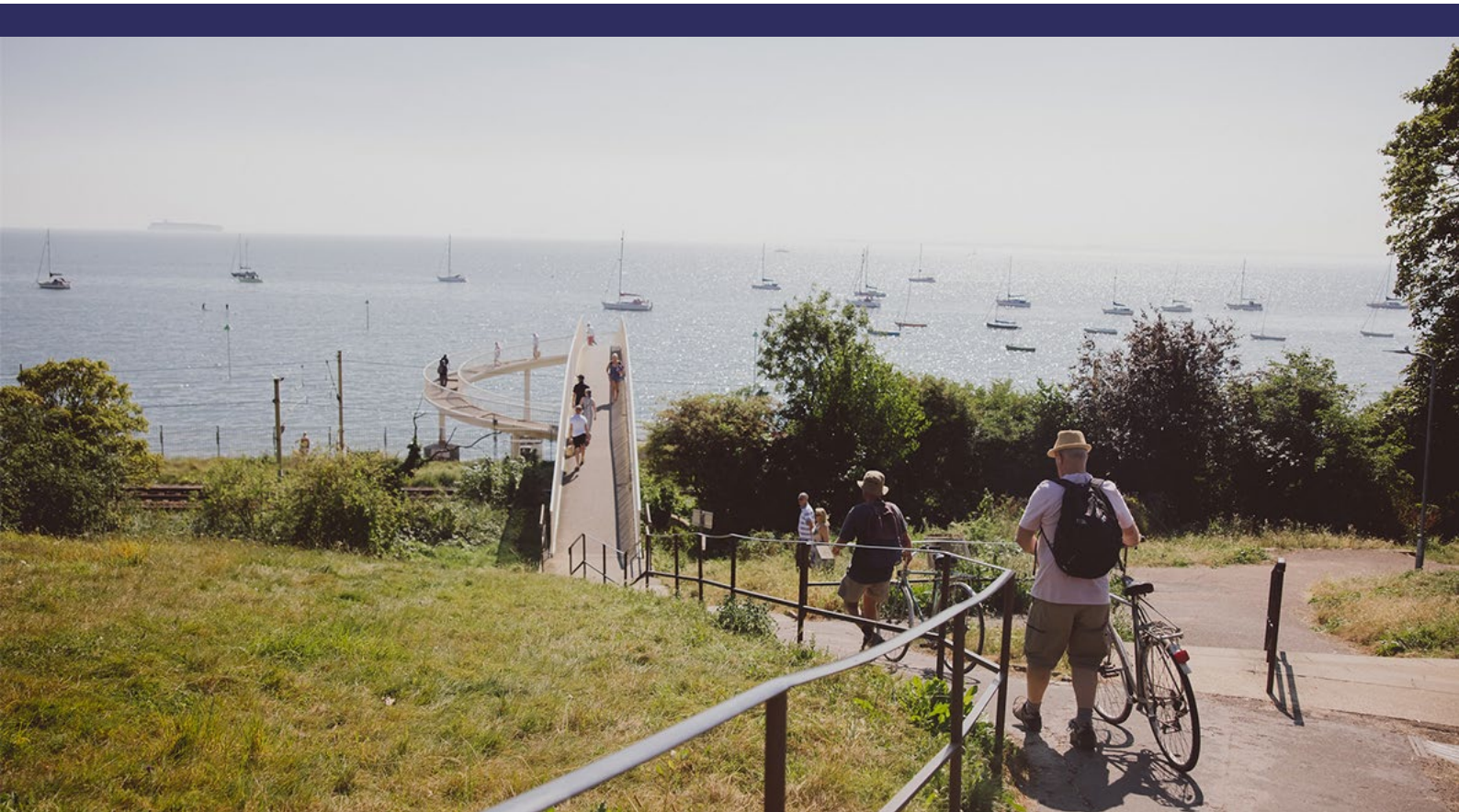


Connected Southend

A direct payment guide for adults in Southend-on-Sea

Information and advice to anyone receiving or for people considering taking out a direct payment

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Introduction

This booklet has been created to offer information and advice to anyone receiving or for people considering taking out a direct payment.

The information in this guide is to help you decide if taking a direct payment is the right option for you. The information is intended solely for guidance.

