

Your Life Your Choice

care and support designed with you

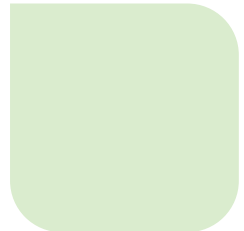


A guide to Direct Payments



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Introduction

If you are eligible for help with the costs of your care and support the council can give you Direct Payments so you can manage your Personal Budget yourself, with or without support; paying for your own care and support services or employing your own staff. If you receive Direct Payments you have the most choice and control over the services you wish to purchase. The organisations that you choose to use for your care and support services do not need to be accredited with the council but the services you receive must still be safe, legal and meet your care and support needs.

The council will create a contract with you, permitting you to use allocated council money to plan and meet your own care and support needs as identified in your Care and Support Plan.

Who can receive Direct Payments?

Most people who have been assessed as being eligible for care and support services from the council are eligible for Direct Payments. Your social worker or care coordinator will check if you are eligible. You may be permitted to nominate a trusted friend or relative to manage Direct Payments on your behalf.

How will I manage my Direct Payments?

You must be willing and able to manage your Direct Payments, with support if required.

When the Direct Payments is for a person over 18 there are a number of things to think about when considering who can manage your Direct Payments and provide support, if you are not able to do this yourself.

You or a suitable appointed person will be given a Direct Payments agreement which sets out the terms and conditions of receiving Direct Payments and also what the council requires from you. A member of the Direct Payments Service will explain what this means and you or your suitable appointed person must sign this agreement before you can begin to receive Direct Payments.

Contributing towards the cost of your care and support

If you are over 18 years old you may be asked to make a contribution towards the cost of your care and support depending on your financial circumstances. A Financial Assessment is the way that the council works out how much you can afford to pay towards the cost of your care and support.

How will I manage the money I receive?

You can manage the money you receive using a Direct Payments Card. You use the card in the same way as a debit card. Each time you use the card, the purchase amount is debited from the available balance.

A proportion of your Personal Budget will be paid onto your Direct Payments Card every four weeks and you will receive a payment slip from the council to tell you how much this payment will be.

You can use the card to make either one-off or regular payments for services that meet your identified care and support needs. You will only be able to make purchases if there are sufficient funds on the card.

- You can set up Direct Debits and Standing Orders to make regular payments to your personal assistant, other providers or organisations.
- You can make card payments in person using chip and PIN
- Cards can be used to pay for services by telephone or on the internet

Money loaded on the card remains the property of Durham County Council and any unspent funds must be returned to the council if requested.

You can also manage your Direct Payments by setting up a separate bank account. Ask your social worker or care coordinator for more details.

One off payments

One off payments may be provided through a Direct Payments Card or in exceptional circumstances, may be paid into your personal bank account and you will be asked to provide receipts for your expenditure. The Direct Payments Service will be able to support you through this process.

Next of kin

In the event of your death, if there is any Direct Payments money left on your Direct Payments Card or in the specific bank account, there is a legal obligation for it to be returned to Durham County Council after all employees' wages, income tax and national insurance and invoices from organisations are paid. You will be asked, at the beginning of the arrangements, to provide the council with contact details of your next of kin and details of who will be dealing with your estate so that we can conduct a final audit of the Direct Payments account. This must be updated at your regular review with your social worker.

How can I spend my Direct Payments?

There are many ways that you can choose to spend your Direct Payments money to help meet your care and support needs. However, the services you purchase must still be safe, legal and meet your care and support needs. In case of query, please discuss this in advance with your social work representative.

Employing someone to help you

If you choose to use your Direct Payments to employ a personal assistant, you will be responsible for the recruitment and employment process. This will include complying with all national regulations including payroll, income tax, national insurance, pensions and health and safety.

Recruiting a personal assistant

It is very important that you take some time recruiting your personal assistant so that you can be sure that you have employed the best person to meet your needs.

If you wish to advertise to recruit a personal assistant you can include information that is appropriate on your advert depending on what is important to you.

When recruiting new staff for children receiving Direct Payments you must make sure that you get at least two references for each person you employ. For adults receiving Direct Payments it is strongly recommended that you get two references for each person. You should also check if there are any gaps in the person's employment history and make sure they are explained to your satisfaction.

The Direct Payments Service can assist you with all aspects of recruitment.

Please note: you cannot employ someone under the age of sixteen to undertake a paid caring role.

Disclosure and Barring Service

Checks by the Disclosure and Barring Service (DBS) are undertaken to safeguard and help inform the recruitment and employment of staff working with children and vulnerable adults. A potential employee may, for instance, have criminal cautions or convictions, committed previous offences against other vulnerable adults, or been sacked from a care agency for poor care practice. Some workers that have been barred from one section of the care industry may try to move to work in other areas.

Where you employ a personal assistant to provide support for a child or where there are children in the household an enhanced DBS check must have taken place on any staff you employ and no employment can begin until the DBS disclosure is in place.

For adults receiving Direct Payments who decide to employ their own staff, Durham County Council highly recommend that personal certificates showing DBS checks are seen for any employee who is not a close family member.

Information on how a potential employee can undertake a DBS check can be found online. Where a potential employee does have a satisfactory DBS check, the council will consider allowing the Direct Payment to be used for this purpose.

