

DIRECT PAYMENTS IN CAMBRIDGESHIRE

Your Questions Answered

November 2007

DIRECT PAYMENTS IN CAMBRIDGESHIRE YOUR QUESTIONS ANSWERED

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Note

To the best of our knowledge the information is correct at the time of publication. It should not be assumed that all relevant details are enclosed. Contacts are provided for further information. If you become aware of any inaccuracies please contact the Communications and Customer Relations Manager on 01223 718141.

SERVICE USER GUIDE TO DIRECT PAYMENTS IN CAMBRIDGESHIRE

Introduction

By the time you read this Service User Guide you should have had an assessment of your social care needs and agreed /discussed a Care Plan. You are now at a point where you are considering whether Direct Payments are for you.

You should have received a **A6 leaflet** which tells you in brief what direct payments are. If not please request one from the person who has undertaken your assessment.

This guide aims to answer frequently asked questions by people considering Direct Payments, however we recommend you read the County Councils Policy on Direct Payments (see Appendix 1 Direct Payments Policy) as this sets out the County Council's commitment to Direct Payments.

SECTION 1

What are direct Payments?

Direct Payments are an alternative way of getting the care and support you need.

Usually either the County Council, Primary Care trust (PCT) or Mental Health Trust will arrange your care for you, but they also now have a duty to offer and provide Direct Payments. These are cash payments made directly to you so you can make your own social care arrangements.

You are then able to have more choice, control and independence about how your care is organised.

How do I manage my Direct Payments?

The amount of support and assistance people need to manage their Direct Payments varies from one person to the next. Some people manage alone, others choose to enlist the help of a relative or friend.

Cambs DPSS (direct payment support service) have been contracted by The County Council to provide information, advice and support to all those considering or receiving Direct Payments.

What do Cambs DPSS provide:-

Information and Advice.

Up to date and accessible information (in a range of formats and languages) on all aspects of independent living, direct payments, and the employment of personal assistants (support workers).

This includes:

- Design and preparation of work plans, schedules and rotas
- Writing job descriptions, specifications and advertisements
- Placing job advertisements
- Assessing short-listing and interviewing applicants
- Getting references and police checks where required
- Managing and supervision of care workers and assistants
- Help with the legal and practical issues of being an employer, including getting advice from solicitors and ACAS (Advisory, Conciliation and Arbitration Service) if required.
- Assistance with applications to the independent living fund
- Advice in setting up emergency procedures and back up cover.

Peer support

Often it can be useful to meet and talk to other people who are in a similar position to yourself. Cambs DPSS give Direct Payments users the chance to meet and share their experiences in peer support groups.

Financial and payroll services

The financial side of employing someone can often seem daunting at first. Cambs DPSS can be there to help you every step of the way:

- Ensuring that you are correctly registered as an employer with the inland revenue
- Arranging employers liability insurance
- Checking time sheets and processing workers wages (including PAYE)
- Sending out payment advice sheets, payroll summaries and pay slips
- Dealing with issues like holiday, sickness, and maternity pay
- Completing end of year and other returns

Cambs DPSS can also give really practical, unbiased advice on:

- Financial management and record keeping
- Effective use of banking facilities
- Financial monitoring requirements

If you wish Cambs DPSS can arrange to have your Direct Payments paid into a client account. In this case Cambs DPSS carry out all the financial transactions on your behalf, pay wages directly into your workers bank accounts and provide you with a quarterly statement of your account.

If Cambs DPSS do manage a payroll on your behalf, they make an administration charge which is funded by the Direct Payments. Any such charges are clearly visible on your monthly statement.

How to contact Cambs DPSS

Cambridgeshire Direct Payments Support Service
Ivan Peck House
1 Russell Way
Widford Industrial Estate
Chelmsford
Essex CM1 3AA

Telephone: 01245 392328 Fax: 01245 392329 Text-Phone: 01245 392302
Email: cambsdpss@ecdpc.org.uk Website: www.ecdp.org.uk

Some people find they may need more support when they first receive Direct Payments but in time are able to manage on their own. Other people may need support on an ongoing basis. The level of support you require may vary and you will be able to discuss this with your assessor at every annual review or earlier should the need arise.

What are the responsibilities of being an employer?

Most People use their Direct Payments to employ a Support Worker. It is in everyone's interest that you are a good employer (see appendix 2 Expectations of being a good employer), not least for yourself as you will want to keep good staff as long as possible. Part of being a good employer is being clear about what you expect from your Support Worker and what they can expect from you.

You will be expected to take out employer's insurance (see appendix 3 example of FISH insurance form). The cost of this for those not yet in receipt of Direct Payments can be covered in a start up payment. After the first year there should be enough money in the Direct Payments account to cover future insurance costs.

There are a number of statutory employment rights which apply to all employees, irrespective of the length of service or the number of hours worked. These include:-

- Minimum level of pay and the right to equal pay
- Protection against discrimination on the grounds of sex, race, being married, or membership of trade union.
- The right to not have unlawful deductions made from pay.

Although being an employer means having responsibilities this need not put you off Direct Payments as Cambs DPSS are able to support and advise you.

How much will I get?

The amount of cash payable will be worked out by your assessor on the information gathered at your assessment. This will be calculated by your assessor based upon the level of need outlined in your care plan and the current rates payable by the authority for services. This is all recorded at the back of the contract you will be expected to sign before receiving your Direct Payments, the contract also outlines the terms and conditions of the direct payment and it is important you read and understand this before signing it (see appendix 4 Contract)

Direct Payments must be deemed cost effective and are therefore governed by the same rules as any other community care service. Your assessor will be able to give you the current rates of pay.

- Personal Care – calculated on an hourly rate unless there is a 24 hour arrangement.
- Short term Care (previously known as Respite care) is calculated on a weekly rate and is usually paid in one or two lump sums to cover the number of weeks you have been assessed as needing.
- Social inclusion (such as access to leisure and social activities) or day care is calculated on how much it would have cost to provide the service had the local authority arranged it for you. This is also paid 4 weekly.

Do I have to make a contribution?

People who choose Direct Payments are asked to make a financial contribution in the same way as people receiving other services.

To assess whether you are required to make a financial contribution towards your care package your assessor will make a referral to the FABA team (Financial Assessment and Benefits Advisors). The FABAs will complete a Fairer Charging assessment and inform you of the outcome. Additionally the FABAs will advise you on what welfare benefits you might be entitled to and will help you claim any which you are not currently getting. (For more information please request a Fairer Charging leaflet from your assessor).

In certain circumstances where your financial circumstances are very difficult, the financial contribution might be waived or reduced. Your assessor will discuss this with you.

The department will calculate and deduct your financial contribution before it transfers your Direct Payments into your bank account, therefore if you do not pay your contribution into your account you could be left with insufficient funds in with to meet your needs. If you do not make regular contributions the department can refuse to provide you with Direct Payments. If contributions are not made we will inform the debt recovery workers and legal steps will then be made accordingly.

What can direct payments be used for?

There are no hard and fast rules to how the money is spent, but it must be used to obtain the type and level of service to meet your needs which will have been recorded and agreed in your care plan.

Examples of what Direct Payments can be used for include:

Providing assistance with personal care by employing your own support workers.
Contracting with an agency or someone who is self employed.

Buying daily living equipment

Assistance to purchase short term care (formally known as Respite care).

Help you to access facilities which you would not otherwise be able to do.

You can use Direct Payments to pay relatives who do not live in your home to provide your care.

Relatives living in your own home can be paid in exceptional circumstances, but only if there are no other means available to meet your needs.

