

Staffordshire County Council
Directorate of Social Care and Health
Direct Payments Project Board

Direct Payments *in* Staffordshire

*Gives service users and carers flexibility, choice
and control in the way they are supported*

Direct Payments for Carers (version 6)

*Information for practitioners, carers and service users.
(April 2007)*

If you would like a copy of this leaflet in larger print, on audiotape, in Braille or in a different language, please contact our helpline on 01785 276900.

IMPORTANT INFORMATION

Please Read Very Carefully

This document is intended to be a brief guide only and should be read in conjunction with the Adult Directorate's publication 'Carers' Assessments and Services – Policy and Eligibility Criteria' (November 2006) and the Practitioner Guidelines on Social Work Assessment, Care Plan and Review Documents.

Every effort has been made to ensure that it is as accurate and up to date as possible, having regard to current statutory requirements at the time of printing. However, the County Council does not accept any responsibility for any error or discrepancy in the document, or any liability for loss or damage arising from reliance by any person on any part of this document.

Furthermore, it is your responsibility to consider obtaining appropriate independent legal advice about the contents of this guide and its application to your personal circumstances, or otherwise about the way in which the County Council has carried out any financial assessment in relation to your care arrangements.

Nothing contained in this document shall restrain, restrict or interfere with the ability of the County Council to exercise its powers, duties, functions and discretions in accordance with any relevant enactments and regulations and also any applicable guidance issued by the Secretary for Health from time to time.

Contents

1. Introduction	1
2. Carers' Assessments	2
3. Eligibility to receive carers' specific services	2
4. Direct payments in lieu of carers' specific services.....	4
5. The amount of a carers' direct payment	6
6. Setting up the direct payment.....	7
7. Relevant legislation and guidance	7
8. Other sources of help	8

1. Introduction

Staffordshire Social Care and Health Directorate launched its Carers' Assessment and Services Policy and Eligibility Criteria in December 2006. This document should be read in conjunction with that policy and also with the Practitioner Guidelines on Social Work Assessment, Care Plan and Review Documents.

Under the provision of 2004 Carers' Equal Opportunities' Act, Council's have a duty to inform carers of all ages of their rights to an assessment where eligible and to consider whether a carer works, wishes to work or wishes to undertake education, training or leisure activities. Sixteen and seventeen year-old young carers may also be eligible for a carers' service under the 2000 Act.

Carers' services in Staffordshire are largely underpinned by direct payments. Direct payments allow carers to purchase the services they are assessed as needing as carers not only to support them in their caring role but also to maintain their own health and wellbeing. Carers' direct payments do not affect ongoing services provided by carers associations and payments from the Short Breaks Fund. However, Short Breaks Fund payments may be replaced with direct payments by April 2008.

A Carers Assessment must be undertaken before offering direct payments to carers. This assessment considers the ability and willingness of the carer not only to receive but also to manage a direct payment.

Carers may receive direct payments in respect of 'Carers' specific services' but not for 'Carers' breaks services' these being services in respect of the cared for person. Carers' specific services are funded via the County Council and are provided directly to carers. Such payments can be in the form of a single annual allowance or, in exceptional circumstances, a weekly amount. Direct payments can only be agreed if the carer is eligible to receive services from the Directorate and if that carer and the social care practitioner agree that it would be a good way of meeting assessed needs.

Direct payments for carers should not be seen as providing an alternative form of respite for the person being cared for, but for innovatively supporting the carer in their caring role. Carers (other than those with parental responsibility for looking after disabled children) may not receive a direct payment to purchase services to meet the assessed needs of the person they care for.

The service user may already receive direct payments and employ their carer as a personal assistant. If the carer provides additional informal or voluntary care of more than 20 hours per week, they may be eligible for carer's services or direct payments as well as maintaining the paid role.

2. Carers' Assessments

At any time, carers can request an assessment of the help needed by the person being looked after. This assessment should take all circumstances into account – including the carer's contribution to the person's care and the help needed to go on caring.

A Carer's Assessment is a separate assessment of the help the carer needs. Carers have a right to ask for an assessment of what they need, taking into account their own education, work, training and leisure needs. The assessment can be undertaken whether or not the person being looked after has asked for help from Adult Services.

The separate carer's assessment or a joint assessment with the cared for person must identify that the carer requires services that will support them to continue with their caring role.

3. Eligibility to receive carers' specific services

Adults who provide or intend to provide regular and substantial care for someone aged 18 or over are eligible to receive a carer service where the Council is satisfied that the individual being cared for is eligible for (but not necessarily receiving) community care services. The cared for person might in some circumstances be refusing services. Regular and substantial amount of care is where a carer

provides help for around 20 or more hours each week, although this could be less in certain circumstances.

