



Direct payments

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Introduction

This information sheet on direct payments is for carers and people with dementia. For further information or support, please call the freephone Dementia Helpline on **0808 808 3000**, or see our website at www.alzscot.org.

What is a direct payment?

A direct payment is money given to an individual, by the local authority, to pay for community care services which he or she has

been assessed as needing. It provides the service user, or, in certain circumstances, the carer (usually a family member) with more choice and control over the care he or she receives.

Having a direct payment means that the service user or carer can:

- decide who is to provide the services; for example, a voluntary agency such as Alzheimer Scotland or Crossroads, a private care agency, the local authority, a support worker employed by advertising privately – or a combination of these
- arrange how and when the service is to be provided
- pay directly for the services provided.

The local authority should take a flexible approach to the use of direct payments. They can also be used to buy equipment or temporary adaptations and to help people carry out everyday activities such as going shopping or socialising, rather than having a service provided in the person's home.

Who is entitled to direct payments?

Every local authority has, by law, a direct payments scheme for adults with care needs. To access direct payments, the service user must be able to understand the responsibility he or she is taking on. Support with the management of the direct payment is allowed. The ability of someone to manage a direct payment will be assessed by a social worker. However, there may be someone with the legal power to manage the person's affairs (an attorney or a guardian), who can manage direct payments on his or her behalf.

A person with a diagnosis of dementia, who is in the early stages of the illness, may be able to manage a direct payment and may wish to do so. He or she may be able to continue to do so for some time, with assistance. However, as the illness advances, the person will eventually be unable to manage and the direct payment would be stopped unless the person has someone with power of attorney who can take over managing it. The social work department would take over making the arrangements and paying for services.

If the person with dementia, while he or she was still able, has appointed a welfare and financial attorney, the attorney can make decisions on his or her behalf. Attorneys can be given a range of powers. In most cases the powers granted would probably make it possible to manage direct payments, and the Office of the Public Guardian states that powers of attorney would not have to list this specifically. However, to avoid doubt (and perhaps smooth the way with the local authority), management of direct payments could be included. If the welfare and financial powers of attorney are held by different people, they may still be able to manage the person's direct payments together.

Where the illness has progressed too far for the person with dementia to appoint an attorney, the carer can apply to the sheriff court to be appointed welfare and financial guardian. The powers requested by the guardian could include the specific power to manage direct payments.

The Alzheimer Scotland publication *Dementia: Money and Legal Matters - A Guide* contains information and advice on powers of attorney, intervention orders and guardianships. This is free to people with dementia and their carers. Call the Dementia Helpline **(0808 808 3000)** for a copy.

The Scottish Executive has application packs for guardianship and intervention orders which contain guidance, forms and sample

applications. Tel: 0131 244 2193; fax: 0131 244 2195; website: www.scotland.gov.uk/justice/incapacity.

Will direct payments be helpful for me?

To help you decide, it is important that you look carefully at the work involved in receiving direct payments. At the end of this sheet there is a checklist of points to consider. You may like to speak with others who are already using direct payments, to find out about their experiences. See later section '**Who can provide support?**'.

If you decide that you **do** want to receive a direct payment or you want more time to consider, you should not be left without the services you need. You may need to have services arranged by the social work department until you are able to put your own services in place. If you decide that direct payments are **not** for you, then the Social Work Department will arrange the services you need.

Will direct payments affect my benefits?

No, direct payments will not be taken into account for the purpose of assessing income for social security benefits. They are not liable to income tax.

Can I add on other money to direct payments to buy more or better services?

Yes, if you are receiving direct payments you can also use other income or savings to buy more or better quality services than those detailed in your care plan.

Are there any restrictions?

You cannot use direct payments to pay a spouse, partner or close relative who lives in the same household as you. Direct payments cannot be used to pay for services which the NHS has a duty to provide, with apart from some health care tasks which a personal

assistant can be trained to carry out, such as skin care or the management of pressure sores. Direct payments cannot be used to pay for permanent residential care although they can be used for short stays in care homes of less than four weeks at a time, usually subject to a total of four weeks in any year. Each short stay should be separated by a period of at least four weeks.

Each local authority has its own eligibility criteria to determine who can get services – these criteria should be published and you can request a copy from your local authority. If you are refused a direct payment on the grounds that you would not have been offered services either directly from social work or through direct payment, you can use the local authority complaints procedure to complain about the decision.

