

Direct Payments for Service Users



Information pack for children and young people who have Direct Payments or may be thinking about having Direct Payments

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Access for everyone

If you need help reading this publication or require it in a different format contact the Disabled Children's Service on 0116 454 4710.

Direct Payments - Getting Started Factsheets

Information and factsheets about Direct Payments. This pack contains information and series of factsheets about Direct Payments. There is support available to help you with your Direct Payments (see Factsheet 2).

Getting started with Direct Payment

What is Direct Payments (DP)?

- Direct Payments (DP) is monies given directly to you to purchase services to meet your child's assessed care needs as outlined in the support plan
- You can decide how your child's assessed needs are met, by whom, in a way that suits you. You will have more involvement in arranging those services
- The way you use the Direct Payments must be legal and must meet assessed needs you will be asked to sign a DP agreement form to confirm this
- Direct Payments offer greater freedom, flexibility, choice and control but it also involves more responsibility for you

How Do I Get Direct Payment?

If you already receive social care support from the council, let your allocated worker know you are interested in receiving Direct Payments.

If you do not have a social care worker, you could contact Duty and Advice on 0116 454 1001 for further information.

Direct Payments Process

Your assessment is completed by a Social Worker



If you are eligible, your Support Plan will be drawn up – this will be completed by your social care worker with help from you, your family, or friend.



You will need to sign your Direct Payments Agreement Form, and decide how to manage your Direct Payment:

You can manage it by yourself (see Factsheets 5 & 6); or

Let a friend or relative help you (suitable person); or

You may be able to get help from a Direct Payment's Support Service (DPSS) - Purple Conversation or Mosaic (See Factsheet 5 & 6)



How your money will be paid - The Council will send you a letter to let you know how much your Direct Payment will be and how it will get paid into your Direct Payment Account and when. (Your Direct Payment will start once the services are in place).



Your Direct Payment will be reviewed within 3 months of set up and then every 6 months.

Getting Started – Factsheet 1

Who can have Direct Payments and how

Direct Payment are available for:

- People who have parental responsibility for a disabled child under 16 who is eligible for social care support
- People with disability aged 16 years and over and assessed by the council as needing care and support

You must:

- Have a social care assessment and be eligible for support; and
- Sign a written Direct Payment agreed with the Council to say that you will spend the money to meet the assessed needs outlined in the support plan. You agree to:
 - Keep proof of spending and other agreed documents for your records to check when the council or DPSS (Direct Payment Support Services) or HMRC (Tax Office) ask for the information.

We are required to make sure that the money has been spent on the care and support as detailed in the Support Plan (See Factsheet 3). We will monitor and review this using the information available for us.

The Direct Payments are paid every 2 weeks onto your Direct Payment Account. The Direct Payments package starts when the support services start. Any monies not used within the 4-week period will need to be returned to the Council. Direct Payments may not be paid for periods when services are not needed, for e.g. When you are away on holiday or when the child/person is in hospital.

If you cannot manage the money yourself

You can use DPSS (Direct Payment Support Services). Support for initial set up services, PA recruitment and Payroll/employment support.

Under exceptional circumstances where you are unable to manage the money yourself and you do not have any family and friends to help you. You may be able to get additional support from DPSS.

If this applies to you, we have safeguards in place, to make sure that the DPSS agency managing your Direct Payment:

- Is acting in your best interest; and
- You still have control over the services to meet your support needs

You must use your Direct Payment to buy support to meet your child's needs and the outcomes that have been outlined in your support plan.

You can choose who provides the support and when. You can:

- Buy support from an agency or services of your choice (**see Factsheet 6**)
- Directly employ a Personal Assistant to provide support
- Have a mixed care package where some services are provided by the council and some via Direct Payments
- Use it to fund a joint care package with another funding body
- For some service users, Direct Payments may be requested for equipment. This will be a separate process after an assessment is completed by the Occupational Therapy Service.

The Council currently have a contact with two Direct Payment Support Agencies (DPSS) to provide this. They are Purple Conversation and Mosaic (See Factsheet 5 & 6).

We can:

- Provide information and advice on all aspects of Direct Payments
- If you want to employ a Personal Assistant to help you with recruitment and employment advice, to help with understanding such things as holiday entitlements, notice and redundancy payments etc for your employees.
- If you employ a Personal Assistant, we can help by providing a payroll service
- Develop appropriate contacts of employment
- Carry our Disclosure Barring Service (DBS) checks

- Manage Direct Payments on your behalf, pay your support providers and any other expense related to your Direct Payments.

What Direct Payments cannot be used for

- Services provided directly by the Council
- Employing close relatives who live in the same household (except in exceptional circumstances - this will need to be agreed by the council and all other options will need to have to been explored and exhausted. Your Social Care Worker can explain this more fully).
- Long- Term residential care
- Meals, food, clothing, items or services not identified in your Support Plan
- Illegal activities
- Gambling, alcohol, tobacco and other substance misuse
- Accommodation/housing costs or related household bills
- Services for your health care needs, including the cost of travel e.g. hospital appointments or support required to attend the health appointments, or support whilst in hospital etc.