Employers' liability insurance

Where you employ your own staff you must have employers liability insurance. Most employers' liability insurance covers you for employee liability, public liability, redundancy insurance, personal accident cover, theft cover and provides a 24 hour helpline. All information that you require will be contained within your insurance policy including the telephone helpline number and you must keep this along with your policy number in a safe place.

Contract for employment

Your personal assistant must have a contract of employment, which sets out their hours of work, terms and conditions of work and their rates of pay. The Direct Payments Service can provide an employment contract template to help you. You will need to keep a copy of this and give a copy to your employee.

Managing your personal assistant's employment

Where you employ a personal assistant you will be responsible for managing the terms and conditions of their contract. This will include recording your personal assistant's hours worked on a timesheet, paying tax and national insurance and making sure your personal assistant works safely. You will also be responsible for arranging any training, agreeing holidays and appropriate cover arrangements and making any changes to the employment contract.

The Direct Payments Service will be able to provide you with further information and support to manage your personal assistant's employment.

Paying your personal assistant

It is very important to think about the costs of employing someone when you decide their hourly rate. As an employer you must pay at

least the national minimum wage. The amount that you pay also needs to take account of all of your expenses. This includes things like tax and national insurance, employer's liability insurance, payroll costs, staff training, holiday cover and administration including photocopying and stamps.

It is advisable to use a payroll service to ensure that your personal assistant's tax and national insurance contributions are deducted correctly. The payroll service will tell you how much employer's national insurance to pay, will deal with the tax office (HM Revenue and Customs) for you and help you sort out your paperwork. They will also be able to advise on things like holiday pay, sickness pay, maternity pay and paternity pay.

Pensions for personal assistants

All employers are now required to help their employees to save for retirement. You must enroll your personal assistant into a workplace pension scheme. If they don't want to be in the pension scheme, they must choose to opt out.

You can find out more about pensions at www.thepensionsregulator.gov.uk

Using an agency, organisation or buying a product

You may choose to use your Direct Payments to purchase a service or product to help you meet your assessed care and support needs. These can be paid for an ongoing basis or through a one-off payment. You will need to ensure that what you purchase is safe, legal and that you have receipts for the money spent. Your social worker or a member of the Direct Payments Service can provide advice and support to you.

If you decide to use your Direct Payments to buy services from an agency or organisation it's important to remember that you are entering into a contract with that organisation, as you are paying for their services.

You will need to be clear with them about the terms and conditions under which you are buying the service including things like; the type of service, how much you are paying them, how payments are to be made, what cover arrangements are in place and notice periods for ending the contract.

In entering into the contract with the agency or organisation you will need to take into account what has been agreed with your social worker or care coordinator and written in your care and support plan as to how you will spend your Direct Payments. If you choose to purchase additional hours or services which have not been agreed you will be responsible for paying for these.

Your chosen organisation will send you an invoice for services that you have received and you should pay this from your Direct Payments Card.

For some services you buy, you may need to do additional checks particularly where children are involved. The Direct Payments Service will be able to advise you on what contracts and checks that you need to have in place.

Important: You must make sure that you do not pay an invoice from an agency or organisation before the council has put your Direct Payments onto your Direct Payments Card.

How will I find out what services and products are available?

You may already have some ideas of how you wish to use your Direct Payments to meet your care and support needs and you may have discussed this with your social worker or care coordinator. You can also talk to a member of the Direct Payments Service or look on Locate, Durham County Council's free online information database. You can find Locate at www.durhamlocate.org.uk

Locate has useful information on the help and support available to help you to live as independently as possible in your local community. The easy-to-use database contains details of thousands of providers of adult social care services, health groups and other community information on a countywide, regional and national basis.

You can only purchase goods and services that are safe, legal and meet your needs and agreed outcomes as shown in your Care and Support Plan. Please speak to your social worker or care coordinator if you are unsure what you can buy with your Direct Payments.

Will I get any ongoing support?

By deciding to use Direct Payments you will have choice and control over your care and support and will be living your life through the choices you have identified.

The Direct Payments Service will be available to provide on-going support and advice to assist you with managing your Direct Payments. You can contact the Direct Payments Service or your social worker or care coordinator at any time for support and advice about your Direct Payment.

What if I change my mind?

If you accept Direct Payments you can change your mind at any time and go back to having services arranged by the council. Speak to your social worker or care coordinator if you decide Direct Payments are not for you. You will be required to pay back any money you haven't used.



This is a guide for you if you are thinking about using or are about to start using Direct Payments from Durham County Council. It will also be useful for the families or carers of people who are considering Direct Payments.

Direct Payments is money you can receive from the council to buy care and support services, rather than having the council arrange them for you.

The services purchased with Direct Payments must be safe, legal and meet your care and support needs.



locate

Care and support in County Durham

This free online resource provides a wealth of information and services making it easier for you to make plans now and in the future.

www.durhamlocate.org.uk



Social Care Direct
03000 26 79 79

**Social Care Direct is open from 8.30am - 5.00pm
Monday to Thursday and 8.30am - 4.30pm Friday**

**An out of hours EMERGENCY service is also
available on this number.**

Telephone: 03000 26 79 79
Text message: 07786 027 280
Email: scd@durham.gov.uk

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summarised in another language or format.**

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