This is general guidance about direct payments, should your query be more specific you should contact the Customer Contact Centre Team via our portal, which is the fastest and easiest way to reach us: [Adult Social Care Portal](#) or 01702 215008 if you do not have internet access.

What is a direct payment?

A direct payment is money paid to you to meet your eligible care and support needs, and it lets you choose and buy the services you need yourself, instead of the Council arranging them for you.

Having a direct payment means that some, or all, of your personal budget from the Council is paid directly to you.

Your personal budget is the money that we have worked out, which is available for you to spend on your own care and support.

A direct payment is one of the options for you to manage your personal budget. The other option is:

- The Council manages your budget and arranges care and support for you

A direct payment is different from the other welfare benefits that you may get which are paid by the Department for Work and Pension (DWP). Direct payment money remains the property of the Council even after it has been paid into your account, and it can only be used to meet the needs agreed in your care and support plan.

Where direct payment money is not spent or is not all needed, it must be returned to the Council.

Who can have a direct payment?

Subject to a financial assessment, you can have a direct payment if you have care and support needs that are eligible under the Care Act 2014, and you have been given a personal budget.

You can also have a direct payment if you are a carer and have a personal budget to meet your eligible support needs.

You can also get a one-off direct payment for certain items, such as equipment, to help you live independently at home.

What can the money be used for?

The money is to pay for goods and services that help you meet your care and support needs and the outcomes that you have agreed in your care and support plan.

Examples of how you can use your direct payment:

- **Personal Care:** Hiring a personal assistant or engaging an agency to help with daily activities like bathing, dressing, and eating.
- **Domestic Assistance:** Paying for help with cleaning, cooking, and shopping.
- **Educational Classes:** Enrolling in classes like art or writing to enhance skills and social engagement.
- **Specialist Services:** Accessing therapies like physiotherapy, occupational therapy or even attending a gym.
- **Assistive Technology:** Purchasing equipment or technology to aid independence at home.

You cannot use your direct payment to pay for:

- Permanent care in a residential or nursing care home
- Normal household expenses such as utility bills, rent, mortgage payments or food
- Gambling, smoking or alcohol
- Anything that is illegal
- Anything that does not contribute to meeting your needs or achieving the outcomes that you have agreed in your care and support plan

Being an Employer

Becoming an employer by hiring a personal assistant through a direct payment can be a rewarding experience. It gives you the opportunity to take control of your own care and support, choosing a personal assistant who best fits your needs and preferences.

You can create a working relationship that allows you to live more independently, while ensuring that your specific needs are met the way you want it. While there are responsibilities, such as managing salaries and taxes, many people find it empowering to have the flexibility and choice that comes with being an employer. Help with managing the admin tasks is available from our partner **Vibrance**: <https://vibrance.org.uk>

How do I find a Personal Assistant?

Decide the type of personal assistant you wish to take on and the nature of skills and personal qualities you are looking for. There are different ways you could use to find a PA.

You can get someone you know who is eligible to work in the UK since you will need to register them with HMRC as employees, this is to prevent illegal working. For more information on the right to work in the UK and the documents you need to check for ID, visit the Home office website.

You can also advertise for PA in:

- Local job centres (Jobcentre Plus)
- Local newspapers

- Public places such as: local post office, shops, supermarkets or colleges of further education or places of worship
- Online for example: www.gov.uk/advertise-job or <https://linkmeup.org.uk/pa-search>
- Or getting in touch with recruitment agencies who will charge you and you will pay the recruitment costs from your direct payments budget

For security reasons, the advert should not include your own address but you need to briefly state the number of hours you expect the PA to offer on a weekly basis, hourly rate of pay, what the job involves, the kind of person you are looking for, any essential qualifications or references and DBS checks and how they should get in contact with you.

How can I find out about care agencies in my area?

The professional helping you plan your care, and support will be able to give you advice and you can also visit <https://www.livewellsouthend.com/adults> to help you find services.

You can also look at the [Care Quality Commission \(CQC\) website](#) to help you find services

How is the money paid to me and how often?

The money is paid every four weeks in advance into a bank or building society account that you have set up just for your direct payment.

It is possible to have a one-off direct payment, for example for respite care or to buy daily living equipment.