It is also possible for you to receive a mixture of services arranged for you by the department.

Direct Payments can not be used for:-

Paying a family member or partner living in your home.

Can not be used to purchase any local authority in house services

Can not be used to purchase equipment provided by health services.

Can not be used to purchase any housing service or residential care.

What happens if I get ILF (Independent Living Fund)

People in receipt of direct payments and ILF will only pay a contribution to the ILF. Both monies can be paid into the same bank account.

ILF work very well with Direct Payments and can enhance and extend a care package. If you are not in receipt of ILF and think you may be eligible you should discuss it with your assessor or visit the ILF web site at www.ilf.uk

How are my Direct Payments Monitored and Reviewed?

Once your Direct Payments have been set up you will receive a confirmation letter along with a supply of monitoring forms (see Appendix 5 soc 1601). It is your responsibility to complete and return these monitoring forms on a quarterly basis along with bank statements and receipts. Cambs DPSS will support you in completing these forms, in the first quarter. If you need ongoing support to manage the Direct Payments, your assessor could include this in your care plan.

You will receive your first review after 12 weeks of your Direct Payments starting. This is to ensure you are using your Direct Payments to meet your identified needs as written in your care plan and to ensure you are managing to complete the monitor forms as required. As long as both yourself and your assessor are happy with the outcome of your first review your next review will be in 12 months and thereafter.

Would I ever have to repay Direct Payments?

The law permits us to ask you to repay Direct Payments if:-

- it has not been used to purchase the services identified in your care plan,
- or it has been used to pay people living at the same address as yourself or
- if any purchases have been made from those listed above in question 5.
- Money is also returned to the department if the amount in your Direct Payments bank account exceeds 10% of annual Direct Payments.

Your Direct Payments account will always retain 10% of your annual amount to allow for emergencies that may occur.

What about planning ahead for emergencies?

If you use Direct Payments it is vital that you make arrangements to meet any potential emergencies, e.g If one of your support workers was sick. The hourly rates for a support worker has been set to take account of the cost of dealing with emergencies. The idea is that money will build up in your Direct Payments bank account for you to use when necessary and to cover emergencies.

Your assessor will discuss your emergency arrangements before your Direct Payments are agreed. If you wish, they can give you a list of agencies who could provide you with personal assistance in an emergency. Also Cambs DPSS will support you when considering an emergency plan.

If your contingency plans break down, then we (the authority) are responsible for arranging services for you to cover the emergency. You should contact your care manager (assessor) or Cambridgeshire Direct on **0845 045 5202**.

We still have a responsibility to support you even when you are getting Direct Payments.

Can I use agencies?

Some people prefer to engage the services of a private care agency to meet their needs as this provides a degree of control without the added responsibilities of employing your own staff. You should however be certain that the amount of Direct Payments will cover the agency's fees or be willing to make up the difference from your own funds.

Can I have self employed or casual staff?

In theory you could have self employed staff doing some of your caring for you. However HM Revenue and Customs (previously known as Inland Revenue) states that where a person is working regularly for someone then they count as an employee rather than a self employed person.

In some circumstances staff are counted as self employed if they are working for more than 5 people and work very occasionally for you. You would need to check this with the individual and write to the status inspector at HM Revenue and Customs to have this confirmed. Cambs DPSS can advise on this.

Remember that as an employer you are responsible for deducting tax and national insurance from pay and should not allow your staff to avoid this. If you have doubts contact HM Revenue and Customs who will be very pleased to help you. If you do not do this there is a risk that if the tax office investigates, they will almost certainly decide that you should be using the tax Pay as You Earn (PAYE) scheme. Then they can demand back the payment of all employers' National Insurance (NI) contributions from the day you started employing the assistant, plus interest on the money owed, plus a penalty fine. If you have any concerns you can always ask Cambs DPSS for advice.

Can Direct Payments be stopped?

If a person in receipt of direct payments moves out of the area and is no longer a resident of Cambridgeshire, their payment will be stopped.

If the authority have reason to believe Direct Payments are being misused the payments will be stopped following 4 weeks notice by the authority. Equally, should you choose to stop your Direct Payments you should give 4 weeks notification in which time alternative arrangements will be made.

Sometimes you may find that you do not need your Direct Payments for a period of time, for example if you go into hospital. If you do not need them for a period longer than four weeks, the direct payments may be stopped temporarily.

The decision to do this would be taken carefully, taking into account any on-going contractual responsibilities such as paying retainer fees to staff, terminating employment, redundancy, liability etc. We may consider it to be more appropriate to recover any money you had been overpaid as a result of such circumstances at your annual review rather than disrupt your regular payments.

How long do Service Users need to keep receipts for?

As mentioned in point 8, it is your responsibility to complete and return monitor forms on a quarterly basis along with bank statements and receipts. Photo copies of all receipts and bank statements are taken with the originals returned to yourself.

It is our understanding that the Department of Work and Pensions may request to see receipts that back date up to 6 years, for this reason we recommend all receipts and bank statements are kept for a period of 6 years regardless of whether you employ support workers or access agencies.

What if my circumstances change?

If for what ever reason you find your circumstances have changed e.g your care needs have improved or deteriorated, you are aware of a long stay hospital appointment or a Power of Attorney has been registered, contact should be made to your current assessor or directly to Cambridgeshire Direct on **0845 045 5202**.

SECTION 2

1. Direct Payments for Equipment

When you have been assessed as needing equipment to help you carry out essential personal care and daily living activities you can choose to purchase these items yourself by using Direct Payments. You will first need to be assessed by a member of the Occupational Therapy service to identify which items of equipment would best suit your needs.

2. How are Direct Payments for Equipment paid?

Direct Payments for equipment are paid as a one off payment by cheque made out to you or another person nominated by you. The amount of the Direct Payments will be based on the cost of the standard model of equipment that meets your assessed needs.

3. Do I have to make a contribution?

You may choose to top up the Direct Payments to purchase a piece of equipment more to your liking. However the Occupational Therapist who assesses you must agree that the item you wish to purchase meets your assessed needs.

4. Where can I buy the equipment?

There are several retailers who sell daily living equipment either through high street outlets, mail order or by shopping on line. You may wish to try out some items of equipment before you buy in which case you could visit a local demonstration centre or ask a rep from the company to visit you at home to show you the equipment. Your Occupational Therapist will be able to advise you on this. An information leaflet about demonstration centres and retail outlets is also available on request from Cambridgeshire Direct Contact Centre or via the County Council's website link -

<http://www.cambridgeshire.gov.uk/social/disabled/disabled/dppdacom equip.htm>

5. Will I have to pay VAT?

Your direct payments for equipment will be exclusive of VAT. This is because VAT is not charged if the item is required to be used by a person who is chronically sick or has a disabling condition and the item being purchased is to address their assessed need. This is laid down in HM Customs and Excise guidance.

6. Will I have to sign anything?

Yes, there is an agreement form to sign (see appendix 6 Soc 1635).

7. Would I ever be asked to repay the Direct Payments?

Once you have received your Direct Payments for equipment, we ask that you purchase the item within two months of receiving the cheque. If you are unable to do this for whatever reason, you must let your Occupational Therapist know, other wise you may be asked to return the Direct Payments. If you have used Direct Payments to purchase an item of equipment which you later no longer require, you are asked to pass the item to the integrated community equipment service so that it may be recycled and used for the benefit of others. If, when purchasing the item, you topped up the amount with your own funds, you will be reimbursed a percentage of that top up amount, so long as the item is deemed to be reusable.