You can use your direct payment in any way you wish as long as it is used to meet your assessed needs. The aim of the policy behind direct payments is to give people more choice and control over the services they receive. Although the Social Work Department will need to make sure that the money is in fact being spent on meeting assessed needs, there should be a flexible approach to how the money is spent. For example, you might use the direct payment to help you to do your own shopping rather than having it done for you; or to help you to maintain your social networks by being taken to see friends.

What services are needed?

If you are not already receiving community care services, but feel that you, the person with a diagnosis of dementia, or the carer, could benefit from support, contact the local Social Work Department and arrange a community care assessment. (For more details on assessments see the Alzheimer Scotland, **Community Care and Assessments** information sheet. Call the freephone Dementia Helpline on **0808 808**

3000 for a free copy, or see our website at www.alzscot.org.)

Community care services include practical help and support at home, personal care, day services, short-term breaks/respite care, counselling, advocacy and specialist health services such as support from a community mental health nurse.

On the basis of the assessment, a care plan should be drawn up with you, and you should be given a copy. The care plan will set out your support needs and the services to be provided to meet them. Certain services are free of charge, such as ***personal care** for people aged 65 and over, but there may be a charge for other services such as shopping and cleaning. If you need services for which there is a charge you will be asked to agree to a financial assessment (means-test) for how much you may have to contribute towards costs.

Only the income of the service user should be assessed. If the income is below a certain level, then the Social Work Department will meet the full charge. Ask your local authority about its charging policy and how it applies to people who receive direct payments.

If you decide you want to go ahead with direct payments, the local authority will tell you how much money you will get to pay for the services and when and how the payments are going to be made.

Direct payments will not normally be for more than it would cost the local authority to provide or arrange the service, including the cost of any administration and other overheads. The social work department can choose to make higher payments if they are satisfied that the additional cost is justified and the person is more effectively helped to manage their own services and live independently.

**For a full list of what is included within the definition of 'personal care' services, for which there is no charge, see the Community Care and Assessments information sheet mentioned above.*

How do I choose a service?

In order to work out which services would suit your needs, discuss the options with your social worker. You could also talk to your GP, local Alzheimer Scotland service (where there is one), carer support group or branch; or call the Dementia Helpline on **0808 808 3000** to ask if there is a local service guide for your area. If so, then this can be sent out to you free of charge. Other professionals such as occupational therapists may be able to help with information about specific services. If you are already in contact with service providers, they may be able to help. Friends, family and other carers may be able to point you in the direction of appropriate services.

You can buy services from:

- the local authority, if they sell their services
 - a voluntary organisation
 - a private agency
- or employ an individual directly.

You should be able to make a positive and informed decision about the care service you wish to buy. The service provider should have good quality and accurate information on their services. This will allow you to decide if the services they provide will suit you or the person you care for.

How do I find out if the service meets standards?

Services should meet national care standards set by the government.

- You can look at these standards when deciding which agency to use and also to check if services you are already receiving are of the required standard. The national

standards for care at home can be found on the Care Commission website - **www.carecommission.com** - or there should be copies in your local library. If you would like your own copy, contact: TSO Scotland Bookshop, 71 Lothian Road, Edinburgh EH3 9AZ. Tel: 0870 606 55 66. Price: £5.00 each.

- The local authority may have a list of 'approved' service providers who have been checked by the local authority. You can ask to see this list, although you do not have to choose services from this list if you think there are other services that might be more suitable.
- You can also find out if the service provider is registered with the Care Commission. This will allow you to see if the service has been inspected by the Care Commission and whether it has reached the required national care standards. Each service inspected will have a report of this inspection. Ask to see the report when you visit or speak to a service provider, or see the inspection report (since April 2005) on the Care Commission's website: **www.carecommission.com**. You can also request a copy of the report from the Care Commission, giving the name and address of the care service/agency you wish to find out about. It helps to have the name of the company, organisation or person providing the service.

Managing direct payments

Once you have agreed on the services needed and the local authority has told you the amount of money you are to receive, you can then look in detail at how and when you want to buy services. The direct payments system should allow you to tailor the services much more closely to your individual needs. Services can also include equipment such as aids to help get around the house or to assist with daily activities in the home. **Note that the services you buy have to be the services outlined in the care plan from the Social Work Department.**

To receive direct payments, you will have to set up a separate bank account. You will have to fill in forms from the local authority, so that they can monitor how the money is being spent. The local authority will regularly monitor the services and can inspect the direct payment account. The local authority should let you know when and how they will do this.

