old;
- older people;
- carers, including people with parental responsibility for a child and young carers who are over 16 years old.

There are some conditions on people being able to receive direct payments. Currently, social services must make sure that you give your consent (agreement) to receive direct payments. They must also decide if you are able to make decisions about how direct payments are used.

What can you use direct payments for?

You must use direct payments to meet your assessed needs. This is a suggested list of some of the kinds of support that you could use direct payments for:

- household tasks such as cooking, housework or reading mail;
- personal care;
- getting out and about – guiding and communication support to take part in leisure activities, socialising, joining group activities or attending events;
- holidays or short breaks;
- equipment and minor home adaptations (e.g. a handrail).

Parents or carers might also use direct payments for:

- short breaks;
- support so that carers can go back to work;
- support with domestic tasks;
- activities to help alleviate stress.

What you cannot use direct payments for:

- services provided by your council;
- permanent residential care;
- services which the Health Service has a duty to provide.

Finding out about direct payments

If you want to find out about receiving direct payments in your areas, you should contact your local social services. Most people who already use social services should be able to choose to receive a direct payment if they want to. As long as you are entitled to receive them, social services must tell you about direct payments when your needs are assessed or reviewed.

If you don't currently receive services from social services, you must contact them to ask for an assessment of your needs. If you are assessed as being eligible for services, you can then decide how you would like your needs to be met.

It is up to you to decide if you want to receive direct payments. Social services cannot make you accept them. If they have agreed to support you and you don't want direct payments, they must provide a service. If you try out direct payments and they don't work for you, you can ask for a service instead. If you want to stop using direct

payments, you must give social services reasonable notice and they must then provide you with a service themselves. Ask social services what they have set as their period of 'reasonable notice'.

The Department of Health is the Government department that is responsible for direct payments in England. In 2003, the Department of Health issued guidance on how councils should offer direct payments. For more information on your rights under this guidance, see Sense's factsheet 'Direct payments: what are your rights?'.

Your agreement to receive direct payments

The Department of Health guidance states that you should be able to consent to receive direct payments; consent means giving your permission. This means that it is your choice whether you would like to receive direct payments or a service. Parents can consent to receive direct payments on behalf of their children.¹

Your ability to manage direct payments

Currently, if you consent to direct payments, you are entitled to receive them as long as you are able to make decisions about how the direct payments are used. If you would like support to manage your direct payments, you are entitled to receive it.² You can hand over some or all of the responsibility for managing your direct payments.

Direct payments and mental capacity

Mental capacity is about an individual's ability to make decisions about his or her life. For information on direct payments and mental capacity, see Sense's factsheet 'Direct payments: mental capacity'.

When can social services refuse to give you direct payments?

Social services can refuse to give you direct payments if you do not meet the conditions mentioned above. They can also refuse to give you direct payments if they think that the service that you purchase with direct payments will not meet your needs.

If your needs are assessed as Continuing Healthcare needs, the NHS must fund your services and you will not be able to receive direct payments. For more information on Continuing Healthcare, see Sense's factsheet 'Direct payments: managing direct payments'.

The different stages for receiving direct payments

Because councils are allowed to make some decisions about direct payments at a local level, every council offers direct payments differently. Here is an outline of the general procedure that all councils should follow:

1. Assessment

Your social services assessment should first look at your eligible needs. If you are eligible to receive support from social services, direct payments must be mentioned as one of the ways to meet your needs.

2. Advice and support

Ask the council for any information they provide on direct payments and if there is a local direct payments support service who may be able to advise you further. Think about how you would use direct payments and if you think there are local staff, agencies or services you could use to meet your needs.

3. The amount of direct payments

Your social worker will tell you how much you will receive in direct payments. You must say if you are not happy with this amount and you can refuse to accept direct payments. For more information, see Sense's factsheet 'Direct payments: making sure you receive the right amount of direct payment'.

4. Agreement

It is up to you whether you want to receive direct payments or not.