8. What if the item I purchase requires ongoing maintenance?

Some items of equipment, particularly electrically powered items like bath lifts, will need to be checked on at least an annual basis to ensure that they remain in safe working order. This will be arranged for you via the Integrated Community Equipment Service.

This document has been written in consultation with Service Users and Carer representatives whose contribution has been based upon their own experience of Direct Payments and has been invaluable.

This guide is available on request on Audio Cassette/CD/DVD, Braille, large print or other languages.

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DIRECT PAYMENTS

POLICY GUIDANCE

Policy Guidance for Cambridgeshire County Council staff and staff from partner organisations providing social care services in Cambridgeshire

Approved by Cabinet 6 November 2005
revised 27 October 2006
www.cambridgeshire.gov.uk www.cambridgeshire.gov.uk

DIRECT PAYMENTS POLICY GUIDANCE

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DIRECT PAYMENTS POLICY GUIDANCE

1. INTRODUCTION

- 1.1 The aim of this document is to set out Cambridgeshire County Council's Policy for Direct Payments making clear the council's commitment to the Direct Payments scheme. The Policy is for adoption by all staff providing social care services regardless of their employer.
- 1.2 A positive approach to Direct Payments is promoted by the council and our key partners maximising choice and control for people accessing support to meet their assessed social care needs as well as for carers in respect of carer services.
- 1.3 The Policy has been written to reflect the philosophy and specific requirements contained in Department of Health guidance for those people who are thinking about receiving Direct Payments or those already in receipt.

“Direct payments allow people to take more of the decisions which affect their lives. They give you more flexibility and choice, by enabling people of all ages to purchase care for themselves that better suits their individual needs”¹

- 1.4 For Care Managers and other staff involved in the assessment of needs of people who require care and support, the Policy needs to be read in conjunction with Operational Instructions. The Operational Instructions (currently being up-dated) provide comprehensive and detailed information on the procedures to support the Direct Payments scheme. For staff who do not work within the council, Operational Instructions can be accessed through the councils internet site.

¹ Department of Health: A guide to receiving direct payments from your local council – September 2004

2. BACKGROUND

2.1 Promoting independence and freedom of choice - The National and Local Framework

2.1.1 Within a national framework, Direct Payments are key to the Government's commitment to promoting independence and freedom of choice for those needing care and support. The legislative framework for Local Councils in England to make Direct Payments was originally contained in The Community Care (Direct Payments) Act 1996, which came into force on 1 April 1997, and Section 17A of the Children Act 1989 (through the provision of services for children in need, their families and others).

2.1.2 The Acts gave local authorities the **power** to make cash payments for social care services directly to people who met certain criteria. Changes were introduced through The Health & Social Care Act 2001 ('the 2001 Act') and the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003 ('the Regulations'). Since 8 April 2003 the power for authorities to make cash payments for care needs has been replaced by a **duty** to offer Direct Payments as an alternative to all service users and their carers who have been assessed as needing community care services or equipment and who meet the Local Authorities eligibility criteria.

2.1.3 The Health and Social Care Act does not cover the provision of NHS services through Direct Payments. However, under Section 31 of the Health Act 1999, and the delegation of functions, a Primary Care Trust can make Direct Payments for daily living equipment on behalf of a local authority. Nevertheless the equipment must be reasonably categorised as 'social care' equipment as opposed to health or registered nursing care equipment.

2.1.4 The wider use of Direct Payments is also promoted through:

- The recent social care Green Paper, '**Independence, Well-being and Choice**'² which sets out the vision for adult social care;
- The '**Valuing People**'³ ethos of choice, control and independence for people with a learning disability;

² Social Care Green Paper: Independence, Well-being and Choice, Published 21 March 2005 Department of Health

³ Valuing People: A new strategy for Learning Disability for the 21st Century. Presented to Parliament March 2001

⁴ Improving Life Chances for Disabled People. Cabinet Office, Prime Minister's Strategy Unit report January 2005

⁵ The Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004 – Combined Policy Guidance, produced by Department of Health August 2005.

- The strategy outlined in the '**Improving Life Chances for Disabled People**'⁴ report from the Cabinet Office;
- The Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004 – Combined Policy Guidance.

2.2 What are Direct Payments?

2.1.2 Direct Payments are cash payments made directly to a person who has been assessed as needing services. Instead of services being arranged for the person by the Council, or on behalf of the Council, the person makes their own arrangements to meet their needs.

2.1.3 The aim of Direct Payments is to provide flexibility in how services are provided to those people who are assessed as eligible for services. By giving people money instead of social care services people have greater choice and control over their lives, and are able to make their own decisions about when and how their services are delivered.

2.3 Who can receive Direct Payments?

2.3.1 Direct Payments are the council's preferred option for the way in which people receive social care services. Direct payments **must** be made to all individuals who are eligible to receive them and who want them. They can be made to:

- older and disabled people aged 16 and over. This includes in particular older people who, despite being the largest single group of people using community care services, have been the least likely to be offered, and get, a Direct Payment. This may also include disabled adults and disabled young people aged 16 or 17
- a person with parental responsibility for a child. This may include a parent, or other, such as a grandparent, with parental responsibility for a disabled child. It may also include a disabled person with parental responsibility for a child
- carers aged 16 and over. People whom the Council decides need services because they provide, or intend to provide, a substantial amount of care on a regular basis for someone aged 18 or over. Carers (but not employees, persons working under contract or for a voluntary organisation) may obtain Direct Payments in respect of their own needs for services but not for services in respect of the needs of the person they care for.

2.3.2 Direct Payments can be used to obtain services to meet the needs of the child or the child's family. Where a child is assessed as needing services under section 17 of the Children Act 1989, the council has to be satisfied that the Direct Payments will be used to buy services which meet the needs of the child and are safe.

- 2.3.3 Direct Payments allow carers to purchase the services they are assessed as needing as carers to support them in their caring role. However, apart from those with parental responsibility for children, carers are not currently entitled to Direct Payments to meet the needs of the person they care for.
- 2.3.4 In a situation where an eligible person has been assessed as requiring an item of equipment which would be provided under local authority eligibility criteria, Direct Payments can be given to allow the eligible person to purchase the equipment themselves instead of having it provided directly by the local authority.
- 2.3.5 There are some people to whom the duty to make Direct Payments does not apply. Examples of the relatively few exceptions are listed in appendix 1.

3. DIRECT PAYMENTS IN CAMBRIDGESHIRE

3.1 Assessment of need

- 3.1.1 In order to be eligible for Direct Payments a person must be assessed as needing social care services. The assessment will be carried out in the same way as for any other person requesting social care services. Assessors must ensure the person being assessed is informed of the Direct Payments option as early as possible in the assessment process. Assessors should also offer those being assessed the opportunity of additional support and advice from the council's selected independent Direct Payments support agency. The needs-led focus of the assessment is key, as is the need to produce a 'care plan', a written copy of which should be given to the person who has been assessed.
- 3.1.2 For people with Mental Health needs who receive services from the Cambridgeshire and Peterborough Mental Health Partnership NHS Trust the assessment of needs will be done under the Care Programme Approach by the care coordinator.
- 3.1.3 The majority of people who are eligible for social care services are eligible for Direct Payments. However payments can only be made with the **consent** or **willingness** of the person concerned (or for disabled children under 16, with the consent of a person with parental responsibility, usually a parent). In addition it must be clear the person has the **ability to manage** Direct Payments either alone or with help.

What is meant by 'consent or willingness'?

