

Adult Social Care

Direct payment guidance



Barnsley – the place
of possibilities.



BARNSLEY
Metropolitan Borough Council

This leaflet sets out how to get a direct payment, how we provide them and how they work in practice.

It also provides some information about the processes involved, how we can support you and examples of different, flexible ways direct payments can be used.

What is a direct payment?

A direct payment is money we give to you or someone acting on your behalf to help cover your care needs, letting you choose and pay for your own support.

This can be done in a few different ways, including a direct payment or a Supported Managed Account. If you're eligible for continuing NHS healthcare, you can receive a Personal Health Budget from the Integrated Care Board.

If you need support from Adult Social Care, we will assess your needs and agree on how much we will pay to make sure your needs are met. Choosing to have a direct payment can give you flexibility and choice on how to achieve the outcomes of your support plan.

Once a direct payment has been set up, we will send you an agreement, which will clearly set out our responsibilities and your responsibilities.

Our Self-Directed Support team will be here to help you make sure this is the right option for you and that you have all the information you need to make an informed decision.



Social care assessments and support plans

A social care assessment will usually take place at your home or wherever you feel comfortable. You can have a family member, friend or advocate with you, which is especially useful if they're helping to care for you.

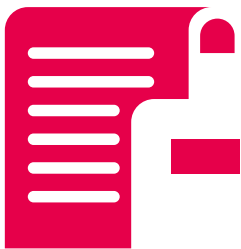
During the assessment, we'll ask you some questions about what you want to achieve, the support you currently receive and any additional help you may need to achieve your goals.

If you qualify for care and support in your home, we'll discuss the associated costs with you. There's a fee for Adult Social Care, and most people contribute towards the support they receive. We'll carry out a financial assessment to decide a fair payment based on what you can afford.

We'll create a support plan after we assess your finances and care needs. This plan outlines how we'll meet your needs and help you achieve your goals, including how much money you'll have in your personal budget.

You can create this plan with a social care practitioner yourself or with help from an advocate. Either way, we'll work together to make sure the plan meets your needs and goals safely.

If we determine that you have qualifying needs, we'll outline them in your care and support plan. After that, you can ask for a direct payment to address these needs.



How much will my direct payment be?

Your direct payment depends on your assessment and your needs. It's tailored to cover the outcomes set out in your support plan, which vary for each person based on their situation.



Services funded by a direct payment should meet the same standards as those arranged by us. If you hire a Personal Assistant, your direct payment will cover some of the costs, but you might have to cover extra expenses yourself.

How will I get my direct payment?

You or your representative must feel capable of handling the direct payment to fulfil your support plan's needs and goals. We'll assess whether a direct payment is suitable for you by considering the following factors:



Can you make decisions on your own about getting and handling a direct payment?

This is called having the mental capacity to manage it.

Can you or your representative handle the direct payment properly?

Is a direct payment the best way to meet your assessed needs and achieve the things that are important to you?

If we think a direct payment isn't the right way to meet your needs and goals, a social care representative will help you understand why.

How will I receive my direct payment?

You can choose one of the following ways:

> **Direct payment**

Instead of us arranging services for you, direct payments give you the money to pay for your care and support. The money goes into a separate bank account, clearly showing how it's used to pay for care and support.



> **Direct payment through an agent**

A third party, like a family member or solicitor, can handle your direct payment if you're unable to do so. The money is managed similarly to if it were directly paid to you. It must go into a separate bank account to track spending on your care.

The chosen person, outlined in your direct payment agreement, takes on your responsibilities and manages your money in your best interest. They need to be dependable, act in your favour and make sure the support you receive is helpful. We'll check their suitability during the assessment process and make sure everything runs smoothly.

> **Supported Managed Account**

If you don't have a suitable person to help manage your direct payment, we can arrange a Supported Managed Account for you.

This agency can assist you regularly or with specific tasks based on your needs. You can also opt for a Supported Managed Account if you prefer not to handle managing a separate bank account.

With this option, a company manages the financial side of your direct payment, but you still maintain your responsibilities like being an employer if you hire staff. The provider handles paying invoices and timesheets for your care services. Currently, we use services from Penderels or Paypacket for this, which comes at an extra cost.

What can I spend my direct payment on?

Direct payments offer you the freedom to choose how you receive support and achieve the agreed outcomes in your care and support plan. Once your plan is finalised and you've opted for a direct payment, you'll arrange your care.











Direct payments empower you to be independent and in control. It's essential to focus on what's agreed in your plan when deciding how to use your direct payment, but this doesn't limit your options. Here are some examples of how you can use direct payments:

- ✓ **Joining clubs or activities.**
- ✓ **Accessing training, employment or volunteering.**
- ✓ **Hiring a Personal Assistant or a provider for daily support.**
- ✓ **Managing employer responsibilities, like recruitment and payroll.**
- ✓ **Choosing and paying for a care agency.**
- ✓ **Purchasing equipment or technology.**
- ✓ **Taking a break from caregiving.**
- ✓ **Supporting independent living with personal care, household chores or outings.**
- ✓ **Attending appointments.**
- ✓ **Pooling funds with others to buy a service together.**






What can't I spend my direct payment on?