5. Receiving an interim service

While you prepare to use direct payments, you may be able to receive an interim service from the council. This means that you could receive a service provided by the council while you organise how you will purchase the support you need.³ Ask your social worker what they can provide over this period.

6. Finding staff, agencies or services to meet your needs

You will need to find ways to meet your assessed needs. For relevant information, see Sense's factsheets 'Purchasing your own support: deciding on your needs and finding support'.

7. Regular review of your needs and the support you purchase

When social services review your use of direct payments, they should focus on whether your needs have been met through direct payments, rather than worry about how you met your needs.⁴

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Resources:

Sense's 12 factsheets on direct payments and purchasing your own support

- 1: Direct payments: an introduction
- 2: Direct payments: what are your rights?
- 3: Direct payments: making the right choice about direct payments
- 4: Direct payments: making sure you receive the right amount of direct payment
- 5: Direct payments: mental capacity
- 6: Direct payments: one-off direct payments for equipment, minor adaptations, holidays and leisure activities
- 7: Direct payments: managing direct payments
- 8: Purchasing your own support: deciding on your needs and finding support
- 9: Purchasing your own support: employing people, using self-employed workers, using an agency or organisations
- 10: Purchasing your own support: managing and supervising staff
- 11: Purchasing your own support: managing risk
- 12: Personalisation, self-directed support and self-assessment

Sense's factsheets on deafblind people's rights and entitlements

Sense's factsheets on services for deafblind children and adults

Sense Information Service,
101 Pentonville Road,
London, N1 9LG.

Telephone: 0845 127 0060
Textphone: 0845 127 0062
Fax: 0845 127 0061
Email: info@sense.org.uk
Web: www.sense.org.uk

A guide to receiving direct payments from your local council - a route to independent living (free)

An easy guide to direct payments: giving you the choice and control
(free, includes audio tape and CD-Rom)

Direct Payments Guidance: Community Care, Services for Carers and Children's Services (Direct Payments) Guidance England 2003

The Department of Health,
Richmond House,
79 Whitehall,
London, SW1A 2NS.
Telephone: 020 7210 4850
Email: dhmail@dh.gsi.gov.uk
Web: www.dh.gov.uk

A parent's guide to direct payments (free)

Every Child Matters,
Department for Children, Schools and Families,
Sanctuary Buildings,
Great Smith Street,
London, SW1P 3BT.
Telephone: 0870 000 2288
Textphone: 01928 794274.
Fax: 01928 794248
Email: info@dcsf.gsi.gov.uk
Web: www.everychildmatters.gov.uk

Sue Lavender's direct payments page

Sue Lavender is a deafblind person who uses direct payments

Web: www.suesdirectpayments.org.uk

National Centre for Independent Living (NCIL)

4th Floor,
Hampton House,
20 Albert Embankment,
London, SE1 7TJ.
Telephone: 0207 587 1663
Text: 0207 587 1177
Fax: 0207 582 2469
Email: info@ncil.org.uk
Web: www.ncil.org.uk

Keeping Control: Direct Payments Guide for people over 65

(Brief guide £5.99, complete guide £9.99)

Counsel and Care

Twyman House,

16 Bonny Street,

London, NW1 9PG.

Telephone: 0845 300 7585

Email: advice@counselandcare.org.uk

Web: www.counselandcare.org.uk

Carers UK

32-36 Loman Street,

Southwark,

London, SE1 0EE.

Telephone: 020 7922 8000

Fax: 020 7922 8001

Email: info@carersuk.org

Web: www.carersuk.org

CarersLine

Telephone: 0808 808 7777 (free)

(Advisers take calls on Wednesdays and Thursdays from 10am - 12noon and 2 - 4pm. Answerphone service at other times.)

Endnotes:

¹ Direct Payments Guidance, Department of Health, paragraph 42, page 14

² Direct Payments Guidance, Department of Health, paragraph 47, page 14

³ Direct Payments Guidance, Department of Health, paragraph 50, page 15

⁴ Direct Payments Guidance, Department of Health, paragraph 141, page 38