

Personal budgets and direct payments

Information about adult social care funding



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Introduction

This brochure is designed to help you understand:

- what a personal budget is
- what a direct payment is
- how you will be financially assessed
- self-funding
- how your care and support needs can be met through direct payments.

Personal budgets

A personal budget is the amount of money that the Council thinks you need to cover the cost of your support services. The total cost could include a contribution from you. We will give you a financial assessment, which will determine if you need to make a contribution and, if so, how much your personal contribution will be.

You can choose how you get your personal budget:

- you could get this as a direct payment so that you can organise your own support
- we could manage your budget and arrange your services for you
- you can choose a mixture of these.

If you have eligible care and support needs, you will be asked if you want to get some, or all of your personal budget as a direct payment.

We will discuss with you how the money will meet your care and support needs, and you will have a financial assessment to see if you should contribute towards your care and support costs.

Financial assessments

We will carry out a financial assessment to decide if you need to make a financial contribution to your care and support.

The amount you will be asked to contribute towards your care and support will depend on your financial circumstances. The assessment will take into account your:

- income
- expenses
- savings
- investments.

You will need to give us evidence to support your financial assessment. If you do not want to be financially assessed or disclose full information about your finances, you will need to contribute the full cost of your personal budget.

If we find you are able to pay the full cost for your care needs (self-funding) following an assessment, we will not give you a personal budget, but we will support you with your care and support planning.

Please see our Paying for care at home leaflet for more information available from www.lewisham.gov.uk/careathomecosts.

Self-funding

If you have more than £23,250, which is the higher capital limit set by the Government, then you must pay for all of your own care and support costs.

Even if you have less than £23,250 you may still be responsible for paying all of your care and support costs, based on your financial circumstances.

What council services a self-funder is entitled to

As a self-funder, you are not entitled to Direct Payment Funding, but you can get:

- free assessment of your care needs
- information and advice.

You can buy services that meet your care and support needs from whichever provider you want, and we can support you with this.

What direct payments are

A direct payment is a sum of money paid to you to meet the care and support needs outlined in your care and support plan. This allows you to choose how and when you get services, instead of us arranging them for you.

Direct payments give you the opportunity to live as independently as possible. They can help you:

- continue to live in your own home
- be fully involved in family and community life
- engage in work, education and leisure.

Direct payments give you greater choice and control as they mean that you can arrange your support in a way that best suits your needs and lifestyle.

You can use the payments flexibly to meet your needs. For example, you could:

- employ your own personal assistant (PA)
- buy services from an agency.

You can get a direct payment if:

- you have made a request for direct payments
- we are satisfied that you are capable of managing a direct payment with or without support
- we are satisfied that getting services through
- a direct payment is an appropriate way to meet your needs.

Once you have agreed how your care and support will be delivered, you or an authorised person will be asked to sign a direct payments agreement. This agreement sets out our responsibilities and obligations as a direct payment provider, and yours as a recipient.

Who can get direct payments

Most people who qualify for financial help from us can get direct payments. This could include people with:

- physical disabilities
- mental health difficulties
- sensory impairments
- parental responsibilities for children with disabilities
- informal carers
- someone getting direct payments on behalf of someone with a severe mental impairment.

How much money you will get

The amount you get will be discussed during the support planning process and:

- will depend on your individual support needs based on your care assessment
- could include employment-related costs on top of wages if you are employing a PA (e.g. pension, annual leave)
- could allow you to save for emergency arrangements where necessary.

We have a responsibility to offer services that provide best value for money. To calculate your direct payment funding, we look at local market rates. This means you can buy good quality services that are local to you. If you want, you can top-up your direct payments to pay for a more expensive service.

How you will get your payments

We issue most people who get direct payments with a pre-paid card. However, other payment methods can be considered.

The benefits of pre-paid cards

For you:

- The card can save you time completing financial monitoring returns.
- Payments can be made by us on your behalf, for example during a hospital stay.