-  **Paying for anything illegal.**
-  **Paying for anything that's not agreed as part of the outcomes in your care and support plan.**
-  **Gambling.**
-  **Buying food, clothes or alcohol.**
-  **Paying for anything that the NHS provides.**
-  **Paying your household bills.**
-  **Paying for major adaptations to your home.**
-  **Covering extra expenses your Personal Assistant incurs.**

Becoming an employer

A Personal Assistant (PA) is hired to provide personal and domestic support, helping you to lead an independent life. Employing a PA for your care and support comes with standard employer responsibilities. If you're using a direct payment support service, like an Employer's Liability Insurance company, they can help you through this process.

If you choose to employ a PA, you'll be responsible for:

-  Recruiting your PAs, including interviews and providing employment contracts.
-  Outlining employment conditions such as holidays, notice periods, dismissal and pension responsibilities in the contract.
-  Making sure wages meet at least the National Minimum Wage, including sick pay and maternity pay.

- Handling payroll, including processing invoices and timesheets.
- Having Employer's Liability Insurance to cover workplace injuries or grievances.
- Maintaining workplace health and safety.
- Managing disputes or concerns with PAs, including grievances.
- Providing necessary training to give safe support.

You can use your direct payment to pay a family member to provide care and support, but they must not live at your address. This will need to be agreed upon in your care and support plan, and we'll make sure this is safe and appropriate.

For more information on employing a Personal Assistant, visit skillsforcare.org.uk.

Monitoring your direct payment

We will regularly review your direct payment with you to make sure it meets your needs. We'll check in **with you within twelve weeks** initially, then annually. We can arrange more frequent reviews to make sure everything is working smoothly if needed.



Our Audit and Monitoring service may request the following information within 28 days:

- Bank statements for your direct payment account every three months.
- Proof of Employee Liability Insurance and payroll services.
- Invoices for care and support services or receipts for purchases made using direct payment funds.

Please notify us promptly if your circumstances or needs change. Sometimes, we may need to reassess your needs following a review or due to changes in your circumstances.

Surplus money and debt

There might be times when we need to discuss reclaiming funds from you. If your direct payment accumulates because it's not being used according to your support plan, we'll reach out to understand your plans if necessary.



This leftover money, known as surplus, can be reclaimed by Barnsley Council. Debt can also occur if the account isn't used as agreed in your support plan. If your account goes into debt due to overspending beyond your agreed care plan, a review may be needed, and you may be responsible for the overspending.

If this happens regularly, we may need to consider alternative ways of providing services to support you instead of direct payments.

Can my direct payment be suspended?

At times, we may need to end your direct payment. This could happen if your situation changes and it's no longer suitable for your needs. You can also end the agreement if it's not working for you. Reasons for ending your direct payment may include:



- > You'd prefer to use an alternative support method.
- > Money has been spent on items not in your support plan.
- > Payment goes to a family member living with you.
- > Your needs change, making the payment unsuitable.
- > The payment risks abuse or exploitation.
- > Breach of the agreement.
- > You no longer qualify for care.

- > Difficulty managing employer responsibilities.
- > Lack of response to financial concerns.

If we need to end the agreement, we'll provide reasonable notice unless urgent action is needed to ensure your safety. The notice period depends on your circumstances.

Further help and advice

As an employer, it's important to understand your rights and responsibilities for yourself and your staff. While we can't cover all employer responsibilities here, here are several ways you can seek advice, guidance and support, including:



HMRC

This website has information and tools about wages, payments and taxation. Visit [gov.uk/employing-staff](https://www.gov.uk/employing-staff).

Skills for Care

This website provides a wealth of tools, resources and guidance, including a comprehensive toolkit for employing Personal Assistants.

Scan this QR code for more information:



If you would prefer a hard copy, email marketing@skillsforcare.org.uk.

ACAS

The Advisory, Conciliation and Arbitration Service (ACAS) provides free advice and support to employers. They have lots of information and advice on their website <https://www.acas.org.uk/> or you can call them for free on **0800 015 0152**.

Adult Social Care

Get in touch with our team to ask for support and information and request an assessment of your needs. You can call us on **(01226) 773300** or visit barnsley.gov.uk/adult-social-care.

Children's Social Care

Contact Children's Social Care for more information or to request an assessment for a child or young person. Call (01226) 772423 or visit barnsley.gov.uk/services/children-families-and-education/childrens-social-care/.

Our Self-Directed Support team

Please get in touch with your allocated worker or the daily duty worker by calling **01226 772425** or email SDS@barnsley.gov.uk.



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