Consent can be expressed in different ways. People who are able to indicate choices about how they want their care to be delivered or the

shape of their lives should be considered for Direct Payments. Consent might be someone indicating through their behaviour that they would choose one course of action over another. In some cases an individual might need to communicate their desired course through another person who knows and cares about them, or through an independent advocate. This means that the person is given the opportunity to make an informed choice with as much support as they need about whether to have Direct Payments. The person receiving Direct Payments takes on the responsibility for obtaining the services they need through their own arrangements which may involve legal responsibilities. Support and advice is available in a number of ways to help people achieve these responsibilities and this is covered in more detail later in this document.

What is 'ability to manage'?

Once a person has consented to Direct Payments the council has a duty to make Direct Payments to anyone who appears to be able to manage them (either alone or with help). Ability to manage is about being able to make choices about the kind of services wanted and the person providing it. It is also about the ability to manage the financial arrangements (either alone or with help). It is important to recognise that people can be supported in making their choices, using whatever communication system they have. Blanket assumptions that some groups of people will not be capable of managing Direct Payments must not be made.

- 3.1.4 There is no mandatory time limit set for a person to decide to opt for Direct Payments. In addition, if the person does not want to have Direct Payments it must be made clear that services will be arranged in the normal way.
- 3.1.5 In some cases it may be appropriate to arrange a mixture of directly provided services and Direct Payments. In such cases the normal procedures for setting up directly provided services and Direct Payments should be followed.
- 3.1.6 Where a person wishes to consider the option to receive Direct Payments in lieu of community care services the council has a duty to meet the assessed needs while the Direct Payments are being sorted out and the services arranged. This also applies in situations where a person is receiving services and wishes to change to Direct Payments.
- 3.1.7 The person who is getting Direct Payments always maintains control over how services are delivered, but guidance now states that Direct Payments can be made to a third party nominated by the recipient for the day to day management of finances. In a situation where a person needs help in managing Direct Payments a Trust or Circle of Support could be considered.

3.1.7 In some circumstances an assessor may decide a person is not able to manage Direct Payments (even with assistance). The reason for the decision must be discussed with the person and where appropriate with family and/or friends. This situation could also arise if a person already receiving Direct Payments is considered no longer able to manage them. Appropriate procedures will need to be followed in such cases

3.2 Using Direct Payments

3.2.1 The aim of Direct Payments is to provide flexibility in how services are provided to people who have been assessed as eligible for community care services. By giving people money in lieu of social care services people have greater choice and control over their lives, and are able to make their own decisions about how their assessed need is met. Following the assessment of need the care plan should set out the amount of support the individual has been assessed as needing, but not how or when the support is to be provided.

3.2.2 Direct Payments can be used to purchase any provision that meets individual assessed needs in the most appropriate way. Examples of this could be employing a Personal Assistant, contracting with a domiciliary agency or someone who is self employed or buying daily living equipment. By the time Direct Payments are operational each person receiving a payment will have entered into an agreement with the council to cover the amount of the payment and what it can be used for.

3.2.3 The council will produce a 'Guide to Direct Payments' booklet for people using Direct Payments or thinking about using Direct Payments. The guide will provide more detailed information on what Direct Payments can be used for.

3.2.4 Currently Direct Payments cannot be used to provide long term residential care, or services that meet health needs.

3.3 Can Direct Payments be used to employ relatives to provide care?

3.3.1 Currently Regulations prevent people using their Direct Payments to obtain services from their spouse or partner, or, a close relative who lives with them. However, a person can use their Direct Payments to get services from a close relative, if they do not live in the same household as the person who receives the Direct Payments. In exceptional circumstances, and where it is the only option available, for example, for religious and cultural needs, the restrictions on family members in the same household can be relaxed.

4. DETERMINING THE AMOUNT OF DIRECT PAYMENTS

4.1 The amount of money the council will give for Direct Payments will be worked out by calculating how much it would cost the council to provide an equivalent service.

4.2 The council's Operational Instruction: Fees and Charges. (FINANCE 2.1) provide details of payments. The sections below set out the current Policy framework for levels of payments.

4.3 For care services

4.3.1 The assessment process identifies the needs of the person being assessed. This assessed need is then recorded in the care plan. Currently the Council will calculate the amount of money a person will receive by multiplying the Council's agreed level of payment per hour for Direct Payments, by the number of hours detailed on the care plan.

4.3.2 If a person has been assessed as needing respite or day support services the level of payment will be based on how much it would cost the council to provide an equivalent service. The total amount required for the year will be divided into the regular monthly Direct Payments.

4.3.3 The person receiving Direct Payments may be required to make a contribution to their Direct Payments. Any payment will be calculated through the council's Fairer Charging financial assessment process. Until such time as the Fairer Charging assessment has taken place, and the contribution calculated, any Direct Payments will be a gross payment. On receipt of the calculation of the person's contribution, the Direct Payments will be reduced in line with the their contribution.

4.3.4 Where a person has chosen to employ his or her own staff a one-off 'up-front payment' can be made by the Council. This would allow start up costs such as advertising, and insurance costs to be met. Details of how this would operate will be available in operational instructions

4.4 For Equipment

- 4.4.1 For daily living equipment, the value of Direct Payments from the council will be calculated based on a fair retail price that reflects the reasonable cost, to the individual, of purchasing the item of equipment. This will be based on prices from various main suppliers to the Integrated Community Equipment Service. The prices are updated annually and the Direct Payments will be exclusive of VAT and may include a cost for maintenance, if required, depending on the item purchased.
- 4.4.2 A person may chose to 'top-up' their Direct Payments for equipment by using their own funds to obtain an item of equipment more to their liking. Assessors must be confident that the chosen item will meet the individual's assessed need.
- 4.4.3 Details of any maintenance agreements, repair arrangements and reimbursement costs will be discussed and agreed at the time Direct Payments are arranged. People who receive Direct Payments for equipment will be required to sign the necessary agreement forms at the appropriate time. Assessors will be expected to follow the detailed procedures set out for this process.

4.5 Securing 'Best Value'

- 4.5.1 Although Direct Payments are the Council's preferred option for securing social care services they may generally only be provided where they are as cost effective as providing commissioned social care services. However, in some cases a preventive strategy will require a slightly higher investment to achieve long term benefits and savings - i.e. a provision of Direct Payments that allows a person to remain in their own home may represent long term savings if that person does not require hospital or residential care.

5. SUPPORT AND ADVICE

- 5.1 The council commissions a service from a independent organisation, to provide support and advice to people on Direct Payments or people interested in receiving them. For people receiving Direct Payments it may be their first experience of employing people and taking responsibility for all the associated regulations.

5.2 In order for people to be able to deal with issues as easily as possible the organisation will offer support in a number of ways including: advice relating to employment law, employers' liability, tax, insurance, etc. The organisation is also able to provide a payroll service to ensure necessary payments and deductions are made.

5.3 References for employing staff

5.3.1 Thoroughly checking references for people they wish to employ can be a particular concern for some people who are considering Direct Payments. The Protection of Children Act 1999 enables a person who is considering employing a care worker to care for their child, or a disabled 16 or 17 year old who is considering employing a care worker themselves, to carry out checks via the Criminal Records Bureau (CRB). The council has a duty to comply with any such requests, and will undertake to carry them out as promptly as possible.

5.3.2 Currently there is no requirement to carry out CRB checks on people working with adults. However, the council strongly recommends checks are carried out and is committed to ensuring those people who are considering Direct Payments and not covered by the Protection of Children Act 1999 have access to CRB checks should they so wish. Any other checking systems that may be available, such as the Protection of Vulnerable Adults (POVA) and Protection of Children's Act (POCA) may also be made use of.

