

Arranging your own services: **Direct Payments** for adults and children

May 2003



Versions of this leaflet
are available on
request on audiotape,
in Braille, large print or
your own language.
☎ Phone 01620 827199

East Lothian Council
Department of Social Work and
Housing

What is a direct payment?

It is a cash payment made by the Council to someone assessed as needing community care or children's services. This means that *you* can arrange your own services, such as personal care, daytime activities, short breaks or equipment. For adults, it is paid to the person needing care. For children, it's paid to the parent or carer. Not everyone will want to take-up the option of arranging things themselves. The Department of Social Work and Housing will continue to arrange services for you, if you prefer.

Who can get a direct payment?

Direct Payments are for adults and children with disabilities. This means people with learning disabilities, mental health difficulties, physical disabilities or sight or hearing loss, and older people. There is no upper age limit.

The Community Care (Direct Payments) Act says that from 1 June 2003, councils must offer people with disabilities the choice of arranging their own services or letting the council do it for them as before.

From 1 June 2003, the following can receive direct payments:

- **Disabled adults 16 years or over**, assessed as needing community care services.
- **Disabled people aged 16 or 17 years**, to purchase children's services
- **The parent/guardian of a disabled child**, to buy services that their child is assessed as needing
- **A disabled parent/guardian** to purchase services for their child
- **Disabled people** (including children) to purchase housing support services (also known as Supporting People.)
- **An Attorney or Guardian** can receive direct payments on behalf of a disabled adult who is unable to give consent to arranging their own services. An Attorney or Guardian is someone who is legally appointed to make such decisions.

A very few people, who are affected by certain mental health or criminal justice legislation, will *not* be able to get Direct Payments. For more information, contact your local social work team (numbers on back page).

From 1 April 2004, refugees, people experiencing domestic abuse, and parents of children who do *not* have disabilities will also be able to get Direct Payments.

To get a Direct Payment, you must be

- assessed as needing services,
- be able to 'consent' (agree) to getting a direct payment, and
- be able to manage it with as much or as little help as you need. If you are unable to 'consent' this may be given on your behalf – see later for more information about this.

Why would I want a Direct Payment?

With Direct Payments *you* choose who provides *your* care, when, where and how *you* want it. You have more control, choice and independence.

What's the catch?

You will have responsibilities and things you have to do. For example, if you employ your own staff rather than using an agency, you will have to advertise for them, and interview and recruit them. Also, you will have to keep records of how all the money is spent. You will have responsibilities as an employer, for example, paying the person's National Insurance, making sure the person has safe conditions to work in. You can get help with all these responsibilities from social work staff and Lothian Centre for Integrated Living (LCIL).

If you employ your own personal assistants rather than using agencies, the amount of money you can pay them per hour will sometimes make it difficult to get and keep staff.

If you buy services from a local authority or an agency, you won't have the staff responsibilities. But you will also get less control of who provides your help.

Is there more money for direct payments?

Councils will not receive extra money from the Government to make more direct payments. We will receive the same amount of money for community care services, but we will have to spend it in a different way.

What can direct payments be used for?

They can be used to buy personal assistance or care. This includes help with dressing, bathing, using the toilet, preparing a meal, housework and laundry, shopping, travel and taking part in ordinary activities.

They can also be used to buy daytime activities, equipment and short breaks. Short breaks are also known as respite care. People with disabilities will be able to purchase housing support from April 2003. From April 2004, **anyone** assessed as needing housing support may pay for it with direct payments. Housing support includes supervision with cooking, help keeping the home safe, managing money, and help with shopping etc.

But direct payments *cannot* be used to buy health care or places in care homes.

How do I get a direct payment?

If you are an adult who needs services, you will have to have an assessment. If you are an adult looking after a child who needs services, your child will have to have an assessment.

An assessment is a discussion with you, your carer and health and social care staff that know you well. It helps us to work out what your needs are, and the amount and type of help you require. We note this down, and if you agree with what we've written, we will ask you to sign this note. We'll keep a copy and give you a copy to keep, too.

A financial assessment is also done. This looks at the income and savings of the person needing the service.

What happens if I don't agree with my assessment?

If there is anything in your assessment that you don't agree with, get in touch with the member of staff working with you or their manager and ask for a second opinion. See the back page for details about how to make a suggestion or a complaint about council services.

Will I have to pay something toward the cost of the service?

Yes – you may have to pay a contribution. This will depend on the financial assessment mentioned above. If you were assessed as needing to pay toward the cost of the service, you would pay the same as if the Department provided the service in the usual way. Direct payments will not cost you more.

Direct payments are paid into your separate bank account. The money does *not* affect your entitlement to any benefits such as Disability Living Allowance – care or mobility components, Attendance Allowance, Income Support.

How much money do I get?

This depends on the amount and type of assistance or support you are assessed as needing. The amount must be enough to buy what you need. There is no nationally agreed amount – each local authority makes its own decision on how to calculate this.

If you want to employ your own staff, the amount you receive is based on an hourly rate plus a percentage for running costs and emergencies. Overheads include tax, national insurance, staff costs, administration etc. Contingency

money is an amount in your bank account that can be used when you need to buy extra temporary support because staff are ill or on holiday.

Where can I get the service or care needed?

It can be bought from:

- a private or voluntary care agency – we can give you a list of these or you can find your own
- *any* local authority, or
- by advertising for a personal assistant(s) in newspapers or job centres.

Also, you can employ someone who is known to you. See the next paragraph for more information.

