

Adult Social Services

Direct Payments

Guidance

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1. Purpose and audience for this guidance

This guidance is for anyone aged 18 or over who is thinking about taking a direct payment to meet their care and support needs, or is in receipt of a direct payment, and for North Somerset Council staff in Adult Social Services. The guidance aims to give clear information about direct payments at every stage from thinking about a direct payment, setting one up, to managing and closing one.

Guidance on using **Direct payments for equipment** and on **Carers Direct Payments** are included in this document.

This guidance does not apply to direct payments for under 18s. Please refer to [Children's Services' Direct Payments Policy](#)

This guidance will be applied to new requests for direct payments and to reviews of existing direct payments to ensure consistent practice across North Somerset.

2. What is a direct payment?

A direct payment (also called a DP) is a sum of money from the council to use to arrange and pay for your care and support. It is not an income so it cannot be spent on anything else.

The aim is to give you greater flexibility, more choice and control over the support you get. If you get a direct payment, you can decide how your needs will be met, by whom, and when. For example, you might decide to employ your own Personal Assistant (PA) to work at the times you choose instead of receiving support from a care agency arranged by the council.

3. Who can receive a direct payment?

Direct payments from Adult Social Services can be made to anyone aged 18 or

over who is assessed as having eligible needs for care and support. You must be able to consent to have a direct payment and have the capacity to manage one either on your own or with assistance.

You can have assistance to manage your payments on a day-to-day basis. This could involve:

- nominating someone such as a family member to act on your behalf. We call this a 'nominated person'
- using a management company to manage the funds for you
- if you lack the capacity to manage a direct payment then an 'authorised person' can manage the money for you.

For further details see the sections:

- **Setting up a direct payment – the Direct Payments Support Team**
- **Using a Payroll Service**
- **When someone else manages the direct payment for you.**

A direct payment cannot be provided to meet the needs of any person who is subject to a requirement, license or order under criminal legislation that requires them to undertake drug or alcohol rehabilitation, behaviour therapy or testing.

North Somerset Council will ensure everyone who is eligible has the option and support to have a direct payment.

4. What a direct payment can be used for

A direct payment is for you to use to achieve the agreed outcomes based on your eligible needs.

A direct payment means you and your worker can explore more creative ways of achieving the outcomes which will meet your needs. This means you have more choice about who provides your support and more control over how it is

delivered.

The following are some of the more usual examples of what a direct payment can be used for:

- Managing your personal care
- Getting out and about in your local community
- Enabling you to attend activities for your physical or mental wellbeing and to be able to make the most of the activity
- Purchasing equipment or an adaptation to meet your needs

These can be provided by a personal assistant recruited and employed by you as the direct payment user or by a provider that you find and make a contract with such as an agency or a self-employed personal assistant.

You are strongly advised to check that the provider you choose is registered with the Care Quality Commission (CQC).

5. What a direct payment cannot be used for

Direct payments must not be used to purchase the following:

- Anything that does not meet your eligible care and support needs identified and agreed in your support plan
- A permanent placement in a care home, or residential accommodation for an adult in excess of four weeks, and for more than 120 days in any period of 12 months
- A member of the same household to provide care unless agreed with the council in exceptional circumstances.
- Services from the NHS (such as Chiropody, Physiotherapy, Speech and Language Therapy).
- Equipment for which the council is not responsible (for example equipment which the NHS provides, e.g. wheelchairs).
- Services or equipment as a substitute for a Disabled Facilities Grant.

- If there is a Trust in place, the members of the trust cannot be employed using, or benefit from, the direct payment.

6. How to get a direct payment

The following information may be helpful when thinking about a direct payment.

Assessment of eligible needs

To be eligible to receive a direct payment, Adult Social Services must complete an assessment to confirm whether you have eligible needs for care and support. This is a conversation with you to work out whether you are entitled to support from the council. You have the right to an assessment no matter what your ability is to pay for the care you may need. In some circumstances, your assessment may reveal that your needs can be met in other ways rather than having direct support from the council, for example by giving you information and advice or other services, or by you attending a club run by a voluntary organisation.