5.3.3 The council's selected independent support agency provides support and advice on employing staff.

5.4 Maximising financial support through the Independent Living Fund (this section does not apply to Direct Payments for equipment)

5.4.1 A person may be eligible to apply to the Independent Living Fund (ILF) for extra financial support if they are:

- Between the ages of sixteen and sixty five years (inclusive);
- Receiving services to the value of £200 per week;
- In receipt of the higher rate of Disabled Living Allowance

5.4.2 The council is keen to ensure financial support for individuals is maximised and care managers will be expected to progress applications through the appropriate ILF channels.

6. HOW THE COUNCIL WILL OVERSEE THE DIRECT PAYMENTS SCHEME

6.1 The council requires those in receipt of Direct Payments for care services to set up a dedicated bank account to administer their payments. Advice and support is available to those people who may find it difficult to do this for any reason. This is not a requirement for any 'one-off' payments that may be made to meet assessed need, or to purchase daily living equipment.

6.2 Reviewing Direct Payments

6.2.1 Reviews of Direct Payments should focus primarily upon the Care Plan and how it is meeting the person's needs, or the carer's needs. The initial review will need to be carried out approximately twelve weeks after the commencement of the Direct Payments arrangement. Subsequent reviews will take place annually, unless circumstances require they should take place more frequently.

6.3 Monitoring Direct Payments

6.3.1 The Council operates a comprehensive monitoring system. The system is in place to meet audit requirements to ensure Direct Payments are being used for the purpose for which they are intended and to provide an indicator of how the system actually works.

6.3.2 Those receiving Direct Payments will be asked to complete monitoring forms and return them on a quarterly basis. Those receiving a 'one-off' payment, and payments for equipment, will be asked to provide evidence of expenditure. The support organisation is able to provide help with completing the first monitoring form. Copies of bank statements and all receipts in support of the details entered on the monitoring form will be required. The monitoring system has been developed to ensure clear guidelines are in place to cover:

- Appropriate spend of payment;
- Situations where a recipient temporarily does not need Direct Payments (for example, admission to hospital), and it may be necessary to end or reduce the Direct Payments;
- Misuse of payments i.e., used in a way that breaches the conditions of the Direct Payments Agreement;
- Excessive accumulation and retrieval of funds;
- Repayment procedures.

7. COMPLAINTS AND REPRESENTATIONS

- 7.1 The council's Complaints and Representations procedures are applicable in respect of the Direct Payments process, but do not apply in respect of any arrangements people may make for themselves when arranging their own services with Direct Payments.

EXCEPTIONS TO THOSE ENTITLED TO RECEIVE DIRECT PAYMENTS

There are some people to whom the duty to make Direct Payments does not apply. Examples of the relatively few exceptions to this are detailed below. Broadly, these are certain people whose liberty to arrange their care is restricted by certain mental health or criminal justice legislation. People in these groups are required to receive specific services. The council retains its existing functions as respects the provision of services even though it is not under a duty to make Direct Payments to a person in this group.

The following extract is from the Department of Health Direct Payments Guidance: Community Care, Services for Carers and Children's Services (Direct Payments) Guidance England 2003 (Annex C)
<http://www.dh.gov.uk/PolicyAndGuidance/OrganisationPolicy/FinanceAndPlanning/DirectPayments/fs/en>

Annex C: Eligibility restrictions – examples

Direct payments may not be made to certain people whose liberty to arrange their care is restricted by certain mental health or criminal justice legislation as follows:

- (i) patients detained under mental health legislation who are on leave of absence from hospital;
- (ii) conditionally discharged detained patients subject to Home Office restrictions;
- (iii) patients subject to guardianship under mental health legislation and those covered by the new power of supervised discharge introduced by the Mental Health (Patients in the Community) Act 1995;
- (iv) people who are receiving any form of after-care or community care which constitutes part of a care programme initiated under a compulsory court order;
- (v) offenders serving a probation or combination order subject to an additional requirement to undergo treatment for a mental health condition or for drug or alcohol dependency;
- (vi) offenders released on licence subject to an additional requirement to undergo treatment for a mental health condition or for drug or alcohol dependency; and
- (vii) people subject to equivalent restrictions in Scottish mental health or criminal justice legislation.

Reference should be made to the Regulations for full details of the circumstances in which the duty to make a direct payment does not apply.

In addition the guidance sets out the requirements around Enduring Power of Attorney:

58. A person with legal capacity can make an enduring power of attorney (EPA). He or she makes the EPA in the expectation that if they lose capacity the person appointed as attorney will lawfully be able to continue to deal with his or her property and affairs once the power is registered. If a person receives direct payments, then the attorney under the EPA could continue to receive payments on his or her behalf.
59. However, this relies on the person having previously consented to receiving direct payments at a time when they had the capacity to do so. An attorney acting under an enduring power cannot give consent on the person's behalf. If a person, to the knowledge of the council, becomes permanently incapable of managing a direct payment, whether alone or with help, the council is required by the Regulations to terminate the making of direct payments, and provide or arrange for the provision of services instead. Currently, such an attorney cannot make decisions about a person's health care or personal welfare. If it becomes appropriate for the person to receive different services, such an attorney cannot consent to direct payments for such services. This guidance will be reviewed in light of any changes to the law made as a result of the Mental Incapacity Bill. The draft Bill currently includes provision for a "lasting power of attorney" so that important decisions can be made about a person's welfare in addition to decisions about their property and affairs

BEING A GOOD EMPLOYER

This appendix outlines good employment practice. Further information, advice and detailed fact sheets are available from the Cambs DPSS.

1. RECRUITMENT

Before recruiting your new PA, it is important to think about what you actually want or need them to do.

Defining the key activities, responsibilities and personal attributes will form the basis of a written Job Description.

Selection decisions should be based on information relevant to the job to ensure fairness, objectivity and reliability in the selection process. Beware discrimination law when making your selection – it is illegal to base your selection on the grounds of gender, sexual orientation, race, religious belief or disability unless you can show that there is a clear and genuine occupational requirement to do so.

The key legislation relating to discrimination are:

- Disability Discrimination Act 1995
- Sex Discrimination Act 1975
- Race Relations Act 1976 and Race Relations (Amendment Act) 2000

In addition to the core discrimination laws, you also need to consider the Employment Rights Act 1996 and in particular the sections relating to maternity, paternity and 'family friendly' policies.

Job Offers, References and CRB Police Checks

Offers of employment should be made in writing. When making a job offer we strongly advise you to make the offer conditional on the receipt of satisfactory references and a CRB Police Check. If so, you should clearly state this in your offer letter.

References

When recruiting your new PA you should always obtain references to check factual information such as qualifications and employment history. When you are contacting a former employer you should avoid asking them to provide a subjective opinion as to a candidate's likely future performance. Such information is unreliable and can be misleading.

Criminal Records Bureau

You should always ask if the candidate has any criminal convictions and make a note of their reply. If you are employing an individual to care for you, the Cambs DPSS is able to carry out a check on your behalf.

Other Points to Consider

Employing Overseas Workers

Under section 8 of the Asylum and Immigration Act 1996, an employer is guilty of a criminal offence if they employ someone who does not have permission to work in the UK.

Medical examinations

It is reasonable to require a candidate to complete a health questionnaire where good health is relevant to the job. Care should be taken with regard to the Disability Discrimination Act before making selection decisions relating to employee's mental or physical health.

Documentation

Keeping accurate records of the recruitment process is a very habit to get into.

