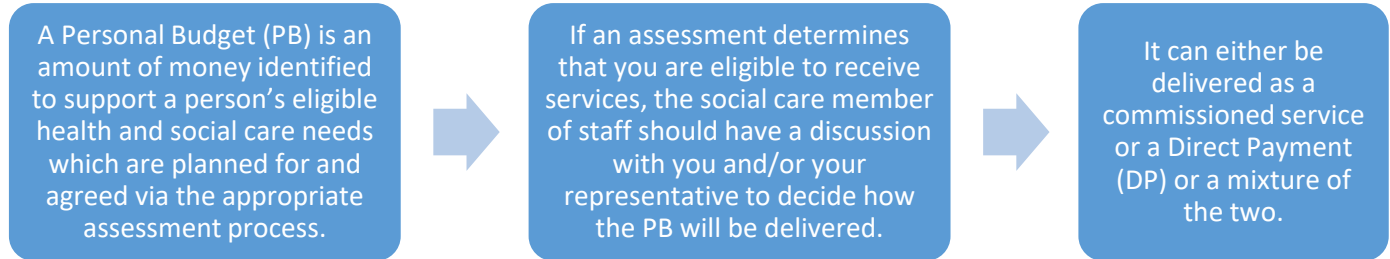


Guidance for Direct Payment Clients regarding responsibilities

This guidance has been developed to assist people to understand their responsibilities when opting to receive a Direct Payment.



Commissioned Service

The Council manages the funding allocation and arranges care and support services on your behalf.

Direct Payment (DP)

Money is paid directly to you or your representative so that you can arrange your own care and support.

Capacity



The local authority is satisfied that the person has capacity to make a request for a DP (Section 31 of the Care Act) or the local authority is satisfied that an authorised person can request the DP on the person's behalf (Section 32 of the Care Act). The person or Authorised Person also needs to understand their role in being an Employer due to Employment Law if directly employing their own PA's.



It the person is unable to make the decision themselves about having a DP after a Mental Capacity Assessment and there is no suitable person able to act as an authorised person to request the DP on the person's behalf.

Your responsibilities if opting to receive a DP



If you choose to receive a DP (including if you choose to have a representative receive it on your behalf), it is then your (or your representative's) responsibility to arrange services to meet the needs described in your support plan as you will be **"Self Directing your own support"**



It is not the social care member of staff's responsibility to make arrangements on your behalf if you opt to receive a DP, as the intention of a DP is that you take individual control of arranging the support you require. Staff may provide information and guidance but **should not be actually organising care and support.**

Your responsibilities (continued)

You may choose to use your Direct Payment to employ your own Personal Assistant or you may wish to use an independent agency provider. In either case, it is then your choice who meets your care needs and you or your representative must manage the process.

Social care staff may assist by providing a list of agencies or directing you to sources of support with regards to becoming an employer if opting to directly employ your own Personal Assistant (PA).

When you choose to receive a Direct Payment you are taking responsibility for sourcing and managing your own care and support services. If you opt to directly employ your own PA, you/your representative will have responsibilities of becoming an Employer which comes with its own Legal Responsibilities. If you choose to have your support needs met by a Care Agency, the contract will be between you and the agency provider directly – not the local authority.

The Direct Payment may be delivered in one of three ways – a prepaid card, a managed account or a separate bank account. You must be aware that choosing a managed account only relates to the financial aspect and managing the budget on your behalf and the managed account provider is not responsible for managing the agency or being an employer; this is entirely your/your representative's responsibility.

Exceptional circumstances

In some limited circumstances there may be a need for social care staff to get involved and make contact with agencies to support you should your needs necessitate this. If applicable, this will be fully explained to you by the social care member of staff.

DP rates and 'top-ups'

Your DP will be funded at the same rate as the Council's contracted agency provider rate. There is also a PA rate determined by the Council taking into account National Minimum Wage and associated on-costs. Should you choose to purchase a service from a provider that costs more than the DP rates, you would be required to 'top-up' the cost using your own funds (in addition to any financial assessment charge).

If there is no capacity within the existing domiciliary care market to purchase support, the Council may consider paying the DP at an increased amount on a temporary basis whilst sourcing a more cost effective alternative and you would be notified in writing of the temporary arrangement. The temporary arrangement would need reviewing to establish the long-term solution. However, if you decide to continue receiving support from this agency long-term, you will have to consider if you can afford to continue with the agency and cover the additional cost thereafter.

The Council website has some more information (including the agency provider list), which may be useful to refer to: <https://www3.halton.gov.uk/Pages/adultsocialcare/Budgets.aspx>

Contact Direct Payments Team on: Direct.Payments@halton.gov.uk 0151 511 7575

Contact Adult Social Care on: [0151 907 8306](tel:01519078306)

Contact Children Social Care on: [0151 907 8305](tel:01519078305)