For us:

- It allows us to view transactions and monitor funding.
- We can make sure you and your representatives are spending in line with your agreed support plan to meet your care needs.

How to use pre-paid cards

You can use the pre-paid card to pay for services, just as you would with a bank card. You can't usually withdraw cash using this card, unless this is agreed in your support plan. The direct payment funds must only be used to pay for the care and support needs described in your support plan.

How to manage your payments

There are two ways your payments can be managed. We offer a direct payment account which you can choose to manage yourself. This is called a self-managed account.

If you can't manage your own account, and you do not have someone who manages your finances for you, we can support you by administering payments on your behalf. This is called a managed account.

Frequency of payments

We will pay direct payments directly into your pre-paid card account every four weeks in

advance.

Contributing towards the cost of your care

If you need to pay a contribution towards your care, this will be deducted from the money we pay into the pre-paid card account. You will be expected to pay this towards your direct payment, so that you have the correct amount of money to pay for your care and support costs.

You, or an authorised person, will be responsible for making sure the companies or individuals that provide your care and support are paid from this account. If we are supporting you with a managed account you will usually be sent a bill for your financial contribution. However, we may ask you to pay your contribution into the managed account.

Your financial assessment will apply charges from the day your care and support starts, so if you have not had a financial assessment by that date, your charge will be backdated.

Paying the assessed personal contribution is a condition of having Direct Payments. Failure to pay the assessed financial contribution will result in a Direct Payment request being declined, or if already in place the direct payment may be terminated.

What direct payments can be used for

There is flexibility in how you can use your direct payments, as long as the money is only used to pay for the outcomes identified in your support plan.

For example, direct payments can be used to get:

- personal care
- preparation of meals
- daily living activities
- community support (for example, daytime activities or assistance to travel)
- short-term breaks for respite

Although you are allocated a weekly amount, you may find that you need to spend more money on care one week than you do on another. You have the choice to use your payments flexibly as long as you keep within the budget that you have been allocated.

If you are a carer, the payments can also be used in a variety of ways to help you to continue in your caring role. For example, you can use them for a sitting service for a few hours break or to hire someone to carry out tasks to give you a break.

What direct payments cannot be used for

You cannot use your direct payments to pay for anything that does not meet the care needs identified in your support plan.

Direct payments should not be used to:

- pay for household bills such as utility bills
- pay for anything illegal
- purchase alcohol or tobacco or for gambling
- purchase groceries or food
- buy services such as day centre places which we provide directly
- pay for long-term residential care
- pay someone who lives with you and who you have a personal relationship with, except in exceptional circumstances which need to be agreed in writing by social services.

Direct payments and your responsibilities

Direct payments offer a great deal of freedom but along with this come some responsibilities. If you are managing the direct payments yourself, you need to keep records and receipts to show us how you have been using the money.

If you choose to employ someone directly you will need to make sure that you meet all your legal duties and obligations as an employer, such as:

- making sure anyone you employ can legally work in the UK
- registering with HMRC for tax and national insurance purposes
- arranging employers' liability insurance
- making sure workers are paid the National Minimum Wage.

If you use an agency we recommend that you check the Care Quality Commission website to

make sure they meet their required standards. If you plan to use a self-employed person we recommend that you check their employment status. If you need any help with this please let us know.

If during support planning you decide to employ a Personal Assistant (PA) to help you, your weekly direct payment totals will include money on top of the hourly wage. This extra money is to pay for things like annual leave, insurance, and completing a Disclosure and Barring Service (DBS) PA check.

You or the person who receives the direct payment on your behalf must make sure that anyone you employ using direct payments understands that they are not an employee or agent of Lewisham Council. This must be reflected in the basic terms of employment.

You can privately recruit a PA, or you can find a PA or care agency by searching our online directory at www.lewisham.gov.uk/PA.

For more help and advice, you can also contact the direct payments team who can give you more information and support on how to employ a PA.

How direct payments are monitored

We will monitor your direct payment account to make sure:

- the money is being used in line with your agreed support plan
- you are paying your personal financial contribution towards your care and support costs.