2. BEING AN EMPLOYER

Being an employer means that you have certain responsibilities towards your employees. There are three basic elements to this responsibility, which are as follows:

- a) Statutory responsibilities
- b) Contractual responsibilities
- c) Good practice

Written Statements of Employment

By law, every employee has to be given what is called a written statement within eight weeks of starting work (Employment Rights Act 1996, Section 1).

Grievance and Disciplinary arrangements

WE STRONGLY ADVISE YOU NOT TO SUSPEND OR SACK A WORKER BEFORE FIRST CONTACTING THE CAMBS DPSS.

Holidays

It is now the law for all employees to have 4 weeks paid holiday a year. This applies to both full time staff and part time staff on a pro rata basis. Your

Direct Payment includes an element of Funding to cover the costs of paying holiday pay whilst employing someone to provide cover.

Statutory Sick Pay

If your personal assistant is your employee and he/she is off sick for more than three days in a row, he/she will be eligible for Statutory Sick Pay.

Maternity Pay

If your personal assistant becomes pregnant, she has statutory rights.

National Minimum Wage - What the Law says

Since 1 April 1999 people must be paid at least a statutory minimum hourly rate. This rate will change from time to time, so you need to check with Cambs DPSS, the Inland Revenue, or your payroll provider.

Working Time Regulations

The working time regulations state that an employee must work no more than an average of 48 hours per week over a 17-week period. National minimum wage and working time directive should be incorporated in the formula when calculating working times for 24-hour care.

More general and specific information on employment rights and contracts is available from Cambs DPSS.

Insurance

It is a requirement of receiving a Direct Payment that you have adequate insurance cover in place

Types of Insurance

You need to consider two main types of insurance:

- Employer's Liability Insurance – which is a legal requirement and will insure you against personal assistants injuring themselves,
- Public Liability Insurance – which will insure against your assistants damaging someone else's property?

3. TAX AND NATIONAL INSURANCE

If you employ a personal assistant you will be legally responsible for calculating Income Tax and National Insurance (NI) contributions for your staff and for paying these contributions over to the Inland Revenue on a regular basis. These payments are in addition to the payments paid to the carer, and are known as Pay As You Earn (PAYE).

4. HEALTH & SAFETY

As an employer you have responsibilities for the Health and Safety of the people you employ. You must also have adequate Employer's Liability Insurance to cover against any diseases or injuries to employees sustained in the workplace. Health and Safety legislation is vast and in many cases complex, and expert advice and information should be sought.

What is the main Health & Safety Legislation?

The most important piece of legislation relating to health and safety is the Health and Safety at Work Act 1974 (HSWA).

What Information and Training do you need to provide for your employees?

As an employer you are obliged to explain in general terms the requirements of health and safety law to your employee(s), and to display information.

Personal Assistant Employment Protection Policy

Low-cost insurance protection for people who have a personal assistant and/or carer.

Chances are, you probably don't think of yourself as an employer. But under the Care in the Community rules, if you pay for the services of a personal assistant you may be just that: an employer.

Being an employer brings with it certain responsibilities. For example, if your PA/Carer is injured while helping you, and the accident is deemed to be your fault – perhaps because the equipment in your home, such as a hoist or lift wasn't suitably maintained – then you will be liable for payment of compensation.

Similarly, if you or your PA/Carer cause an accident outside the home, you may be liable for the damage or injury that results to a member of the public.

This could cost many thousands of pounds.

It can happen all too easily.....

Think how easy it could be for your PA/Carer to injure themselves in the course of their duties. They might trip over a loose carpet or strain their back lifting a heavy object – which might be you! They might injure a pedestrian while pushing you in your wheelchair or scrape your wheelchair along the side of your neighbours car. It is easy to imagine what the problems might be – and remember, you may be liable for any damages.

This policy is designed to meet the demands and needs of a person wishing to purchase financial protection against problems arising from the legal responsibilities of employing Personal Assistants and/or Carers.

Immediate help

A policy summary is detailed below. Please check that the cover provided meets your requirements. If you have any queries or require any further information or, a specimen policy before you go ahead, please do not hesitate to call Fish Insurance on: -

 01772 724442 Fax 01772 733773

Our Customer Services team will be delighted to answer any queries you may have.

We want you to be happy with the cover you have purchased. If you are not entirely satisfied with your policy, you may return it within 14 days. Please refer to the policy summary for more information. If the policy is cancelled mid-term there is no refund of premium.

How to Proceed

Please complete the attached proposal form and return it with your remittance or debit/credit card details to:-

Fish Insurance, 2-4 Riversway Business Village, Navigation Way, PRESTON, PR2 2YP

keyfacts

POLICY SUMMARY

Some important facts about your insurance are summarised below. This summary does not describe all the terms and conditions of your policy, so please take time to read the policy document to make sure you understand the cover it provides.

Insurer: Axa Insurance UK plc and Primary Insurance Co Ltd.

Personal Assistant – Employment Protection Policy

ABOUT YOUR COVER

Significant features and benefits	Significant exclusions or limitations	Policy section
Personal Injury Compensation for personal injury to you if you are involved in an accident.	<ul style="list-style-type: none"> The insured injury must occur within 12 months of the accident Compensation Limits <ul style="list-style-type: none"> Death - £10,000 Permanent loss of use of leg/arm - £2,500 Permanent loss of use of hand - £2,500 Broken arm/leg - £500 Broken hand, foot or ankle - £500 Daily hospitalisation benefit - £50 up to a maximum of £1,000 Excludes injury caused or aggravated by pre-existing medical conditions 	1
Maximum Number of Employees eligible at any one time for benefit under this policy	5	General Policy Conditions

Significant features and benefits	Significant exclusions or limitations	Policy section
Employers' Liability Legal Liability for damages in respect of injury or illness of any person employed, caused during any period of insurance. Work overseas outside of territorial limits of the policy Unsatisfied court judgements where the employee whilst performing employment duties is injured by another person residing within the territorial limits of the policy	<ul style="list-style-type: none"> Limit of indemnity £10,000,000 inclusive of legal representation costs Must arise out of and in the course of employment The employment must be of a temporary nature The judgement must be unsatisfied 6 months after the date of judgement Following payment the judgement due must be assigned to the insurer The liability shall not exceed £10,000,000 	2
Public Liability Legal liability for damages in respect of injury, or property damage caused to third parties caused by you or your employee whilst performing employment duties	<ul style="list-style-type: none"> Limit of indemnity £5,000,000 	3
Defence of Criminal Proceedings following a breach of the Health and Safety at Work Act, 1974 or the Health and Safety at Work (Northern Ireland) Order 1978.	<ul style="list-style-type: none"> Limited to legal costs and expenses incurred Must relate to an occurrence alleged to have been committed within the period of insurance 	General Policy Extensions

Your cover is valid for the period of cover stated in your policy schedule.

CANCELLATION RIGHT

We hope you are happy with the cover this policy provides. However, you have the right to cancel it within 14 days of receiving either the policy or renewal terms and conditions. Please refer to the Cancellation Section of the policy under "General Conditions".

MAKING A CLAIM

If you have a claim, please telephone us on 01772 724442 as soon as possible to tell us about it.

HOW TO MAKE A COMPLAINT

We hope you will be pleased with the service we provide. However, if you have a complaint about our service or about a claim, please call us on 01772 724442. If you are still not satisfied, please write to The Customer Services Manager at Fish Insurance, 2-4 Riversway Business Village, Navigation Way, PRESTON PR2 2YP.

If you are still not happy with the response you have received, you have the right to ask the Financial Ombudsman Service to review your case.