Why do I need to set up a separate bank or building society account?

You will need to open a separate bank or building society account for your direct payments because we will ask you to provide us with statements to show how the direct payment money is being spent.

In addition, the money must be kept separate as it can only be spent on your care and support. Direct payment money is not like other income or benefits; it remains the property of the Council until it is spent on care and support. Where it is not spent or is not all needed it must be returned to the Council.

You do not need to open a separate bank account for a one-off direct payment.

There is useful information about how to choose a bank account on the [Money Advice Service website](#).

Do I have to pay anything towards my personal budget or direct payment?

Yes, some people may be required to pay something. Most services from adult social care are chargeable, unlike services from the NHS which are free at the point of delivery.

You will be asked to fill in a Financial Assessment form. The outcome of the financial assessment will be one of the following:

- You do not have to contribute towards your personal budget
- You must pay a share of your personal budget - this is referred to as 'your contribution'
- You must pay for all your care and support therefore a direct payment is not applicable to you

If you are assessed as having to make a contribution, you will need to pay that into your direct payment bank account from your own funds. For example, if your care costs £100 per week, and we work out that you can contribute £30, your direct payment from us will be £70 per week.

You can also pay extra money into the account yourself if you want to use the account to buy or pay for additional care and support.

Can someone else look after my direct payment for me?

Yes, if you would like someone that you trust or a support organisation to look after the money on your behalf, or to help you to manage it, you can ask us to pay the money to them. You will need to give us your permission to do this.

It is important that you remember that even if someone else is looking after your direct payment it is still your responsibility to make sure that the person or organisation is using the money in the right way.

We will check to make sure that you are able to make this decision and that you have thought of any consequences of your money being paid to another person. This should be written into your care and support plan.

Also, you can nominate a relative or trusted person to get the letters that we send to you and to be able to contact the Council on your behalf.

To do either or both of these things we will ask you to fill in a Nominated Person form so that we have all the details and your permission.

You should not allow someone who you have not agreed to be a nominated person to access your direct payment account.

You cannot nominate someone who you are going to employ or who you will use your direct payment to buy a service from.

Can a person who does not have the mental capacity to agree to a direct payment themselves still have a direct payment?

Yes. They can, but they will need someone to act on their behalf. If they already have someone who has Lasting Power of Attorney for Property and Affairs (Finance), has a registered enduring Power of Attorney or is a Court Appointed Deputy for finance, this person can receive the direct payment on their behalf. They should also have Power of Attorney or Deputyship for Health and Welfare to enable them to make decisions about how the direct payment is used.

If they do not, then the Council will try to identify someone (normally a family member or close friend) who is willing and able to act in the person's 'best interest'. Sometimes a group of people will form a Trust to receive and manage the direct payment on behalf of a person who is not able to do this themselves.

Some support organisations and legal professionals offer this service too. There will normally be a charge for these services.

There is more information about Power of Attorney and Court Appointed Deputies on the [GOV.UK website](#).

What happens next if I decide to take my personal budget as a direct payment?

When you decide that you would like a direct payment, we will ask you to sign a direct payment agreement. It is really important that you understand the agreement that you are being asked to sign. The person who is helping you to arrange your care should explain this agreement in more detail to you.

You will need to set up a separate bank account that is used just for your direct payment and you will need to give us details of that account.

We will send you a letter to confirm when your direct payment has been set up and when the first payment will be made.

Are direct payments taxable?

No. They are not taxable income, and you do not need to tell His Majesty's Revenue and Customs (HMRC) about your direct payment. You will however need to tell HMRC if you use your direct payment to employ staff.

Will my direct payment affect any benefits I am receiving?

No. Direct Payments do not affect the amount of other benefits that you are receiving. You do not need to tell DWP about your direct payment.

From time-to-time DWP may check how much money you have in your bank accounts. You should advise DWP that you have a direct payment account and that this should be ignored.

Please note that if you are employing someone and they are receiving any welfare benefits or tax credits they must inform DWP and HMRC as it may affect any benefits that they are claiming.

Will you check how I am using my direct payment?

Yes. We will do a first check within six months of your direct payment starting and we will review it annually.