Care is likely to include both personal and physical assistance including dressing, bathing, toileting, help with walking, eating, getting in and out of bed or up and down stairs and giving medicine including injections. Carers may also be carrying out a range of helping activities such as preparing meals, doing shopping, housework and household repairs. The provision of personal care is often not the major feature of caring for someone with mental health needs. Caring is more likely to include responsibility and supervision, emotional support and motivation.

Legislation enables 16 and 17 year old carers to be provided with direct payments in lieu of carers specific services. For such young carers 'regular and substantial care' could be less than the 20 hours a week. Parents of disabled children may also receive direct payments on behalf of their children to enable the young people to lead lives as normal as possible.

As part of their transition to adulthood, young people of 16 or 17 may take control of part or all of the direct payment. Applications for direct services for these people should be made to the Children and Lifelong Learning Directorate.

When undertaking an assessment under the NHS and Community Care Act, adult services workers are required to identify the needs of any carers involved with the adult concerned. Adult workers therefore need to consider whether any child is involved in a caring capacity. If so, a referral needs to be made to the relevant 1st Response Team for an Initial Assessment of the child's needs under the Assessment Framework. Children aged under 18 who are carers should be routinely assessed under the Children Act 1989 and that the Framework for the Assessment of Need remains the main source of guidance.

4. Direct payments in lieu of carers' specific services

Funding has been made available largely through the Carers Grant to provide carers specific services through direct payments. Direct payments for carers are not subject to means tests and fairer charging assessments. They are also disregarded as income for means tested benefits. Carers can still be referred to the welfare rights team for advice. There is a specific prompt on the carer's assessment form asking if they would like to be referred for advice on benefits.

Direct payments can be used to purchase items or services that will improve the carer's ability to effectively support the person who they care for. A direct payment to a carer is not to be used to purchase care for the cared-for person, and it is not a payment for the care they provide. It is a service to the carer in their own right, completely separate from any provision for the cared-for person.

Carers can use their direct payments creatively to meet their own individual needs. They may choose services or items that will enable them to pursue work, leisure or training for example in computing skills or driving lessons or to enjoy a break. Others may choose services or items that relieve them of certain domestic tasks such as a one-off garden clearance / tidying up and household cleaning. Only in exceptional circumstances (refer to next section) will the grant be used to meet requests for ongoing requirements, such as regular housework or gardening. Items of equipment might include a washing machine or tumble dryer, videophone, air conditioning unit or any innovative or imaginative support including supportive technology.

Carers' direct payments cannot be used for the following:

- To purchase community care or other services to meet the assessed needs of the person they care for.

- To secure services from a close relative living in the same household.
- To circumvent a chargeable service.
- To deliver services of an intimate nature to the person being cared for unless there are prescribed or unforeseen circumstances.

Once services of an intimate nature are delivered in prescribed circumstances, the local authority should treat this as a change in circumstances. The person being cared for should be approached by the local authority and asked if they are now willing to be assessed and/or receive services in their own right.

Services of an intimate nature are defined as undertaking or assisting the cared for person with the following:

- Lifting, washing, grooming, feeding, dressing, bathing, toileting, administering medicines or otherwise having physical contact with the person cared for; or
- Supervising the cared for person whilst they are dressing, bathing or using the toilet.

Prescribed circumstances are intimate services delivered to the cared for person in the following circumstances

- The cared for person changes their mind and asks for help with an intimate task, or
- In an emergency an intimate service is delivered because the cared for person is likely to suffer serious personal harm unless a service of an intimate nature is provided immediately.

5. The amount of a carers' direct payment

- If the carer provides unpaid care of more than 20 hours per week, they may be eligible for carer's services and receive a one-off direct payment up to a maximum value of £200.00 in any single year.
- Carers can receive a regular carer specific service or a direct payment in lieu of service. The level of services provided to a carer is determined by the assessment of their needs and the care package limit of the person they care for. The combined cost of the services to the cared for and the carer should not exceed the care package limit for the service user.

In exceptional circumstances if a service user's care package is at the top of the limit, and they require more or less constant supervision/care or night time supervision/care, and carers provide 50 or more hours of care a week, the carer may receive services/direct payments of up to £40 per week in value. This in effect increases the amount of money available to provide a service to carers who support very dependent people. The cared for person might in some circumstances be refusing services. When this is happening and the Council is satisfied that the individual being cared for is eligible to have received a community care package that would have been at the top of the limit then the above exceptional circumstances criteria would apply.

- Carer's one-off or regular direct payments are disregarded as income for means-tested benefits.
- If a service user uses direct payments to employ their carer as a personal assistant, the payments received by the carer in this situation are regarded as income for means-tested benefits.