If the Social Work Department is not happy about how the money has been spent, for instance if it has **not** been spent on the services for which it was intended, the authority can ask for the money to be repaid. Always keep in touch with the person who has been organising the direct payments, especially if you intend to make any changes to the services. This will allow the Social Work Department to advise you if the changes are possible, or if they will have to reassess the care plan.

You can decide at any time that you no longer wish to carry on receiving a direct payment and ask the social work department to have services arranged for you instead so your needs continue to be met. However, you should consider what commitments you made when arranging your services through a provider or by employing someone. For example, you are likely to have to give notice if you want to stop the service.

The local authority can also decide to discontinue direct payments if it is felt that your needs are no longer being met, or you can no longer manage the payments, or there has been a mispending of the payments. When you start receiving direct payments you should be told the minimum period of notice you will be given in these circumstances. Any decision to cancel the arrangement should only be made after full discussion with you and, if appropriate, your carer.

Who will manage the services I pay for?

If you go through a voluntary organisation or private agency, they will recruit, manage and

pay the support/care workers. As the 'customer', you pay the agency to provide the support or services you need. You will need to agree and sign a written agreement (contract) which will set out details about the number of hours of service required, where and when they will be provided.

Written agreement

When you take on a new service, you should make sure you have a written agreement with the service provider. The written agreement should clearly state:

- the service to be provided
- the terms and conditions for receiving the service (e.g. charges)
- arrangements for changing the agreement (or allowing for flexibility) in response to changing needs
- arrangements for ending the agreement.

Changes to the care plan

There may be times when you need to make changes to the care plan, such as changing the services you would like or reducing/increasing the hours. Within the direct payment agreement there will be some flexibility and, if it has already been agreed as part of the care plan, you can make small changes without notifying the local authority. For example, you could change the time the service is to start. However, make sure you understand what changes can be made without contacting the social worker. If you need to make more substantial changes or feel that a reassessment of needs and services would be useful, contact the local Social Work Department. You are entitled to comment and complain about services at any time.

Personal plan

The service provider, in consultation with you, should also draw up a clear person centred plan detailing the services they are to provide to meet your needs. To do this, the service provider should be aware of your assessed needs.

Reviews and assessments

Regular reviews should be part of the care plan, particularly for people with dementia, as their needs will change over time. The timing of the first review should be set by the social worker or whoever carries out the initial assessment and should be noted on the care plan. You can ask for a review to be moved forward if you feel circumstances have changed and you need more help or different services. Contact the Social Work Department if you need advice or a review of the care plan.

Emergencies – how to plan for them

When you are setting up the direct payment, the social worker should discuss with you what difficulties might arise if there are problems with the services, personal assistant or any other aspect of the care plan. You will need to think about emergency cover, so that you are able to cope should some difficulty arise with a particular service you are using. If the emergency plans do not work and you cannot cope for any reason, the local authority should step in and arrange services to help cover for the period when services are not available. Make sure you have the name of a person in the Social Work Department or support service you can contact if you are having difficulties.

Becoming an employer

If you decide you would like to employ someone yourself then you will be responsible for recruitment, selection and management. If you are going to employ a 'personal assistant' or support worker, you will have to set up a contract and be aware of the legislation relating to employer/employees. This will include ensuring that tax and national insurance contributions are paid, statutory holidays are allowed and you will have to allow for statutory sick and maternity pay as necessary. It will be especially important to consider how support and care would be provided in an emergency, should the employee suddenly become unavailable.

If possible, learn from the experiences of other service users and carers who receive direct payments. You may be able to make contact through local support groups, many of which organise peer support groups. The organisations listed below should provide advice on contracts and employment issues:

- local direct payments support organisation
- Advisory Conciliation and Arbitration Service (ACAS)
- New Employers' Helpline
- Scottish Personal Assistant Employers Network
- National Centre for Independent Living.

See the end of this sheet for contact details for these organisations.

Employing a care worker/personal assistant

If you are going to employ a care worker or personal assistant rather than use an agency, you need to make sure that the person is suitable. Before you look for a care worker or assistant, think about what you and the person you care for need in terms of support and services and how you would like to organise these services. If you do not have somebody in mind, you will have to either advertise in local papers and/or use local contacts to see if there is someone suitable in your area. Always ask for at least two written references and check them out carefully.