To request an assessment ring Care Connect on 01275 888 801 or complete an online self-referral form here: [Care and support assessment referral | North Somerset Council \(n-somerset.gov.uk\)](https://n-somerset.gov.uk/care-and-support-assessment-referral)

Paying towards your care costs

You may need to pay towards your care. Following the assessment of your care and support needs you will be financially assessed to see whether you will have to pay towards the cost of your care and support. If so, the financial assessment will show how much you will be required to contribute.

Personal budget

If you have eligible needs, you will be allocated a personal budget. This is the cost of meeting your needs. Your worker will tell you the amount the council has calculated as your personal budget. It will be a sufficient amount to meet your needs, based on a 'reasonable cost', that is, what the council would reasonably

expect to pay for services to do so.

Support Plan

This is a plan stating your eligible needs and how you will use your personal budget to meet these. You and your worker will put this plan together. It will state your eligible needs, the outcomes you wish to achieve, and how you will achieve them. The support plan should outline how much flexibility you would have to change your plan on a day-to-day basis.

Spending your Personal Budget

You can either ask the council to spend your personal budget by arranging services for your needs to be met or you can receive your personal budget as a direct payment and make your own arrangements to meet your needs. You can have a combination of these – the council could arrange for some of your needs to be met and you could receive a direct payment to meet some of your needs. We call this a ‘mixed Personal Budget’.

7. Contingencies

If you choose to have a direct payment, then your support plan will include a plan for contingencies. This is a plan for what will happen if your usual arrangements for using your direct payment are not available. For example, if you employ someone to help you (a personal assistant) then it would cover what arrangements would be put in place if they needed to take sick leave, and when they take annual leave.

8. Conditions or restrictions on using a direct payment

The council is allowed to place conditions on a direct payment if it feels it necessary and appropriate to do so. These include prohibiting a named individual from providing care and requiring that certain information must be provided to enable effective monitoring of a direct payment.

Indicators that conditions may be required include concerns about:

- Your ability to receive or manage the direct payment (even with support)
- The ability of your nominated representative or (if you lack capacity) authorised person to manage the direct payment
- Whether (if you lack capacity) your authorised person will arrange services based on what is in your best interests
- If you have fluctuating capacity, whether your authorised person will permit you to manage the direct payment when you have capacity to do so
- Using the direct payment to purchase care from a family member living in the same household as you without you getting the council's agreement first to do so.

9. Changing how you spend your direct payment

If you want to spend your direct payment differently to what you have agreed in your support plan you will need to contact the council first to discuss. If you spend it differently without getting agreement first, then the council may ask you to repay the money to them.

A direct payment is not an income and if it is spent on anything other than meeting your care and support needs you may be asked to repay the money to the council.

10. Can the council ask me to repay money from the direct payment?

The council can ask you to return money from the direct payment when:

- It has been used on something other than meeting your care and support needs.

- You have more money in your account than is needed to pay for your care and support needs.
- You would like for the council to arrange your care and support instead.
- You wish to cease your direct payment.

The council will work with you to resolve any problems you have in managing your direct payment. It is important you speak to someone as soon as possible if you have any worries about how you are using or managing your direct payment so that any problems can be resolved quickly.

11. Setting up a Direct Payment - the Direct Payment Support Team

If you would like a Direct Payment your worker will contact the Direct Payment Support Team in the council. The team supports with all aspects of setting up a DP. The team will then contact you to explain more about direct payments, how they work and the support available from them to help you. They will explain the process to you so that you understand what is happening and what you need to do. There will be a Direct Payment Agreement between you and the Council, which you will need to read and sign to confirm you understand your responsibilities. The team will support you to read the agreement and sign to say you understand and agree with the content.

Their support includes:

- supporting you to set up a bank account,
- advising you on employment responsibilities,
- signposting and ensuring correct insurance is in place
- providing forms if a management company is needed and assist with completing these forms if necessary

- support with recruitment of Personal Assistants (PAs) or care agencies
- completing Disclosure and Barring Service (DBS) checks for PAs
- reviewing the DP with you after 6 weeks and annually to ensure it is working well and meeting your needs

If you need support to complete your financial returns please let the DP Support Team know (see **Financial Returns** below). You can contact the team by ringing Care Connect on 01275 888 801.

