

Direct payments factsheet 8

Managing direct payments

People who receive direct payments, or receive them on behalf of others, take on responsibility for managing them. You can receive some or full support to help you manage direct payments. You may also need to think about how managing direct payments can be made accessible for you, for example making sure associated paperwork is in your preferred format.

Your capacity to manage direct payments

If you want to receive direct payments and can consent to them, the council must not refuse you direct payments just because you need support with managing them. Your council shouldn't assume that certain groups of individuals can or cannot manage direct payments. For more information, see Sense's factsheets 'Direct payments: an introduction' and 'Direct payments: mental capacity'.

Accountability

Accountability for direct payments means letting the council know how you spend your direct payments. You will need to tell social services how you intend to spend your direct payments and how this will meet your needs. Councils will ask for this in different ways. You will need to make financial returns to your council. This means keeping paper records of how your direct payments are spent. Councils will ask for this in different ways; they may ask for weekly, monthly, quarterly or half-yearly returns.

Managing direct payments: the different options for support

You should be clear about what you are happy to take on, the support you think you might need and anything you would like to delegate to others. There are various ways to receive support to manage direct payments:

- your local direct payments support services;
- staff who support you already may also be able to support with managing direct payments (you should ask your council if you can receive additional hours to pay for this);
- a 'nominee' or trustees of an Independent Living Trust can manage direct payments and bank accounts on behalf of someone. For more information, see Sense's factsheet 'Direct payments: mental capacity'.

Here are some examples of the areas you may want support in:

- advertising and interviewing staff;
- writing contracts;
- advice on supervising and managing staff;
- providing timesheets for staff;
- managing employees' pay, including income tax and National Insurance payments.

Bank accounts

You will need to open a separate bank account to be able to receive on-going direct payments. If you receive one-off direct payments only (for example for equipment) you shouldn't have to open a separate bank account.¹

If you receive direct payments from two different social services teams, you should still only have to open one account for your direct payments. If a person receives direct payments from both the sensory team and the mental health team, they should only have to open one account for their direct payments. They may have to be careful to document their spending clearly so that their council can see how their direct payments have been spent to meet the two different kinds of need.

The timing of council payments

Councils pay direct payments out in different ways. You may receive monthly, quarterly or yearly payments. These payments should be often enough so that you can pay on time for the services you use.

Spending direct payments

The timings for how you spend your direct payments should not be decided in advance.² The Department of Health Guidance states that councils should allow for flexibility on how individuals spend their direct payments. Councils should look into unspent direct payments at the end of the financial year (March).

If money is unspent at the end of the year, your council may ask you to return it. Councils should be aware that individuals may have not spent all their direct payments for valid reasons.³ Given that it is hard to find staff with the right skills

to support deafblind people, it may be that you are unable to spend all of your direct payments. It should be possible to roll over any unspent money into the next month or quarter of the same year.

What are direct payments support services?

Your local council should have set up or funded local support services for people who use direct payments or who would like to find out more about using direct payments. Ask your council what support you can receive locally. The National Centre for Independent Living (NCIL) also has an on-line directory of local direct payments support services. Direct payments support services can give you support with a range of issues. There may be charges for some services; you should make sure your direct payment covers these costs. For more information, see 'Direct payments: making sure you receive the right amount of direct payment'.

Making managing direct payments accessible

Before you agree to receive direct payments, you should think about any access requirements you have and ask your council and local direct payments support service about making management accessible. You will need to be clear with your council about any issues you might have accessing paperwork associated with managing direct payments. Councils have a duty to provide information and forms in an accessible format. Councils may have difficulty if you need to send them paperwork in alternative formats. For example, you will need to ask councils if there are going to be difficulties about not being able to sign forms manually or paperwork being sent in via email rather than in print format.