You should keep any receipts and details of electronic payments.

How much money you can keep in your pre-paid account

If Direct Payment recipients build up over 8 weeks' worth of funding this will be investigated by the Council to see if there is a need for the build-up, such as outstanding invoices, personal assistant's annual leave or a respite break.

All funds paid by the Council that are deemed to be in excess without good reason will be returned to the Council.

Having your direct payments managed by someone else

You can nominate someone to manage your direct payments for you, and we will arrange for that person to deal with your direct payment.

If you lack capacity, then anyone authorised under the Mental Capacity Act 2005 can support you.

They must be registered with the Office of the Public Guardian as your lasting power of attorney or court appointed deputy.

In both cases, we must be satisfied that the nominated person will act in your best interests and you will need to give us a certified copy of any legal order for our records.

Direct payment reviews

We will contact you to review your direct payments within the first six months to make sure:

- your care needs as agreed in your care and support plan are being met
- the direct payments are being used as agreed in your plan
- you are happy with your care arrangements
- if you are assessed to pay a contribution towards your direct payments, you understand how to do this.

We will also do a yearly review to:

- check if direct payments are still the best way of meeting your care needs
- make sure that you are meeting the conditions of your payments.

If, in your first review, it is clear that you are struggling to understand your responsibilities in accessing your services through the direct payments, the direct payments team will give you further advice and support.

We have the right to increase, decrease, suspend or end your direct payments following a review or reassessment of your care needs.

What happens to your payments if you go away from home

If you are away for less than four weeks

If you plan to travel outside the borough or abroad for less than four weeks, you must let the direct payments team know before making those arrangements. You will need to say how long you will be away and confirm your support arrangements during this period.

If you are away for more than four weeks

If you are away for more than four weeks, your direct payments will be stopped and you will need to contact social services to request a reassessment of your care needs.

If you employ someone while you are away

Direct Payment funding cannot be used to secure local care services whilst the service user is abroad.

Personal Assistants may be funded to provide their usual support services abroad. Associated costs, such as flights would not be covered.

In all cases the Council would need to consider the request in advance and would need to see full supporting evidence.

What happens if you go into hospital

If you are admitted to hospital, we will consider how you can use your direct payment in hospital to meet non-health needs or to make sure employment arrangements are maintained.

However, if you are in hospital for longer than four weeks:

- funding for your direct payments will be stopped
- we will arrange for you to have a reassessment of your care needs.

Ending direct payments

We have the right to end your direct payments if:

- you no longer appear to be capable of managing the direct payment
- you no longer need the support for which the direct payments was agreed
- you fail to comply with any of the

- conditions of using the direct payments
- it is apparent that you have not used the direct payments to achieve the care needs set out in your care and support plan.

If you no longer want direct payments

If you decide that you no longer want to get direct payments, you should let us know. If you employ someone directly, you will still be responsible for their employment.

With regards to continuing your care and support, we can stop your direct payments and arrange directly provided services in line with your wishes.

Ending direct payments on death

If someone getting direct payments dies, any funding left in the pre-paid card account will be recovered by us after all services have been paid for.

If the recipient had a PA, we would consider paying statutory redundancy if we have evidence that the PA is entitled, such as proof from a payroll provider, or an agreed contract or written statement of work.

Helpful contacts

Lewisham Council

Lewisham Council: visit

www.lewisham.gov.uk Direct payments team:
call 020 8314 9675

or email

directpaymentteam@lewisham.gov.uk

Personal assistant and carer agency

directory: visit www.lewisham.gov.uk/PA

Financial assessment team: email

financialassessmentteam@lewisham.gov.uk

Adult social care: call 020 8314 7777 or email

gateway@Lewisham.gov.uk

Employment information and advice

Skills for Care: visit www.skillsforcare.org.uk/

Acas (advisory, conciliation and arbitration
service): visit www.acas.org.uk

Care Quality Commission (to check a care
agency inspection report): visit

www.cqc.org.uk