12. Employing a Personal Assistant (PA)

Many people choose to use their direct payment to employ a Personal Assistant (PA). This is someone you choose to provide the care and support you need. If you are interested in doing so, the following sections discuss:

- Your responsibilities as an employer
- Employing a family member in the same household
- Limits on the number of working hours
- Deciding to employ a PA

The council's Direct Payment Support Team will provide you with all the information and advice you need to decide if this is the right option for you. If you choose to employ a PA, they will support you in the process of getting arrangements in place.

Your responsibilities as an employer

If you want to use your direct payment to employ a PA you will have the responsibilities of being an employer. This includes:

- Obtaining employer's liability insurance
- recruiting the PA

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- confirming the PA has the right to work in the UK
 - ensuring they receive any training required
 - paying employer's National Insurance contributions
 - providing them with paid annual leave
 - providing them with sick pay
 - making alternative arrangements for your support if they are on sick leave
 - making alternative arrangements when they are on annual leave

You will be required to show evidence of obtaining personal liability insurance and paying National Insurance contributions.

The council would also expect that you would obtain a Disclosure and Barring Scheme (DBS) check on the PA. You *must* do so if there are children in your household.

If you choose to employ a PA you may decide to use a payroll service to manage the payment side of employing them (see **Using a payroll service**).

This may sound daunting, but the direct payment support service will be able to support you.

13. Employing a family member in the same household

A family member who lives in the same household as you can only be paid to provide your care and support in *exceptional circumstances*, this means when there is no viable alternative available.

Personal preference to have care provided by family in the same household does not count as exceptional circumstances when alternative and appropriate care providers are available.

Some examples of exceptional circumstances are if you were unable to accept

an available care worker to provide your support on the grounds of:

- your culture or religion
- or due to your mental health or learning disability.

Some other examples would be to cover sickness or holiday of a PA or to cover crisis situations where this has been agreed as part of your contingency arrangements when support planning and is clearly stated on your support plan.

Where you want to do this and believe exceptional circumstances exist, you should contact the council to discuss this with your worker. Approval for such an arrangement must be given by the Assistant Director of Adult Social Services.

Any such exception is subject to review. The council reserve the right to withdraw an exceptional agreement if circumstances change.

Limits on number of working hours

There is a limit as to the number of hours a person can be employed to provide care. The council will support up to a 48-hour maximum working week as per the government's working time directive. For example, if someone has a direct payment to purchase 70 hours' support per week then more than at least two people would be needed to provide that amount of support. For more information, please see <https://www.gov.uk/maximum-weekly-working-hours>

14. How to find a PA or provider

You may already know someone who you would like to employ as your PA, if not the DP Support Team and PA coordinator can point you to resources such as directories of PA's. North Somerset have worked partnership with [UKCIL](#) to [deliver a personal assistant register and jobs page](#). You may consider using social media, local paper, word of mouth etc. It is your choice which you use.

15. If you are unable to find a provider

If you are unable to find any provider, then please tell your council worker. The council will work with you to find a solution. This may involve the council arranging a service whilst you continue to look, or you may decide to ask the council to arrange the support longer term.

If you are unable to find a provider within the amount of your direct payment, then please tell your council worker. The council will work with you to find a solution. This may involve the council arranging a service whilst you find a provider that will meet your needs within the cost of the direct payment. If the council arrange the support, you will need to return the direct payment

16. If a care agency costs more using a direct payment

If a care agency you wish to use would charge you more with your direct payment than it would if the council commissioned them directly, then please tell your council worker. We will ask you to return the direct payment and will commission the same agency for you.

There may be exceptional circumstances where the council would agree to you keeping the direct payment to purchase the care agency yourself, for example if there were significantly better outcomes for you using a direct payment, compared to the council commissioning the same care agency for you.

17. Using a PA or provider costing more than your direct payment

We advise using a provider which meets your identified support needs within the amount of your direct payment. The section above **If you are unable to find a provider** explains that if you cannot find one within your direct payment amount, we will ask you to return the direct payment and we will commission a care agency for you.

However, if you decide that you wish to proceed with having a direct payment to purchase a provider costing more than your direct payment amount, then you would be required to pay the difference in cost yourself. For example, if your direct payment was £150 per week but the care agency you want would charge you £250 per week you would need to pay the difference of £100 per week out of your own money. Think carefully about the financial commitment involved before you do this to ensure that it is affordable in the long term.