Safeguard: Disclosure Scotland

In addition to checking references, it is advisable to ask for an 'enhanced disclosure' which will provide information about a person's criminal record. This is to protect vulnerable people from abuse.

Disclosure Scotland issues disclosure certificates. It acts as a central point for organisations to obtain information on existing and prospective employees' criminal history. This information is called a disclosure. Disclosure Scotland will help organisations

make safer recruitment decisions by releasing conviction information and, at enhanced level, other relevant information to allow employers to make more informed decisions on employment. Contact your social worker for more details on how to get an enhanced disclosure for someone you wish to employ. The cost of the disclosure check will be included in the direct payment package.

Training and qualifications

Ideally, the person you employ should be trained in dementia care. As part of your recruitment and selection process you can ask them to bring along information about any course they have attended and any relevant certificates they may have. Knowledge of care needs and the possible changes the illness will bring is also important, so that the person knows what care may be required in the future. Contact the organisations listed at the end of this sheet for more information.

What do I do if I want to complain about my direct payment?

If you wish to make a complaint about any aspect of the direct payments system, for instance if you decide that the amount being paid by the local authority for the services is not adequate, you can ask for a review and discuss the amount they have specified. If you are not happy with the outcome of these discussions, you can ask for details of the social work complaints procedure and make a formal complaint.

Checklist for direct payments

1. The assessment for the person with dementia and the carer. Think about what should be discussed at the assessment. When will it be carried out and by whom? It is a good idea to complete your own assessment of your support needs before a formal community care assessment – a local direct payments support organisation can advise you on this.
2. Does the care plan from the assessment accurately reflect the person's needs?
3. Which services do the direct payments relate to?
4. How will you secure the appropriate services, what services are available, what options do you have? Would you prefer to employ someone – how would you go about this and what should you consider? How much would you pay them?
5. Are there different ways in which the direct payments can be used?
6. If you are the carer, do you have a power of attorney or guardianship which will allow you to manage the direct payments?
7. Have you made arrangements for emergency cover?
8. How will the Social Work Department help if the emergency cover breaks down?
9. How much money does the Social Work Department consider necessary to buy in the services needed? Can you use direct payments for some services and have the local authority organise other services?
10. How much of this total will the Social Work Department contribute in direct payments, and how much is the person with dementia expected to contribute?
11. How often and in what form will payments be made?
12. What arrangement does the Social Work Department propose for monitoring? How often? What information should you provide? What access will be required to the person's home and financial records?
13. What information does the Social Work Department require for audit purposes and when?

14. What, if any, other conditions are attached to the direct payments?
15. When will the next review take place? How often will reviews take place?
16. What should you do if you wish to stop the direct payments?
17. In what circumstances will the Social Work Department consider discontinuing direct payments (permanently or temporarily)?
18. How will the Social Work Department and you cope with any gaps in direct payments being made?
19. How much notice will be given if the Social Work Department does discontinue direct payments?
20. How will any outstanding commitments be handled if direct payments are discontinued?
21. In what circumstances would direct payments be stopped without notice?
22. In what circumstances would the local authority seek repayment?¹

Who can provide support?

Direct Payments Helpline Until 31 March 2006, you can get more information on direct payments, and contact details for the direct payments local authority lead officer and support organisations in your area from the Direct Payments Helpline: **0131 558 3450** - open Tuesday and Wednesday 10am – 12pm, and Thursday 2pm - 4pm. email: info@dpscotland.org.uk Website: www.dpscotland.org.uk/

From April 2006, factsheets and contact information will be transferred from the Direct Payments Scotland website to Update's website at www.update.org.uk

¹ Information taken from: Direct Payments Social Work (Scotland) Act 1968: Sections 12B and C Policy and Practice Guidance. *Annex A: Checklist for care/personal plan for direct payments. pp49.* The Scottish Executive, Community Care Division: 1 July 2002

Update, 27 Beaverhall Road, Edinburgh, EH7 4JE. Tel: 0131 558 5200; fax: 0131 558 5201; email info@update.org.uk

Direct Payments support organisation – these local groups are not available in every area. Ask your local authority or (until 31 March 2006) the Direct Payments Helpline for contact details or look at the 'In Your Area' section of the Direct Payments Scotland website (as above)

National Centre for Independent Living, 250 Kennington Lane, London, SE11 5RD. Tel: 020 7587 1663; fax: 020 7582 2469; website: www.ncil.org.uk. This organisation is set up and run by disabled people. The information they provide regarding direct payments and personal assistance may be of use to carers and people with dementia.

