

## Carers Information Sheet 26

### Direct Payments

#### What are Direct Payments?

If you or your cared for person are entitled to services from Lewisham Social Services, they can give you or your cared for person money so that you can arrange and buy the services yourself. This is called Direct Payments. In fact they **must** offer you Direct Payments as an alternative to arranging the services for you. If you get Direct Payments you must use it to arrange services that meet the assessed needs of yourself or the person you care for. It is not money to spend as you choose. However you also do not have to accept Direct Payments for services if you do not want to. Services can be provided and arranged for you.

#### Why would I want Direct Payments?

Direct Payments can give you more control, choice and flexibility over the care and decisions that affect your life. For example, some people need help to get out of bed in the morning. You may find that the home help employed by the local authority cannot come at the time you want. If you get Direct Payments you can arrange for someone to come at whatever time you decide.

#### Who can get Direct Payments?

The following people can get Direct Payments:

- disabled adults assessed as needing community care services;
- disabled 16 and 17 year olds assessed as needing children's services;
- parents or people with parental responsibility for a disabled child (under the age of 18) who has been assessed as needing children's services, and



- people caring for disabled friends and relatives - for 'carers services' to support you in your caring role.

Lewisham will only give you Direct Payments if it is satisfied that you will be able to manage them. You can however have as much help as you need to manage the payments - from a relative or friend, or from **Freewood**, the dedicated support organisation. They will help you through 'the maze' of employing care workers/'personal assistants' (PAs). Their contact details are at the end of this leaflet.

#### What can I use Direct Payments for?

Direct Payments can only be given to buy community care services, carers' services and services for children. This includes equipment and **temporary** adaptations and short breaks. Lewisham Council will explain what the money can and cannot be spent on. You will need to discuss with them

how you intend to use your Direct Payments to arrange services to meet your needs. If you prefer to receive local authority services to meet some of your needs, Lewisham Social Services can provide a mixture of Direct Payments, and services that they will arrange.

### **Where can I go to buy the services I need?**

You can make arrangements yourself and employ your own staff (this means **YOU** will be responsible for paying any Tax and National Insurance payments that might be due) and they will report direct to you. Or you can contract with an agency, a private service provider or voluntary organisation to arrange this for you. They will be responsible to you, not to the local authority.

### **Can I buy services from Lewisham Council?**

Yes, you can buy services from any local authority provided it agrees to sell its services to you.

### **Can I buy residential care with my Direct Payments?**

You can use your Direct Payments to buy **occasional** or **regular** short breaks if Lewisham Social Care Services agrees that is what you need. Direct payments are intended to support you in your community, so you cannot use them to pay for **permanent** residential accommodation.

### **Can I use Direct Payments to employ relatives?**

Direct payments are not meant to replace the help you get from your family and community. So you cannot use Direct Payments to get a service from:

- your husband, wife or partner or
- close relatives or their partner or husband or wife if they live in the same house as you.

You should discuss your situation with the local authority if you think that any person you would like to employ or buy services from might be in one of these categories. In very unusual situations, Lewisham Social Services may be prepared to consider allowing you to use Direct Payments to pay a close relative who does not live in the same house as you, or a friend who does share the same house.

### **How do I get Direct Payments?**

Contact Lewisham Social Services to ask them to assess your needs. To get Direct Payments you first have to have a Community Care Assessment or a Carers Assessment or a Child in Need Assessment (for Disabled Children). See our Leaflet 3 for more information. Your main contact for discussing & planning a Direct Payment will be the Social Worker or Team responsible for your assessment.

### **What responsibilities will I have?**

Managing Direct Payments is a major responsibility but you can get help. It is your responsibility to arrange the services you need, to sort out any problems with the service and to account for the way you use the money. If you use the money to employ your own staff, you will have the legal responsibilities of an employer.

### **Will the local authority give me enough money to meet my needs?**

Lewisham Social Services has to give enough money so that you can make arrangements that will meet your assessed needs. This will include any legal responsibilities you may have as an employer. You should not find yourself having to do without services that the local authority has assessed you as needing. However, Lewisham Social Services has a responsibility to get value for the public money that is spent. So it will only fund services for those assessed as having 'substantial' (or 'critical') care needs - subject to a financial assessment (not for services mainly for the carer).

### **What can I do if I think the payments are not enough?**

If you think the money you are offered is not enough, you do not have to accept it. You can ask the Social Worker or manager to reconsider the assessment or care plan; failing that, you can make a complaint. You will need to discuss with Lewisham Social Services what will happen while your complaint is being worked on. You can accept the Direct Payments, if you want, while your complaint is being dealt with. If you do not want to

do this while your complaint is being considered, you can choose to get services instead.

### **How will I get the money?**

The money will be paid into a separate bank account. You will be expected to keep records of how it is spent.