There may be exceptional circumstances where the council would consider paying a higher amount for your direct payment to enable you to purchase a more expensive provider directly. Exceptions would only be considered if there were significantly better outcomes for you using a direct payment to exercise your own choice, compared to the council commissioning a care agency for you.

18. When someone else manages the direct payment for you

19. Nominated Person role

If you do not want to manage the direct payment yourself, you can nominate someone to manage it for you – this is a nominated person.

A nominated person must be available and willing to manage the direct payment on your behalf. They can be a carer, relative or friend. They might be appointed by the Court of Protection or appointed under a Lasting Power of Attorney who has health, welfare or finance decision-making powers.

20. Authorised Person role

If you are unable to manage the direct payment yourself because you lack mental capacity to make the relevant decisions, then someone can be authorised to manage it for you – this is an Authorised Person.

The authorised person must conform to the requirements of the Mental Capacity Act 2005 - that an act done, or decision made, for or on behalf of a person who lacks capacity must be done, or made, in his or her best interests.

You may be asked who you want to manage your direct payments.

The authorised person who receives the direct payments on your behalf must:

- act in your best interests;
- make sure you have as much input as possible in decisions which affect you;
- inform the relevant adult social care team as soon as possible if you become able to make your own decisions, as a result of regaining capacity.

21. If you are unable to open a bank account

If you are unable to open a bank account, then the DP Support Team can discuss alternatives with you. For example, you can use a management company or broker to hold and manage your direct payment funds. The management company/ broker would receive the direct payment money from the council and pay any outgoings as approved by you.

You as the direct payment user (or your nominated/authorised person) are responsible for ensuring there are sufficient funds in the account to meet the outgoings. There is no overdraft facility on the account. You would be sent monthly bank statements and you should check these to ensure they are correct and that they have sufficient funds to meet the costs of your care and support arrangements.

22. Using a payroll service

If you choose to employ a Personal Assistant with your direct payment you will

become an employer. You may choose to use a payroll service to pay your PA. The cost of a payroll service is built into the hourly direct payment rate you would receive. However, you are advised to retain a minimum of 20% of that hourly rate to cover your oncosts as an employer. These are things such as payroll, liability insurance, annual leave costs, pensions etc.

A payroll service will register you (or your nominated person) as an employer with HMRC. Based on the hours worked by the Personal Assistant and notified to the service by you, it will advise you how much to pay your PA and HMRC and will carry out the necessary monthly reporting to HMRC on your behalf to ensure you are compliant and avoid being fined. However, this does require you to notify the service of the hours worked by a deadline every month.

As part of the process of setting up your direct payment the Direct Payment Support Team will provide you with a list of payroll services but advise that you are not limited to the providers on that list. The list is intended for guidance only.

23. Keeping a direct payment going

We will notify you every 4 weeks of the payments that are due to you. This will include details of the period to which payment relates and any deductions that have been applied to the payment.

24. Financial Returns and Audits

You will need to complete regular financial returns and to submit these to the council to show how you have been spending your direct payment. You are required to account for all monies spent by sending bank statements and receipts, invoices or payslips. This enables us to audit your direct payment spend. You will be given an information sheet explaining what you need to do and a table advising dates you must submit your information by. If you do not send us this information, then your direct payment could be suspended.

You may be asked for further information where clarification or explanation is

required regarding any monies credited or debited to your direct payment bank account. It is important we receive the information requested so that we can support you to know that all is well with your direct payment account

The audit also provides the opportunity to check if there are any excess funds to be repaid to the Council or whether the account is in deficit. If you have more than 2 weeks' direct payment accrued in your bank account, then you will be asked the reasons for this.

25. Reviews

A review is a meeting between you and your council worker to discuss how things are going. Usually, the first review takes place within a few weeks of setting up a direct payment and then happens a minimum of annually, although a review can be held more frequently and when needed, at your request or that of the worker.

The worker will explain the review and audit processes to you so that you understand what is happening and what you need to do.