Scottish Personal Assistant Employers Network (SPAEN), Unit 10, Motherwell Business Centre, 130 Coursington Road, Motherwell ML1 1PR. Tel: 01698 250280; fax: 01698 250236; email: info@spaen.co.uk; website: www.spaen.co.uk - a membership organisation which provides information and support to personal assistant employers. Their code of practice helps with good employment and staff management.

Glasgow Centre for Inclusive Living, 117-127 Brook Street, Glasgow, G40 3AP Tel: 0141 550 4455.

Advisory Conciliation and Arbitration Service (ACAS), Tel: 08457 47 47 47; Textphone: 08456 06 16 00. Provides up-to-date employment information, independent advice, high quality training; works with employers and employees to solve problems and improve performance.

New Employers' Helpline, 0845 607 0143 (local call rate). Provides information for people who are considering employing someone.

Alzheimer Scotland - call the freephone Dementia Helpline **0808 808 3000** for support and information on any aspect of dementia, day or night, and guides to local services in your area or see information on website: www.alzscot.org or contact your local Alzheimer Scotland service.

NHS Helpline - freephone: **0800 22 44 88** (The line is open from 8am to 10pm, seven days a week). The NHS Helpline provides information on: Scottish health services, health matters and social care services in your area.

The Care Commission - keeps an up-to-date list of registered care service providers. The Commission holds information on the following services. (Information about other care services will be available as new services are regulated.):

- Support Services (day care for adults)
- Care Home Services
- Independent Health Care Services including: independent hospitals, private psychiatric hospitals, independent clinics, independent medical agencies
- Nurse Agencies
- Housing Support Services.

You can request lists of service providers in your area by calling **0845 603 0890** (local call rate) or contacting your regional office – you can get the number from the Care Commission, Compass House, 11 Riverside Drive, Dundee DD1 4NY. Tel: 01382 207100 or lo-call 0845 60 30 890, Fax: 01382 207289. Website: www.carecommission.com

Other contacts who may be able to help

- Care manager/social worker – local authority
- Advocacy agency
- Local carers support group

- Neighbours, friends and family may be able to provide support and help you cope.

Further reading

A Guide to Receiving Direct Payments in Scotland. June 2003. Scottish Executive. Available free in print form or online at: www.scotland.gov.uk/Publications/2002/04/14/662/4093

Dementia: Money and Legal Matters - A Guide January 2006. Alzheimer Scotland. This publication will help you sort out day-to-day money matters and make arrangements for the future. Includes information about powers of attorney and guardianships. Cost: Single copies free to carers and people with dementia. Call the Dementia Helpline on **0808 808 3000** for a copy.

The Rough Guide to Managing Personal Assistants, by Sian Vasey, National Centre for Independent Living. This guide is for people about to start receiving a direct payment to employ personal assistants (PAs). It covers recruitment, managing, using PAs in social situations and at work, and dealing with problems. Cost: £7.00. Copies from Direct Payments Scotland (see contact details above).

Scottish Personal Assistant Employers Network Code of Practice, by Scottish Personal Assistant Employers Network (SPAEN). This publication includes a Code of Practice, statutory responsibilities and good practice when employing a personal assistant. Cost £16.25. SPAEN, Motherwell Business Centre, Unit 10, 130 Coursington Road, Motherwell, ML1 4PJ. Tel: 01698 250280; fax: 01698 250236.

Direct Payments Scotland Fact Sheets Available until 31 March 2006 from the Direct Payments Scotland website at www.dpscotland.org.uk/. From April 2006, contact Update, 27 Beaverhall Road, Edinburgh, EH7 4JE. Tel: 0131 558 5200; fax:

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0131 558 5201; email info@update.org.uk;
website: www.update.org.uk

Fact Sheet 6 – *Calculating a direct payment support package*. Oct 2002 – How direct payments packages are calculated. Available free in print form or online.

Fact Sheet 7 – *Direct payments and support from agency providers*. Oct 2002. The do's and don'ts for direct payments recipients who decide to buy in agency support. Available free in print form or online.

Acknowledgements

Thanks to Shona Black at Direct Payments Scotland for helping to update this information sheet, originally published March 2004.



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