Who can I employ?

- You *cannot* employ a partner or close relative living in the *same household*
- You cannot employ a close relative living *elsewhere* or someone else living in the same household as you. (But in exceptional cases, we may allow you to employ a close relative living *elsewhere*. We can tell you more about this.)

A partner is member of a married or unmarried couple including same-sex couples. A close relative is a parent, parent-in-law, aunt, uncle, grandparent, son, daughter, son-in-law, daughter-in-law, stepson or daughter, brother, sister or spouse, or partner of any of these.

Anyone you employ should have a criminal record check. Disclosure Scotland does this for you, and we will tell you more about this.

Who can help me manage direct payments?

You only have to agree or 'consent' to getting a direct payment and a friend, carer or parent can do all the arrangements. After this, you can get as much help from other people, family and friends as needed. Organisations such as Lothian Centre for Integrated Living can help with looking after the financial side of things, for example, wages, tax etc. The cost of this help is included in the amount of direct payment you receive.

What about people with learning disabilities, dementia or varying mental health difficulties?

Almost everyone in this group can have Direct Payment. If someone is unable to consent to Direct Payments, then a parent or carer can apply to be a financial guardian under the Adults with Incapacity Act 2000. Then they can do this for the person.

To consent, the person has to understand what a direct payment can provide for them. It isn't necessary for someone to read or understand a legal document or sign on the dotted line. The starting point is that every person has the capacity to consent to direct payments, and they can receive as much help as needed with the responsibilities.

Only a very few people who are affected by certain mental health or criminal justice legislation will not be able to have Direct Payments.

I'm already getting services – can I switch to direct payments?

Yes. They are not just for people needing a service for the first time. You can receive direct payments *and* services provided by the local authority at the same time.

What if my needs change or I decide I don't want a direct payment any more?

Your needs will change sometimes. We will review your care arrangements with you regularly, and help you to make any changes. If at some time you decide that you no longer want a direct payment, the Department will take over and arrange services for you.

Who do I need to talk to find out more?

Contact your local department of Social Work and Housing and ask to speak with the Duty Social Worker. Or speak with the member of staff working with you. The Lothian Centre for Integrated Living who have a lot of experience of helping people to set up and run their direct payments.

For more information

- Contact your nearest **Department of Social Work and Housing** office

Musselburgh:

Brunton Hall
Ladywell Way
Musselburgh, EH21 6AF. Telephone: 0131 665 3711

Haddington:

6-8 Lodge Street
Haddington, EH41 3DX. Telephone: 1620 826600

An information pack is available to go with this leaflet.

Version: 23 April 2003, including revisions suggested by Reading Groups and staff

- **Lothian Centre for Integrated Living**, Norton Park, 57 Albion Road, Edinburgh, EH7 5QY. Telephone: 0131 475 2350. www.lothiancil.org.uk
- **Direct Payments Scotland**: 27 Beaverhall Road, Edinburgh, EH7 4JE. Telephone: or www.dpscotland.org.uk. The Scottish Executive funds this organisation to promote direct payments.
- **The Scottish Executive** have produced a free booklet: *A guide to receiving direct payments* from Scottish Executive, 2ER, St Andrew's House, Regent Road, Edinburgh, EH1 3DG. Telephone 0131 244 3523. It is also available at www.scotland.gov.uk (see publications section, Home Department.) Scottish Executive guidance for councils can also be seen on this website
- **Scottish Consortium for Learning Disability** have produced information for people with learning disabilities, *Direct Payments: Frequently Asked Questions*, 2002 from Scottish Consortium for Learning Disabilities, Adelphi Centre Room 16, 12 Commercial Road, Glasgow, G5 0PQ. Telephone: 0141 418 5420. www.sclld.co.uk
- For people with mental health difficulties, **The National Centre for Independent Living**, 250 Kennington Lane, London SE11 5RD has useful information: *Direct payments for Mental Health Users/Survivors: a guide to some key issues*. www.ncil.org.uk
- **ENABLE** provides information sheets about the Adults with Incapacity Act and what this means for people with learning disabilities. ENABLE Information Service, 6th Floor, 7 Buchanan Street, Glasgow, G1 3HL, 0141 226 4541. www.enable.org.uk

How to make a comment, complaint or suggestion about your assessment or a council service

If there is anything that you don't agree with, get in touch with the member of staff working with you or their manager and ask for a second opinion. Or you can get a Feedback form from your local council office. This tells you about the council's complaints procedures. It includes a form where you can make your comments. Post the form to the council. (You don't have to pay for stamps – just use the Freepost address on the leaflet.) Or, you can phone our Complaints Officer to chat things through on 01620 827497.

You can also take your complaint to the Scottish Public Services Ombudsman, although it is usually better to use the Council's complaints

Version: 23 April 2003, including revisions suggested by Reading Groups and staff

procedure first. You should contact the Ombudsman within 12 months of the date that you first noticed the problem you are complaining about. In special circumstances, the Ombudsman may be prepared to deal with matters that have gone on longer than 12 months. Please write to the Scottish Public Services Ombudsman, 23 Walker Street, Edinburgh EH3 7HX.

Tel: 0870 011 5378, Fax: 0870 011 5379, e-mail:

enquiries@scottishombudsman.org.uk

If you want to make a complaint about a registered service, you can also contact the Care Commission, Compass House, 11 Riverside Drive, Dundee DD1 4NY. Tel: 01382 207100. Fax: 01382 207289. Lo-call: 0845 6030890

First published June 2003