If a review shows that you need a lower amount of direct payment to meet your assessed support needs than was calculated when your direct payment was set up, then your direct payment will be adjusted to the new, appropriate amount. You will be asked to return any excess monies in your account (see **Repayments** section below).

Repayments

If you have more than 2 weeks' direct payment accrued in your bank account and are asked to return excess monies, then you will be contacted and given the reason and the date by which monies should be returned. A council worker may ask to make a home visit to discuss the repayment with you or your nominated person.

Usually, the monies due for repayment will be deducted by the council from

your future payments until the appropriate sum has been repaid. Where a significant sum of monies is due for repayment that cannot be recovered in this way, we will write to you or your nominated person, explaining how the sum has been calculated, the amount, the reasons why it is due, giving details of any rights of appeal and the date by which payment is due.

26. Changing a direct payment

If you need to make changes to your direct payment, contact your council worker if you have one or Care Connect on 01275 888 801. You can request a review at any time.

Remember, if you change the use of your direct payment and spend it other than agreed in your support plan the council may ask you to repay the money to them.

27. Dealing with issues

If you are experiencing any difficulties with your direct payment, contact the council's Care Connect who will discuss with you to direct your request for help to the right person in the council.

Tel: Care Connect 01275 888 801

28. If you have concerns about your provider

If you have concerns about your personal assistant, you, as their employer, are responsible for taking the appropriate action. North Somerset's Direct Payment Support Team can advise and help you.

If you have concerns or difficulties about the staff or service of an agency from which you are purchasing support, you should contact the agency in the first instance. If you are unable to resolve the issue with the manager of the agency, you should contact Care Connect on 01275 888 801 to discuss your concerns.

If you are worried that you may be being abused by a personal assistant or other provider, please contact Care Connect immediately on 01275 888801 to discuss this as a safeguarding concern.

29. Transfer from Children's to Adults Services

If you are under 18 and have had a DP while supported through the council's Children's and Young People's Services NSC transitions team will work with you to establish how your needs will be met in adulthood. This would include whether you receive a direct payment from adult services when you reach 18.

30. Ending/closing a direct payment

A direct payment may be ended in the following circumstances:

- If you are no longer capable of managing the direct payment even with support.
- If your eligible needs have changed so that you no longer need the support for which the direct payment was agreed.
- If you fail to comply with the conditions of your Direct Payment Agreement.
- If you fail to comply with the conditions imposed under the Care Act 2014 regulations covering direct payments.
- If there was evidence to suggest the direct payment had not been used to achieve the outcomes described in the support plan.
- The person loses capacity to consent and there is no (suitable) person to manage the direct payment and support arrangements for them.
- The authorised or nominated person no longer wishes to manage the direct payment or is no longer deemed appropriate by the council and no alternative appropriate person could be found.

- If the direct payment user dies.

The council worker will discuss with you, your authorised or nominated person and carer (as relevant), the proposal to end the direct payment and why.

Where a direct payment is ending following the death of the direct payment user, the council can only end the direct payment and reclaim unspent funds via the executor of the person's will.

In the event that your direct payment closes, you should liaise with the [Care Connect](#) and ask to speak to the Financial Assessments and Benefits Team. The Financial Assessments and Benefits Team will support you to ensure that all outgoings have been paid and advise on how to return surplus funds to the Council.

NB: if you are employing a PA directly, they could be entitled to redundancy pay, pay in lieu of holiday not taken and pay in lieu of notice.

31. Roles and responsibilities

32. Direct payment user

A direct payment user or recipient is a person with care and support needs or a carer with support needs who has opted to take all or part of their personal budget as a direct payment. This means they are responsible for using the direct payment to make sure their needs are met by buying support services or employing personal assistant(s).

If you employ PAs then you are responsible for carrying out all responsibilities as an employer, including recruitment, supervision, training, payroll, redundancy and dealing with performance issues. The council strongly advises direct payment users to have Disclosure and Barring Service (DBS) checks for any PA employed and this must be done for households where there are children present. The service user responsible for ensuring that there is sufficient money

in the account to meet the outgoings. The service user must keep appropriate records and bank statements.

33. Nominated Person

A 'Nominated Person' is someone who you have agreed can manage the direct payment on your behalf. If the person has capacity but does not wish to administer the direct payment themselves, they may choose a Nominated Person to act on their behalf if agreed by them both. This can be a family member, friend, other individual or an organisation.