COMPENSATION SCHEME

In the event that Axa Insurance UK plc is unable to meet its liabilities you may be entitled to compensation from the Financial Services compensation Scheme (FSCS). In the event that Primary Insurance Company Limited is unable to meet its liabilities you may be entitled to compensation from the Irish Insurance Compensation Fund. Further information can be found in your policy under "Compensation Scheme".

Terms of Business and Information about our Service

About Fish Insurance

Fish Insurance – a division of Fish Administration Ltd are Independent Insurance Brokers specialising in disability related insurance and warranty scheme design and administration.

Our service

Fish Insurance act on your behalf in arranging your insurance.

What policies do we offer?

Our Personal Assistant Employment Protection Policy is underwritten by UK Underwriting Ltd on behalf of Axa Insurance plc and Primary Insurance Co Limited and we do not offer this type of insurance from any other insurer.

We will provide you with details of our policy. You will not receive advice or a recommendation from us. You will need to make your own choice about how to proceed.

Our Fees and Charges

We charge £10.00 for supplying any duplicate documents.

We charge £20.00 if your cheque is represented or dishonoured by the bank.

We charge £20.00 if your policy is cancelled.

Our charges are non refundable.

Your duty to give information

It is your responsibility to provide complete and accurate information when you take out your insurance policy, throughout the life of your policy and when you renew your insurance.

It is important that you ensure that all statements you make on proposal forms, claim forms and other documents are full and accurate.

Please note that if you fail to disclose any material information this may render your insurance cover invalid and could mean that all or part of a claim may not be paid.

Who regulates us?

We are authorised and regulated by the Financial Services Authority for arranging General Insurance. Our FSA registration number is 310172. You can check this on the FSA register at www.fsa.gov.uk/register or by contacting them on 0845 060 1800.

What to do if you have a complaint?

First speak to us - we make every effort to maintain high standards of service but if we let you down we will try to put things right immediately.

If we are unable to do so, you can register a complaint formally by writing to The Customer Services Manager, Fish Insurance, 2-4 Riversway Business Village, Navigation Way, Preston, PR2 2YP or telephoning us on 01772 724442. If we cannot settle your complaint you may be entitled to take it to the Financial Ombudsman Service. This is in addition to your legal rights.

The Financial Service Compensation Scheme

We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of insurance and the circumstances. Insurance advising and arranging is covered for 100% of the first £2000 and 90% of the remainder of the claim, without any upper limit. For compulsory classes of insurance, insurance advising and arranging is covered for 100% of the claim, without any upper limit. You can find out more from the FSCS.

Looking after your money

We act as agent of the insurer for the purpose of receiving and holding premiums, claims monies and premium refunds. All insurer money is held in a separate bank account and only used for the purposes specified by the insurer.

Quotations

Quotations are usually valid for 30 days unless stated otherwise.

Telephone Calls - Calls may be monitored or recorded for security and training purposes.

PAEP 01/01/06



SOC 1637 (Iss Jun 06)

CONTRACT FOR THE RECEIPT OF DIRECT PAYMENTS BETWEEN

B E T W E E N

Cambridgeshire County Council ('We')

of

(Address of Direct Payments Provider)

and

(Name of Service User) ('You')

of

(Service User's Address + Postcode)

WHEREAS

- (a) We have carried out an assessment of your needs for community care services, and agreed a level of service provision.
- (b) You are willing and able to secure services to meet your needs identified in the Care Plan contained in the assessment document
- (c) We have a duty to make a payment direct to you to purchase the services agreed in the Care Plan and detailed in the attached care package agreement (see paragraphs 16, 17 and 18)

It is agreed by the parties as follows:

1. We will make the Direct Payments into your Dedicated Direct Payments bank account number (number) at (Name of Bank), or into a holding account managed by Cambridgeshire PASS.
2. You will use the Direct Payments to secure for yourself the Services as outlined in your care plan. Failure to comply with this condition will result in us stopping payment of Direct Payments.
3. You will not use the Direct Payments to secure the Services from any partner (regardless of relationship status) or a close relative who lives in the same household (relative means parent, parent-in-law, stepson or daughter, brother, sister or the spouse/civil partner of the partner of any of the preceding) unless we have agreed to this under exceptional circumstances as defined in the Direct Payments Policy guidance.
4. It is your responsibility to make all appropriate arrangements to secure the Services and to comply with all legal requirements that may arise in making such appropriate arrangements.
5. We undertake to provide alternative care arrangements in the event of a breakdown in the Service provision arranged by you.

REVIEW

6. We will review your care needs and the operation of this agreement after twelve weeks, and thereafter at intervals of not more than one year.
7. The review will determine whether your care needs have changed and if you are successfully managing the Direct Payments arrangement.
8. You must notify us of any changes in circumstances which affect your care needs and levels of payment.
9. We may increase or decrease the amount of the Direct Payments to you at any time if there is a change in your assessed care needs.

MONITORING

10. In order to enable us to monitor your use of the Direct Payments, you will:
 - (a) Use the Bank Account in paragraph 2 above for all transactions involving the Direct Payments.
 - (b) Provide us with a summary, once every quarter, of all income received and expenditure incurred in relation to the administration of the Direct Payments account on the monitoring form provided for this purpose.

- (c) Provide all bank statements and receipts relating to the Direct Payments account to identify clearly where, and how, the Direct Payments have been spent.
- 11. We will ask you to return any unspent monies in your Direct Payments bank account when this sum exceeds ten per cent of your annual Direct Payment
- 12. We may suspend payment of the Direct Payments temporarily if you have to go into hospital, or are temporarily unable to receive the Services, whilst taking into account any contractual obligations you may have.
- 13. You have the right to complain under our complaints procedure about any aspect of the operation of this agreement.

ENDING DIRECT PAYMENTS

- 14. You may end this contract by giving four weeks notice in writing to us.
- 15. We may end this contract if:
 - (a) We are not satisfied that the arrangements made by you are adequate for securing the Services, or
 - (b) any of the terms and conditions of this contract are not being met by you, or
 - (c) you are not spending the Direct Payments on the services for which they have been provided, or any part of them or
 - (d) you are no longer ordinarily resident in Cambridgeshire.

In the event of us ending the provision of Direct Payments, you will receive four weeks notification in writing giving the reason for this decision.

Both parties agree to abide by the conditions of this Contract and conditions of any other documents referred to in it.

(SIGNED)
(Service User)

PRINT NAME:

Relationship to Service User
(if Service User unable to sign)

DATE

(SIGNED)
(on behalf of the Direct Payments provider)

PRINT NAME

TITLE

DATE

NB: Please complete this section if appropriate:

The terms and conditions set out in the attached Direct Payments Contract have been read and explained to the Service User, who agrees to comply with them.

This is because the Service User is : blind / partially sighted / unable to read
(please delete as appropriate)

This consent form has been signed by me on behalf of the Service User who is unable to sign it him/herself.

This is because the Service User is: blind / partially sighted / unable to write
(please delete as appropriate)

I am independent of the Direct Payments Provider

SIGNED:

PRINT NAME:

RELATIONSHIP TO SERVICE USER:

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16. DIRECT PAYMENTS AGREEMENT (CARE SERVICES)

The Direct Payments provider agrees to pay the Service User the sum of (Amount) per week, to be paid four weekly in advance, commencing on (Date) into the designated bank account number (number) held at (Name of Bank). This sum is the Direct Payments provider's contribution to the amount needed to purchase the services identified in the Service User's Care Plan dated (Date)

The Service User agrees to contribute the sum of (Amount) per week into the designated bank account referred to above (where appropriate). This is the sum the Service User needs to contribute to purchase the agreed level of services identified in the Care Plan referred to above.