6. Setting up the direct payment

A carer's assessment will have been completed and the personal details of the carer will be recorded on the SW155a and SW155. The carer 'support plan' will be the completed outcomes and action box on the SW155 rather than an SW157. The critical thing is to build in the outcome focus to the carer's support to maximise flexibility and make monitoring simpler. (Please refer to the Practitioner Guidelines on Social Work Assessment, Care Plan and Review Documents)

Complete a DP3 for inputting the payment into CISS by the Council's Direct Payments Support Team. The 'start date' is the date the payment is made and the end date for one-off allowances is 31 March at the end of the financial year in which the payment is made. A separate bank account is not required to receive one-off payments as these can be made by cheque. However the carer should complete a DP2 if any payment is to be credited into their bank account.

Regular payments, in exceptional circumstances, require an agreement to receive (DP1), a separate bank account for crediting the payments (DP2) and a support plan (outcomes and actions contained in the SW155) for calculating the amount of the weekly payment (DP3).

7. Relevant legislation and guidance

Recommended reading: Community Care, Services for Carers and Children's Services (Direct Payments) Guidance England 2003

The power and duty to make direct payments to adults and carers is contained (as from 16 March 2003) in section 57 of the Health and Social Care Act 2001 and section 17A of the Children Act 1989. Section 57 allows for Regulations to be made setting out the details of powers and duties relating to direct payments. Wherever a person is assessed as needing social care services, the local authority should check whether there is a duty to make a direct payment in respect of that service. Therefore, direct payments must be made available to all individuals who are eligible to receive them and who

want them. Those Regulations are the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003, which came into force on 8 April 2003.

Direct payments for adults will follow an assessment of need for community care services under section 47 of the National Health Service and Community Care Act 1990, leading to a decision that the person's needs require the provision of services. Such assessments should take into account any carer's needs under Section 1 of the Carers (Recognition and Services) Act 1995.

Direct payments for carers aged 16 or over will follow an assessment under section 2 of the Carers and Disabled Children Act 2000 where the outcome is that a particular service should be provided under the Act.

8. Other sources of help

The Council's Direct Payments Support Team

Staffordshire Social Care and Health Directorate
PO Box 11, Walton Building, Martin Street,
Stafford ST16 2LH
(Post to: Social Care & Health, Wedgwood Building
Tipping Street, Stafford ST16 2DH)

Telephone: 01785 854493 or 854494

Fax: 01785 854497

Email: direct.payments@staffordshire.gov.uk

Rowan Organisation

(Direct Payments Support Contractor for Staffordshire)

Rowan House, Lime Tree Courtyard,
Main Road, Ratcliffe Culey, CV9 3PD

Freephone helpline: 0800 7831755

Minicom: 0800 917 8897 **Fax:** 01827 718932

Email: Staffordshire.referrals@therowan.org

ELITE (Enabling Living Independently Today and Everyday)

(Direct Payments Peer Support Group in Staffordshire)

Tel: 07874 980945 **Fax:** 01782 634379

Email: elite.northstaffordshire@ntlworld.com

North Staffs Carers Association

2 Burslem Enterprise Centre, Moorland Road, Burslem, Stoke-on-Trent ST6 1JQ

Tel: 01782 834836

Website: www.carersinformation.org.uk

Carers Association Southern Staffs (CASS)

The Carers Centre, Austin Friars, Stafford, ST17 4AP

Tel. 01785 606675

Website: www.carersinformation.org.uk

Carers UK

20/25 Glasshouse Yard, London EC1A 4JT

Tel: 0808 808 7777 **Fax:** 020 7490 8824

Website: www.carersonline.org.uk

Email: info@ukcarers.org

MIND (The Mental Health Charity)

15-19 Broadway, London, E15 4BQ

Tel: 020 8519 2122 **Fax:** 020 8522 1725

Website: www.mind.org.uk

Email: contact@mind.org.uk

Alzheimer's Society

Gordon House, 10 Greencoat Place, London SW1P 1PH

Tel: 020 7306 0606 Fax: 020 7306 0808

Website: www.alzheimers.org.uk

Email: enquiries@alzheimers.org.uk

National Centre for Independent Living (NCIL)

Address: 250 Kennington Lane, London. SE11 5RD

Phone: 020 7587 1663

Minicom: 020 7587 1177

Fax: 020 7582 2469

E-mail: ncil@ncil.demon.co.uk

Department of Health: www.dh.gov.uk From the following site you can download their 'Guide to Receiving Direct Payments' in PDF format.

<http://www.dh.gov.uk/PolicyAndGuidance/OrganisationPolicy/FinanceAndPlanning/DirectPayments/fs/en>

Department of Work and Pensions: This gives you information about benefit entitlements, Disability and Carers Services. Benefits Enquiry Line 0800 882200; DLA and AA 08457 123456

Produced by
Direct Payments Project Board
Change Team.
Directorate of Social Care and Health
Walton Building, PO Box 11, Martin Street, Stafford ST16 2LH

April 2007

Comments regarding this document are welcomed and should be sent to the above address.