34. Council worker

Social workers, occupational therapists, DP Support Advisors, Adult Social Care Workers, and others carry out responsibilities that North Somerset Council has under the Care Act 2014, Mental Capacity Act 2005 and other legislation in line with the council's policy and procedures. This includes working alongside people to discuss their strengths and wellbeing and identify any needs for care and support they may have. Where the council is responsible for meeting a person's needs, the worker will discuss the options for this, including having a direct payment or a direct service or a combination of both.

35. Direct Payment Support Team

This is the team who work with you to set up your direct payment and your 'go-to' team when direct payments queries arise. The overall aim is to ensure you receive the best possible service to enable you to confidently self-manage your support and care.

36. North Somerset Council Finance

The Finance Team processes your payments and sends you the financial information relating to your direct payment. They also process the financial returns you will be asked to send in.

37. Insurance provider

The council do not contract an insurer for direct payment users. It is essential you have insurance, and you will need to arrange this yourself. The insurer you use is your personal choice and you are responsible for renewing insurance annually. You will receive an amount for this as part of your initial set up costs. The direct payment support team will discuss this with you when setting up your direct payment.

38. Direct payments for equipment

If you are assessed as needing a piece of equipment or a minor adaptation then the council has a contract with a provider, Medequip, to provide this. This includes any maintenance or repairs that are required.

If you would prefer an alternative item which offers something additional to that which would be offered by Medequip you can request a direct payment to purchase this yourself.

An occupational therapist employed by North Somerset Council must be satisfied that the equipment or adaptation that you intend to purchase with the direct payment will meet your assessed needs adequately.

39. Contributing towards a direct payment for equipment

The direct payment offered would cover the cost of the equipment we commission via Medequip and you would be expected to pay any additional cost.

If the proposed equipment to be purchased costs less than the Medequip catalogue price plus delivery, then the direct payment will be based on the lower cost.

40. Maintenance of equipment

If you have a direct payment to purchase an item or adaptation, then it is your responsibility to ensure its maintenance and to pay for any repairs required. If an accident occurs (e.g. to a personal assistant) because you have not had the equipment maintained properly, then you would be liable for this.

The council does not advise the purchase of second-hand equipment.

Examples of types of equipment that require planned preventative maintenance:

- Powered bath lifts
- Riser recliner chairs.
- Hoists
- Powered beds

41. Leasing of equipment

A direct payment can be used for an equipment leasing arrangement, if it is agreed that this is a cost-effective way of meeting the assessed need.

For example, if a person requires a piece of equipment to use when in respite, that is not available in the care home, the council will consider a direct payment to enable the person to lease the equipment during the course of their stay.

42. Carers Direct Payments

43. What is a Carers Direct Payment?

If you provide unpaid care and support to someone who could not manage without this, you are an unpaid carer and are entitled to a Carers Assessment. If your assessment identifies that you have needs for support because you look after someone else, then you may be offered a Carers Direct Payment if there

are costs to meeting your needs. This is a sum of money to fund those costs.

The money is paid directly into your bank account in one lump sum. It is usually intended to support you for the next 12 months. Many Carer Direct Payments are 'one-off' payments. A Carers Direct Payment is not an entitlement and if your needs can be appropriately met in another way the council may decline a request for one.

It is not means-tested so you do not have to make a financial contribution to the direct payment. It does not impact on other benefits you may be receiving.

44. Who can get a Carers Direct Payment?

A Carers Direct Payment is for an unpaid carer whose Carers Assessment shows that they have eligible needs with costs attached to meeting these. Eligible needs are those which meet the carers' eligibility criteria for support from the council as set out in the Care Act 2014.

A Carers Assessment and Carers Direct Payment are not available to someone who is being paid to provide care. Please note that if you receive the Carer's Allowance benefit this does not count as 'being paid' to provide care.

45. How do I get a Carers Direct Payment?

Firstly, you would have a Carers Assessment. To request a Carers Assessment you can contact Care Connect on 01275 888 801 or alternatively complete the [online referral form](#). This is a conversation with a worker from the Carers Service in Adult Social Services which looks how providing support for someone else impacts on your own life. Your assessment will identify whether you have eligible needs for support yourself as a result of providing care to someone else.