Other places you will find information about what help and support is available locally is the Local Offer website: families.leicester.gov.uk/local-offer/

NHS Choices is new online 'front door' to the NHS. It is the country's biggest health website and gives all the information you need to make choices about your health. You can visit the website at: www.nhs.uk . Alternatively contact your GP.

Frequently Asked Questions – Direct Payments

Question	Answer
What are Direct Payments?	Direct Payments are not an additional monetary benefit. A Direct Payment is money provided by Leicester City Council to meet your assessed social care needs and is an alternative to services that we would otherwise organise for you.
What will I have to do and is there any help?	Once you have been assessed as being eligible for Direct Payment, you will need to open a separate bank account. The council will pay your Direct Payment into that account every four week. You can have help to set up your package of care, recruit a Personal Assistant and have support to manage the PAYE. If you are unable to manage your Direct Payments by yourself, you can have support from Direct Payment Support Services (DPSS) to manage the account on your behalf.
If I have direct payment will it affect my benefits?	Having direct payments will not affect your benefits or be counted as income.
When will I have to decide?	You can take as long as you want to decide if you want to use direct payments, while you decide the council will arrange interim services to meet your needs if required.
Can I pay more into meeting my care if I want to?	You can add your own money to top up a direct payment to make it even more flexible.
Do I have all of my support via direct payments?	You can mix your support, by choosing some services, which will be arranged by the council, and some via direct payments but this needs to be discussed with your allocated Social Worker
What am I responsible for?	Arranging your services, managing the Direct Payment. If you employ staff, you have the legal responsibilities as an employer.
What if I need to act on someone else's behalf?	Please speak with your Social Care Worker. You may be able to act on some else's behalf.
What if direct payment doesn't work?	We can arrange services for you instead.
If the Direct Payment recipient dies what happens with employment liabilities	If a customer dies any employment liabilities could be met by using any unspent payment to contribute to any redundancy costs, or by having insurance in place that covers redundancy, or the Council agreeing to cover redundancy payments through the direct payment amount as one off payment. Whatever arrangements are made it is important that the Council and direct payment holder are both clear as to their responsibilities in this regard to avoid any disputes at a sensitive time for families and carers.

Direct Payments Factsheet 2

Acting as a suitable person

This is someone who knows the person well and can receive and manage their Direct Payments for them. They should be either (in order of preference):

- Someone who has Lasting or Enduring Power of Attorney over their affairs or someone appointed by the Court of Protection to act in their best interests
- A family member or close friend who agrees to take on the responsibility and act in their best interest (and either the Power of Attorney agrees, or where none, the council agrees)
- You cannot just become a suitable person. The council must follow the guidance on how to appoint a Suitable Person. Please discuss this with your Social Worker
- You must meet all the criteria as set out in the council's policy for appointing a Suitable Person
- You must be willing and able to act as a Suitable Person

Suitable person's role and responsibilities

- As the Suitable Person you are accountable for the way the Direct Payments are used
- You should do whatever is possible to involve the child/young person as far as reasonably practicable
- When making decisions about the child's care involve all significant adults like, family members, close relatives, friends or others who take an interest in the child's life
- For any major decisions, make sure a record is kept and why the decision was made - this should be in terms of how it relates to what we know is important to the child
- You will sign the agreement with Council on the person's behalf and you must keep to its terms
- You agree to use the Direct Payments to purchase and obtain the support necessary to meet the needs of the person as agreed in the support plan
- When making these arrangements it may involve legal responsibilities - e.g. employing staff
- If you employ Personal Assistant, you must ensure you act lawfully as an employer (see Factsheet 5).
- If you buy support from an agency, the advice on how to do this can be found in Factsheet 6.
- If you decide that you no longer want to act as the Suitable Person, you must let the council know
- If the person you represent has fluctuating capacity, during a period when they regain capacity, you must ensure that you involve them as much as practicable in decisions
- Whilst the council does not want to discourage you from acting on behalf of an individual who lacks capacity, we must ensure that you are aware that anyone acting as a Suitable Person may be guilty of fraud, if they, dishonestly abuse their position, intend to benefit themselves, or expose the person to risk
- The Fraud Act 2006 created an offence of 'abuse of position'. This applies when someone is expected to safeguard the interests of a person but instead acts against their financial interests
Such a person can be found guilty of a criminal offence.
- If you are a corporation or an incorporated body, you must undertake checks for any workers you use to provide care to the person who lacks capacity
- DBS (Disclosure Barring Service) should be undertaken for all Personal Assistants (PA). The Council will pay for this.
- The Direct Payments Support Service can provide access to DBS checks should you request one
- The Council will request you undertake a DBS check if you wish to be appointed as a Suitable Person, and you are not a family member, spouse. However, a criminal record does not necessarily exclude you from being a PA or Suitable person (please discuss with your Social Care Worker for criteria).