I confirm that I understand and will comply with the terms and conditions contained in this Contract:

(SIGNED)
(Person Receiving Direct Payments)

PRINT NAME

DATE

AGREED ON BEHALF OF THE DIRECT PAYMENTS PROVIDER :

(SIGNED)
(Name of Officer)

PRINT NAME

DATE

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17. DIRECT PAYMENTS AGREEMENT (SHORT TERM CARE (ALSO KNOWN AS 'RESPITE CARE'))

The Direct Payments provider agrees to pay the Service User the sum of (Amount) into the designated bank account held at (Name of Bank) on (Agreed Date).

This amount has been calculated on the basis of (Amount) per week, minus (Amount) per week Service User contribution . This is the sum needed to purchase the agreed period(s) of respite identified in the Service User's Care Plan dated (Date)

The Service User agrees to contribute the sum of (Amount) per annum into the designated bank account referred to above (where appropriate). This is the sum the Service User needs to contribute towards the purchase of the agreed level of services identified in the Care Plan referred to above.

I confirm that I understand, and will comply with, the terms and conditions contained in this Agreement:

(SIGNED)
(Person Receiving Direct Payments)

PRINT NAME

DATE

AGREED ON BEHALF OF THE DIRECT PAYMENTS PROVIDER:

(SIGNED)
(Name of Officer)

PRINT NAME

DATE

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18. DIRECT PAYMENTS AGREEMENT (DAY CARE)

The Direct Payments provider agrees to pay the Service User the sum of (Amount) per week, to be paid four weekly in advance starting on (Date) into the designated bank account number (number) held at (Name of Bank). This sum is the Direct Payments provider's contribution to the sum needed to purchase the Services identified in the Service User's Care Plan dated (date).

The Service User agrees to contribute the sum of £(Amount) into the designated bank account referred to above where appropriate. This is the sum the Service User needs to contribute to the total amount needed to purchase the agreed level of services identified in the Care Plan referred to above.

I confirm that I understand and will comply with the terms and conditions contained in this Agreement.

(SIGNED)
(Person Receiving Direct Payments)

PRINT NAME

DATE

AGREED ON BEHALF OF THE DIRECT PAYMENTS PROVIDER

(SIGNED)
(Name of Officer)

PRINT NAME

DATE

DIRECT PAYMENTS MONITORING FORM

Name:

Address:

Quarter:

Date	Description	Reference	Payments	Receipts	Balance	Other Relevant Information
Balance from Previous Quarter						
SUB TOTALS						

Date	Description	Reference	Payments	Receipts	Balance	Other Relevant Information
Balance carried forward from page 1						
SUB TOTALS						

Date	Description	Reference	Payments	Receipts	Balance	Other Relevant Information
Balance carried forward from page 2						
TOTALS						

Please enclose bank statements and copy receipts.

I confirm that this is a true record of how I have spent the Direct Payments received from Cambridgeshire County Council.

SIGNED:
(Service User)

PRINT NAME :

DATE:

Please return this form to our Direct Payments Monitoring Officer fourteen days from the end of the quarter. Our Direct Payments Officer will return the notification of receipt of the form to you as soon as possible.

OFFICE USE ONLY

Checked by Office:

SIGNED: DATE:

PRINT NAME:

Details of this quarter's monitoring forms for your records:

Balance from previous quarter:	
Add: Direct Payments / ILF Payments Total:	
Minus: Amount paid out Total:	
Balance at end of this quarter:	

NOTES FOR COMPLETING THE MONITORING FORM

<u>Column Heading</u>	<u>Action Required</u>
Date	Put in the date you either received or paid out some of your money
Description	Put in a description, eg. Wages for support Worker or received direct payments
Reference	Put in the reference number eg. cheque number or receipt number
Payments	Put in the amount paid out, eg. money paid to support worker or to the Inland Revenue
Receipts	Put in the amount paid in, eg. Money received from Cambridgeshire County Council or Independent Living Fund
Balance	Put in the amount of money left following your amounts paid in and out

Date	Description	Reference	Payments £	Receipts £	Balance £
Balance Carried Forward from Previous Quarter					200.00
08/06/05	Direct Payment	CCC - June		750.00	950.00
10/06/05	Interest			1.10	951.10
15/06/05	Wages	Joe Bloggs	275.00		676.10
Totals			275.00	750.00	6756.10 ***

DIRECT PAYMENTS FOR EQUIPMENT – AGREEMENT FORM

(Separate form to be completed for each item of equipment)

Date of Agreement :

This Agreement is made between Cambridgeshire County Council

And

Name of Service User:

Address of Service User:.....

.....

.....

To the Service User:

The outcome of your needs-led assessment is that you will receive a Direct Payment from Cambridgeshire County Council('the Council') to the value of the item of equipment you have been assessed as needing. This item of equipment is :

.....

You have chosen to receive a Direct Payment from the Council so that you can purchase the item of equipment you need yourself, instead of having the Council provide it for you.

Please tick which of the following options apply to your Direct Payment Agreement with the Council:

I have agreed to purchase the above item of equipment and understand there will be no additional maintenance costs associated with the item

I have agreed to purchase the above item of equipment which will need on-going maintenance. I have agreed that the Integrated Community Equipment Service will provide on-going maintenance when any warranty period has expired.

Total Value of Direct Payment (exclusive of VAT)	£
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Top-Up

You may top up the amount of Direct Payment you receive from your own funds to enable you to purchase a specific item of equipment of your choice. Your Assessor must, however, agree that the item of equipment you want to purchase will meet your assessed needs.

Payment

Your Direct Payment will be sent to you in the form of a cheque, payable to yourself. We ask that you purchase the item of equipment of your choice within two months of receiving your Direct Payment. After you have purchased the item of equipment of your choice, you must forward to your Assessor a copy of the receipt from the supplier as proof of purchase. If you do not forward a copy receipt to your Assessor, the Council reserve the right to claim back the money paid to you. If the equipment you purchase costs less than the Direct Payment made to you, you must return the surplus money to the Council.

VAT

You do not have to pay VAT on items of equipment that meet assessed needs as a result of disability or illness.

Review

Once the Council has received proof of purchase, your Assessor will contact you to make sure the equipment you have bought and are using is within agreed specifications and meeting your needs. **The Council reserves the right to claim back the Direct Payment paid to you if it is not satisfied the equipment you have bought and are using is meeting your agreed needs.**

Recycling

If in future you no longer need the equipment you have bought we ask that you send it to the Integrated Community Equipment Service so that it can be recycled and used by other people. You can arrange for the equipment to be collected by the Integrated Community Equipment Service by contacting the service on 01223 726222. There is no charge for collection.

Equipment must not be sold without the Council's agreement

If you have 'topped up' Direct Payments with your own money, you can claim back a percentage of the amount you have used to top-up when equipment is returned for *recycling. The amount you can claim back will be calculated, taking into account:

- the length of time you have been using the equipment
- whether the equipment is recyclable

- whether the equipment is beyond economic repair

* Further details are contained in the Council's Direct Payments Policy. Copies of the policy are available on request

SIGNED AGREEMENT

I have read and understood the contents of this Agreement

SIGNED
(Service User)

DATE

SIGNED
(Assessor)

DATE

AUTHORISED:
(Budget Holder)

PRINT NAME

DATE

ASSESSOR'S ADDRESS (for return of copy receipts as proof of purchase) :