Secondly, if you do have eligible needs then you and your worker will work out a support plan. This is a plan which outlines how those needs will be met. If there are costs attached to meeting your needs, then a Carers Direct Payment may be requested from the council.

Different ways to meet needs

There are often various ways a carer's eligible needs can be met. You and your worker will explore these when working out your support plan. For example, some carers' needs can be met by referring them to support groups or activities in their community, or replacement care may be arranged for the person they look after. Not all carers require a direct payment to meet their needs.

What a Carers Direct Payment can be used for

A Carers Direct Payment can only be spent on support which has been agreed in your support plan to meet your eligible needs. It can only be spent on support which goes directly to you as the carer. Some examples of how a Carers Direct Payment could be used to meet needs are:

- Managing the impact of caring on your mental health – funding a short break away
- Managing the impact of caring on your physical health – funding a year's gym membership
- Managing the impact of caring on your relationships – a one-off payment to purchase a tablet to enable you to Skype other family and friends.

You need to keep all receipts relating to how you have spent the money as these may be required for audit purposes. If you cannot evidence how you have spent the money the council may ask you to repay it.

What a Carers Direct Payment cannot be used for

Your Carers Direct Payment is not an income. It is given to fund supporting your needs which arise because of your caring role so it cannot be spent on:

- day-to-day living expenses such as utility bills;

- care or support for the person you look after such as a sitting service or respite care. Such services would be chargeable services to them, even though you as carer may also benefit from the support;
- anything immoral, illegal, or which would bring North Somerset Council into disrepute, e.g., you cannot spend it on gambling, alcohol, cigarettes.

Changing how you spend your Carers Direct Payment

If you wish to spend your Carers Direct Payment differently to what has been agreed in your support plan you must contact the council first to discuss this. This is so that we can be sure that your eligible needs will still be met by spending it differently. Contact Care Connect on 01275 888 801.

How much is a Carers Direct Payment?

If a Carers Direct Payment is allocated, then the amount would be up to a threshold of £500 per annum. A sum greater than £500 would only be allocated in exceptional circumstances. Exceptional circumstances would need to be agreed by the Assistant Director of Adult Social Services.

The actual amount you receive would be calculated as a reasonable amount for you to fund the support you need. The council will calculate this by looking at cost-effective options. For example, a Carers Direct Payment to fund a short break would be calculated on the market rate of reasonable self-catering accommodation or a modest B&B, but if you decided to have your break in a 5* hotel instead then you would need to make up the shortfall yourself.

Reviews of Carers Direct Payments

You can request an annual review of your Carers Assessment. Your review will consider how effective your Carers Direct Payment has been in meeting your needs and whether you still have eligible needs. You may be asked to produce receipts to evidence how you have spent the money.

If your review shows that you still have eligible needs as a carer you will work out a new support plan with your worker to show how your needs will be met. There may be various ways to meet your needs. If there are costs associated with meeting these then a Carer Direct Payment may be requested again if it is agreed that this is the most appropriate way to meet your needs.

Paid carer also providing unpaid care

If you are a carer who is paid to provide care and support, you are not entitled to a Carers Assessment.

However, you would be entitled to a Carers Assessment if you also provide unpaid care to this person on top of your paid role with them. The Carers Assessment would look at the impact that your unpaid caring role has on your own life.

If you have any needs arising from the unpaid caring role which are eligible for support the council will talk to you about how these can be met. In such a situation, eligible needs would only be met through a Carers Direct Payment in exceptional circumstances.

46. How we use and store your information

The council will store your information on its Adult Social Care database, LAS, for the duration of time that you use adult social care services and for 6 years beyond that. The processing of this information is lawful as it is necessary for the provision of our social care Direct Payment service under our official authority under the Care Act 2014 (S.31-33) and the Care and Support (Direct Payments) Regulations 2014. The data will be shared with workers within the council which require access to this for the purpose of delivering your service, for example, Social Workers or Occupational Therapists involved in your assessment and support planning, and the Finance Team who will administer your direct payment. Your data will be kept in line with the General Data Protection Regulation (GDPR).