Direct Payment Factsheet 3

Keeping good records

A checklist of record **to be kept** by the person who has Direct Payments

The council does not expect you to keep detailed accounts but there are some records that you must keep. We ask that you keep these as we may request to see them.

The following information is for your guidance only, and you may wish to check with HM Revenue and customs - www.hmrc.gov.uk

The HMRC can provide guidance on employer records. Alternatively, the Direct Payments Support Services (See Factsheet 1) will provide information for you

The following examples shown have been taken from information and guidance provided by CIPFA (Chartered Institute of Public Finance and Accountancy). They give you guidance on what records should be kept and for how long.

Record Category	Examples	Suggested Retention
Everyday supplies and services	Invoices, receipts for Direct Payment items, agency fees, PA wage, slips, times sheets, training courses etc.	7 Years
Major equipment and non – permanent adaptations	Expenditure on major equipment or major non-permanent adaptation paid via the Direct Payment. Records of warranties	Life of equipment plus one year
Permanent adaptations	All records relating to permanent major	Indefinitely
Employer records	Employer records- advice on this is part of the role of the DPSS. If you have chosen not to have this support, you can receive advice from HM Revenue and Customs	Contact the following for advice HMRC Employer Helpline 0300 200 3200 Direct Payments Support Service Agency (See Factsheet 1)

Direct Payments Factsheet 4

When things happen or change

Occasionally things will happen, or changes occur, and you will need to talk to someone about what to do. You must let your Social Care Worker know as soon as you can if:

Your needs are not being met

The council have a responsibility to step in and help you. A review or reassessment of your needs may need to take place.

The council may have to arrange services for a period of time or support you to enable you to carry on using Direct Payments.

If you are assisting someone to manage their Direct Payments, please contact their Social Worker and let them know about the change.

The emergency plans you have in place do not work

You will have discussed a plan about what you will do if your Personal Assistant goes of sick, takes annual leave or does not show up for work.

Sometimes the best laid plans do not always work. The council can step in and assist you to meet your identified needs as discussed in your care and support plan. If this happens, contact your Social Care Worker

Buying a service from an agency

Factsheet 6 explains what you should do when arranging your support from an agency. If something happens and you are not happy with this service from the agency, you must first contact them and discuss your concerns with them, as you are the customer.

You can also contact your Social Care Worker. If you don't know who to speak to contact Leicester City Council, Duty and Advice on telephone number 0116 454 1004.

If you have a problem with your Personal Assistant

Please contact the Direct Payments Support Service (DPSS) if you are accessing their support. You can also contact your Social Worker.

If you get into any difficult

Mistakes happen when people are using Direct Payments. If this does happen, for example, you have not been paid, please contact the Disabled Children's Service on 0116 454 4710.

If you are using the Direct Payment Support Service agency, you can call them directly on telephone number provided (see Factsheet 1).

If you have to stay in hospital or go on holiday

Let the council know if you have to stay in hospital for any reason or go on holiday. Direct Payments may not be paid for periods where services are not needed.

Also inform your Personal Assistant or your agency or arrange for someone else to do that on your behalf.

Compliments and Complaints

If you have any comments or complaints about services, please contact the Disabled Children's Service Team Manager on Tel: 0116 454 4710. Any Member of staff will be pleased to help you.

Direct Payments Factsheet 5

Recruiting Staff

We are trying to make Direct Payment as simple as possible.

We have a contract with two Direct Payments Support Service (DPSS) agencies who can help you with this. These Services will be funded by the Disabled Children's Service.

You will be responsible for the following:

- Arranging any services, including sorting out any problems if they occur.
- If you employ staff, you will be legally responsible as an employer.

Direct Payment Support Service agency can advise and assist you with all the things you need to consider when recruiting your own staff. You do not have to do it by yourself.

If you choose **not** to use this support from the Direct Payments Support Service Agency, you **must** inform your Social Worker, as there are a number of things you must consider when recruiting and employing your own staff.

This information is given below:

Being an Employer

When you choose to employ staff, you take on significant responsibilities.

You must think about all the aspects of employing your own staff to ensure you are a good employer.

You **must** register with HM Revenue and Customs (HMRC). You can Contact HMRC on telephone 0300 123 1083. Employment law will apply to you as an employer and you must ensure that you follow its guidance.