Case study: Making managing direct payments accessible

Abdul is a deafblind man; he uses Braille, Deafblind Manual and email. He directly employs several staff through direct payments. He receives payroll support from his local direct payments support service. Abdul suggested ways to make direct payments management accessible to him. He communicates with the support service mainly via email but they also use Typetalk.⁴

At the end of the month, Abdul emails the support service with details of the hours that his staff have worked. The support service work out any deductions from pay (such as National Insurance and Income Tax) and email him to tell him how much he should pay the staff via cheque. They then send him pay slips to be given to staff. The envelope that the payslips are sent in has two staples in the corner so that he knows who the letter is from. The payslips themselves are labelled in Braille so that he knows which staff to give them to.

Each quarter, the support service tells him how much he needs to pay on behalf of his employees in National Insurance and Income Tax. The service also fills in

quarterly Inland Revenue paperwork. At the end of the year, the support service sends relevant information to the council, so that they are aware of how the direct payments are being spent.

Abdul has taken on only some of the responsibilities of employing people; he has delegated some tasks to the support service. Control still remains with Abdul and confidentiality is maintained by using accessible labelling.

The Independent Living Funds (ILF)

The Independent Living Funds (ILF) is a national resource dedicated to providing financial support for disabled people, enabling them to live independently. ILF funding is different to direct payments. Direct payments are paid by local councils; ILF funding comes from central government. You must meet certain criteria to be able to apply for ILF funding. Contact the ILF directly for more information.

ILF funding and direct payments

Some people will be able to receive direct payments and ILF funding. If you think you might be able to receive both kinds of funding, you need to think about how this will work. You might be told that ILF and direct payments money will be given to you at different times and spread over a different number of weeks. You may need to think about whether this timing will affect your ability to pay staff on time. Some councils may say that they prefer that ILF funding does not go into the same account as your direct payments. This may be because they think they will have difficulty checking on how you are spending your direct payments. The ILF does not require you to have a separate account for its funding. It may be easier for you to have both direct payments and ILF funding going into the same account. You will need to ask your council about how to manage the two kinds of funding. You may need to explain why one account for both kinds would be useful to you.

Case study: receiving both direct payments and ILF funding

John is a deafblind man who is assessed as needing services from his council. He decides to receive direct payments instead of a service. He has to open a separate bank account to be able to receive direct payments. John is also eligible for ILF funding. John would find it much easier if his direct payments and ILF money go into the same account. He asks his social worker if this is possible. After clearing it with management, the council approve this. John still has to remember that direct payment and ILF money goes into the account at different times.

National Health Service (NHS) continuing care funding

Continuing NHS healthcare and NHS-funded nursing care is provided over an extended period of time to meet physical or mental health needs that have arisen as a result of disability, an accident or illness. The care can be provided in a variety of settings including a hospital, nursing home, hospice or the patient's own home. Sometimes the needs of people who receive direct payments change and mean that the NHS rather than social services must meet their needs. This may mean that they can no longer receive direct payments because direct payments cannot be made by the NHS or used to pay for NHS services.

Case study: direct payments and NHS continuing care

Rita is a deafblind older woman who uses British Sign Language. She receives a direct payment to pay for a communicator guide service from an agency. In the last few years, Rita's health has deteriorated; she has considerable care needs and is developing dementia. She has had an NHS continuing care assessment to see whether it is the NHS who must now meet her needs. Following the assessment, it is the NHS, not Rita's council, who must now meet her needs. It is decided that the communicator guide that Rita uses is still the best way to meet her needs. Instead of this being paid for by her council via a direct payment, the NHS now pays the agency for the service.

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Resources:

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

Independent Living Funds (ILF)

PO Box 7525,
Nottingham, NG2 4ZT.
Telephone: 0845 601 8815
Textphone: 0845 601 8816
Fax (1993 Fund): 0115 945 0945
Fax (Extension Fund): 0115 945 0946
Email: funds@ilf.org.uk
Web: www.ilf.org.uk

NHS continuing care

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

Endnotes:

- ¹ Direct Payments Guidance, Department of Health, paragraph 149, page 40
- ² Direct Payments Guidance, Department of Health, paragraph 92, page 24
- ³ Direct Payments Guidance, Department of Health, paragraph 162, page 43
- ⁴ Typetalk is the national telephone relay service for people with communication difficulties