You have the right to see the personal data we process about you, as well as the right of rectification, and restriction (of destruction of records only). For details of how to make such a request, please access the following link: <https://www.n-somerset.gov.uk/council-democracy/data-protection-freedom-information/data-protection/make-subject-access-request>. If you have any questions or concerns about the way we process your personal data, our Data Protection Officer can be contacted at DPO@n-somerset.gov.uk

47. Further information

The following documents are available to supplement this guidance.

- Fact sheet

48. Complaints

If you are unhappy about any action or decision taken by Social Services in relation to your Direct Payment, you should initially talk to the person you normally deal with.

If you are unable to resolve your complaint in this way, you can contact:

Complaints Manager,
Adult Social Services and Housing,
Town Hall,
Walliscote Grove Road,
Weston super Mare,
BS23 1UJ
Telephone: 01275 882171
Email: complaints.manager@n-somerset.gov.uk

49. Glossary of terms

All of the definitions below are taken from Think Local Act Personal Care and Support Jargon Buster, available here -

<https://www.thinklocalactpersonal.org.uk/Browse/Informationandadvice/CareandSupportJargonBuster/>

- **Assessment**
 - The process of working out what your needs are. A community care assessment looks at how you are managing everyday activities such as looking after yourself, household tasks and getting out and about. You are entitled to an assessment if you have social care needs, and your views are central to this process.
- **Authorised person**
 - Someone who agrees to manage your direct payment if you have been assessed by a professional as lacking mental capacity to do this yourself.
- **Capacity**
 - The ability to make and communicate your own decisions. This includes the ability to understand information and weight it up. In England and Wales this is protected by the Mental Capacity Act 2005.
- **Care Act 2014**
 - A law passed in England in 2014. It sets out what care and support you are entitled to and what councils have to do.
- **Carer**
 - A person who provides unpaid support to a partner, family member, friend or neighbour who is ill, struggling or disabled and could not manage without this help. This is distinct from a care worker, who is paid to support people.
- **Direct payment**
 - Money that is paid to you (or someone acting on your behalf) on a regular basis by your local council so you can arrange your own support, instead of receiving social care services arranged by the council. Direct payments are available to people who have been assessed as being eligible for council-funded social care. They are not yet available for residential care. This is one type of personal budget.
- **Disclosure and Barring Service**

- A government organisation that checks people's criminal records, in order to prevent unsuitable people from working with children or adults who may be at risk of harm or abuse. Direct payment users are strongly advised to have DBS checks for any PA employed and this must be done for households where there are children present.
- Duties
 - In relation to a public organisation such as your local council, duties are things that the law tells the organisation it must do. (Services that the council has a duty to arrange or provide are known as 'mandatory' services.) With regard to care and support, your council has a duty to assess your needs, arrange care and support if you are entitled to it, and provide you with information about what care and support is available.
- Eligibility
 - Eligible needs When your needs fit the criteria that allow you to receive a service.
 - The needs you have for care and support that your council is required by law to meet. Under the Care Act 2014, councils no longer decide for themselves what type of needs they will meet, and now have to follow the new national minimum eligibility threshold.
 - You are likely to have 'eligible needs' if you need a lot of help to do things like washing yourself, getting dressed, getting in and out of bed, and keeping your home safe.
- Financial assessment
 - A discussion that your council may have with you to work out how much you can afford to pay towards the care and support you need. It involves looking at your income, savings and individual circumstances. This will take place after an assessment of your care and support needs.
- Personal assistant
 - Someone you choose and employ to provide the support you need, in the way that suits you best. This may include cooking, cleaning, help

with personal care such as washing and dressing, and other things such as getting out and about in your community. Your personal assistant can be paid through direct payments or a personal budget.

- Personal budget
 - Money that is allocated to you by your local council to pay for care or support to meet your assessed needs. The money comes solely from adult social care. You can take your personal budget as a direct payment or choose to leave the council to arrange services (sometimes known as a managed budget) - or a combination of the two.
- Self-funding
 - When you arrange and pay for your own care services and do not receive financial help from the council.

50. Accessible information

Council documents can also be made available in large print, audio, and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Please email adultspolicy@n-somerset.gov.uk, or ring 01934 888 888 for more information.