You will need to keep a track of your account and the money you spend, and you will need to keep bank statements, invoices and receipts relating to the direct payment.

We will want to see that everything is working well and that the things the money is being spent on is identified in your care and support plan.

We will send you a simple form to fill in and we will ask you to send in copies of your direct payment bank account statements including details on how you spend your direct payment along with your bank statements, invoices and receipts. These will be requested on a quarterly basis by our Finance Team.

Your bank account statements will show us that you have been paying your contribution if you have one to make. We would always advise that you pay your contribution into the bank account that you use for your direct payment as it is much easier for you to keep a track and to provide evidence of this when we ask you for it. However, you may use your contribution to buy services directly, without putting it into your direct payment account. If you do so you will need to show that you have spent the money on things that have been agreed in your care and support plan and provide receipts when asked.

We will decide how often we will need your information from you again after this first check and will tell you when this will be.

If at any time we are concerned about how you are using your direct payment, we will arrange for someone to talk to you about this.

If you have spent the money on things that are not in accordance with your care and support plan, we may ask you to refund this to the Council.

Can I accumulate money in my direct payment account?

Yes, you can. One of the advantages of using direct payments is that they are flexible, and you are not committed to spending the same amount of money each week.

Also, you must keep aside money that has been identified to cover particular situations that may arise. These are most likely to arise if you are employing someone and will include such things as holiday or sickness cover, maternity pay or redundancy payment.

If you consistently have money accumulating in your direct payment account and it is not going to be used for goods and services that are agreed in your care and support plan, the Council will ask you to pay that money back.

If things change and the money is too much or too little to meet my needs, what should I do?

You should contact the Customer Contact Centre Team via our portal, which is the fastest and easiest way to reach us: [Adult Social Care Portal](#) or 01702 215008 if you do not have internet access.

The Customer Contact Team will request a Social Care professional to contact you.

What should I do if I am worried about my account or spending the money on the wrong thing?

How the money is spent to meet your care and support needs and outcomes should be recorded in your care and support plan, and you can refer back to that.

If you have any questions about what it can and can't be spent on, you should ask the person who is helping you to put your care and support plan together.

If things change and you feel that your care and support plan should be reviewed, you can contact the Customer Contact Team via our portal, which is the fastest and easiest way to reach us: [Adult Social Care Portal](#) or 01702 215008 if you do not have internet access.

Your direct payment will be reviewed within the first 6 months and then annually.

If you have any concerns about money going out of your account that you are unsure about you should speak to your bank in the first instance. If this does not resolve things then you should contact the Customer Contact Team via our portal, which is the fastest and easiest way to reach us: [Adult Social Care Portal](#) or 01702 215008 if you do not have internet access.

If I no longer need a direct payment or it ends, what will happen to the money that has already been paid to me?

When your direct payments stop, we will ask you or the person who is acting on your behalf for information about your recent transactions and how much money there is left in your direct payment account.

You will be able to use some of the money to meet any legal liabilities that you may have, such as redundancy payments or holiday pay for staff that you employ, or contractual payments to service providers such as a care agency.

We will ask you or the person who is acting on your behalf to return all the remaining money to us, including any contributions due. We will tell you how you can do this.

What happens if there is not enough money in my account to pay outstanding bills or other liabilities?

There are a number of reasons why this might be the case, and the outcome will be different for each, for example:

- Your contribution has not been paid into the direct payment account as it should be. In this case you will need to pay money into your account to cover what is required
- The money that should have been kept aside to cover a particular situation has been spent. In this case you are likely to have to make the outstanding amounts yourself
- You have told the Council that your needs have increased, and you are spending more money on your care and support, but the Council has not yet been able to review your situation

Whatever the reason, you or the person who is acting on your behalf should talk to the Council for advice.

Where can I get independent information and advice about direct payments?

The idea of a direct payment may initially sound quite daunting. However, there are organisations who can help. There is also useful information available on the internet. Here are some links to some reliable sources of information and advice:

- <https://www.ageuk.org.uk>
- <https://www.carersuk.org>
- <https://www.disabilityrightsuk.org>

Also, there are organisations who offer services that you can purchase to help manage a direct payment and to employ a personal assistant. We can provide you with details of what they offer and their contact details.