### **What do I need to do before I start getting Direct Payments?**

Before Direct Payments start, you should discuss and agree with Lewisham:

- what needs the Direct Payments are to meet;
- what services the Direct Payments are meant to cover;
- the value of Direct Payments you will get;
- how much you will be expected to pay;
- how you intend to use the money to get services you need;
- where you can get help if you need it;
- what you can and cannot spend the money on;
- what flexibility you have in the way you get your services and what the local authority would expect to agree before it happens;
- cover for emergencies;
- cover for sickness and holidays of your care worker;
- how often, and in what form, payments will be made;
- the information you will need to give the local authority about how the money is spent;
- the arrangements the local authority proposes for checking how things are going;
- any conditions attached to the Direct Payments;
- the date when your arrangements will next be reviewed;
- the circumstances in which Direct Payments will be stopped;
- how much notice the local authority will give you if it decides to stop Direct Payments, and the circumstances in which it would stop payments immediately;
- how any outstanding commitments will be handled if Direct Payments are stopped;
- the circumstances in which the local authority would try to get some money paid back.

### **What do I need to know about employing my own staff?**

If you employ your own staff, you will have legal responsibilities. It is your own responsibility to ensure that you are aware of, and comply with, these responsibilities.

Contact **Freewood** for more information.

### **What if my needs change?**

Contact Lewisham Social Services as soon as possible and ask for your needs to be reassessed.

### **What if I don't need to spend all the money?**

If you don't need services for a short period, for example, if you are in hospital, or if you need less than usual because your condition improves, tell Lewisham Social Services as soon as possible, as they may need to adjust your Direct Payments. Do not spend your Direct Payments on something that has not been agreed. Lewisham Social Services has the power to require you to repay any money that you do not spend on meeting your assessed needs.

### **Will I need to keep records?**

Yes. The money you get in Direct Payments is for services to meet your assessed needs. It is public money and so it is not yours to spend as you wish. Lewisham Social Services will require you to account for the money you receive. You will be told what records you need to keep and what information you will be expected to provide. You will probably find it easier to keep records regularly as you go along, rather than leaving completion of any forms until they have to be returned.

For example, you may be asked to keep timesheets signed by your personal assistants recording the hours they have worked, or receipts for services purchased from agencies.

### **Will the local authority check on the service being provided?**

By agreeing to accept Direct Payments you are taking on responsibility for buying services to meet

your assessed needs. However Lewisham Social Services will have to satisfy itself that your needs are being met in the same way as if you received services. Lewisham Social Services should tell you how they would go about this. This may involve someone visiting you in your home to review the arrangements you make using your Direct Payments.

### **What happens if I get into difficulties with Direct Payments?**

Tell Lewisham Social Services as soon as possible. If your needs are not being met, the local authority will have a responsibility to step in and help you. It might do this by temporarily arranging services directly or it might give you some extra help so that you can carry on with Direct Payments.

### **Could I be asked to repay money?**

Yes, Lewisham Social Services could ask you to repay some or all of the money if you:

- do not spend the money on the services as agreed, or
- spend it in a way which does not meet any conditions the local authority has set.

### **What do I do if I no longer want to receive Direct Payments?**

Contact Lewisham Social Services to ask them to stop making Direct Payments if you no longer want to get them. Lewisham Social Services will arrange services instead. If you refuse or withdraw your consent to receive Direct Payments, this alone will not stop you from getting them in the future.

### **Who can I complain to if I am not happy with the service?**

Contact Lewisham Social Services Complaints Department. It may be useful to get support from Carers Lewisham, a solicitor, or another voluntary organisation.

### **If I receive Direct Payments, can I still get payments from the Independent Living Funds?**

Yes. Direct Payments do not affect your eligibility to receive payments from either the Independent Living (Extension) Fund or the Independent Living (1993) Fund.

### **If I get Direct Payments, will the money count as income?**

No. Direct Payments will be ignored in the calculation of the income-related benefits (Income Support, Job Seekers' Allowance [income based], Working Tax Credit and Child Tax Credit, Disability Working Allowance, Housing Benefit, Council Tax Benefit). They will also be ignored when maintenance is assessed under the child support formula. Nor will the Inland Revenue regard Direct Payments as forming part of your taxable income.

### **Where can I get further advice?**

Start by asking Lewisham Social Services. You can also talk to Carers Lewisham or to **Freewood**, the agency set up to support people to get Direct Payments.

### **Useful Contacts**

#### **Freewood (formerly CHOICES)**

Advice & assistance for those applying for or using Direct Payments.

8 Lanier Road

Hither Green SE13 6HU

Telephone: **020 8297 5209**

(fax: 020 8318 7628)

Email: [directpayment@freewood.co.uk](mailto:directpayment@freewood.co.uk)

#### **Carers Lewisham**

We run occasional courses on Direct Payments to give carers more information about how they can help you and your cared for person. Please see our Newsletter for more details.



**Carers Lewisham, The Princess Royal Trust, Lewisham Carers Centre,  
Waldram Place, Forest Hill, London, SE23 2LB  
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