Things to think about

- Payroll
- Fair rates of pay, conditions of service – you must adhere to the minimum wage
- Writing job descriptions, job specifications, job adverts, preparing job application pack
- Contracts of employment
- Employee rights and responsibilities i.e. ensuring correct income tax, national insurance contributions, holiday pay, sickness pay, maternity pay, paternity pay
- Arranging Employer Liability Insurance and Public Liability Insurance
- Pension - if you employ PA's you will need to find out what your duties are. HM Revenue and Customs can help. You can contact them on 0300 200 3200
- Managing risks
- What you need your Personal Assistant to do and when?
- What training maybe needed?
- What you need your Personal Assistant takes annual leave, is sick or needs other unplanned time off work
- How to keep safe when advertising, interviewing and recruiting. The council strongly recommends that you seek advice from Direct Payments Support Services agency
- The services of Direct Payments Support agency will be without charge to you. They can help you with this.

Other places to get useful information

There is a toolkit on the Skills for Care website to help employ Personal Assistants at <http://www.employingpersonalassistants.co.uk/>

Self Employed Personal Assistant

Some people will tell you that they are self-employed. You need to know that using a self-employed Personal Assistant may not be straightforward. HMRC have advised they would consider almost all Personal Assistants to be employed rather than self-employed for tax purposes.

You will need to check this with HM Revenue and Customs (HMRC). They rarely recognise a Personal Assistant as being self-employed for tax purposes. They will provide you with a leaflet, ES/FS1 and ES/FS2 to help you decide.

The local inspector at HMRC will also help you with this. If HMRC decide at a later date that the person is employed, you may incur additional costs.

If they are recognised as self employed by HMRC you will not become the employer. They must provide you with insurance cover. They can choose if and when they work for you. You must decide if this will work for you.

You should always ask for references from other people they have worked for.

The Direct Payments Support Service agency can provide you with advice to help you keep safe, when employing self-employed Personal Assistants.

The council strongly recommends that you do not use people who are self-employed to support you as a Personal Assistants.

You can get advice from HM Revenue and Customs:

- Employer helpline – 0300 200 3200
- Fax – 0300 052 3030

If you have hearing or speech impairments, the new text phone number for the:

- Employers Helpline is 0300 200 3212
- Website: <https://www.hmrc.gov.uk/employers/index.shtml>

Check to confirm 'right to work' in the United Kingdom

Legislation came into force in February 2008 that requires you, as an employer, to make basic checks with every person you are considering employing, to confirm that they can legally work in the United Kingdom.

The law says that you must do some document checks and failure to do this may result in a fine.

We recommend that you have advice and support from the Direct Payments Support Service agency to do this (see Factsheet 1).

If you want to manage this yourself instead, the Home Office Guidance document 'Prevention of Illegal Working' for Employers will guide you with what you must do.

You can get this from the Home Office helpline 0300 123 4699 or their website <http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/>

You must complete these checks before anyone starts working for you.

You can offer them employment once the checks are completed and you are satisfied they can work in the United Kingdom.

You must not employ anyone who is not legally able to work in the United Kingdom.

If you use a registered care agency the checks will have been done by the agency.

Staying Safe

It is important to take certain steps to try and make sure that there isn't any threat to you from person who may harm you.

We believe that it would be better for you to have help and advice from the Direct Payments Support Service agency if you decide to employ your own staff. The service is free for you. Direct Payments Support Agency will give you all the advice you need at each stage of employing your own staff (see Factsheet 1).

Direct Payment Support Service agency will carry out a Disclosure and Barring Service (DBS) check, previously known as a Criminal records Bureau (CRB) check on the person you want to employ.

We ask that you seriously think about this when you employ your own staff.

If you do not use the Direct Payments Support Service agency the council would recommend that you:

Do not put your home address, telephone number, or details about yourself on the job advert.

You could ask the Job Centre to advertise for you.

The Job Centre has their own process to help you to stay safe or you can perhaps use a mail box number.

Make sure you ask for 2 written job references from the people you interview and follow them up.

When you interview people do it away from your home address if you can and have someone with you to support you.

You must comply with employment legislation and the council strongly advises you access DPSS support for this.

If you still choose to recruit staff without this help, please talk to your Social Care Worker about it.

Your Social Care Worker can give you information on how to do this safely. If you choose to use an agency, the law says that care agencies must be registered with the Care Quality Commission to work with children.

Please discuss this with your Social Care Worker who will advise you how to do this. We advise you only use an agency that is registered. You can find more advice at www.cqc.org.uk/

Remember – always ask for help if you think you need it.

Insurance - Employed Personal Assistants

You are legally required as a person who employs staff to have insurance. Accidents can happen in a number of ways, for example the Personal Assistant may trip, fall, or be involved in an accident whilst they are working with you. It could be that the Personal Assistant hold you responsible for that accident.

The council strongly recommends that you use the support provided by the Direct Payments Support Service agency to arrange this. (See Factsheet 1).

Sometimes, Employers Liability Insurance and Public Liability Insurance, can be included in comprehensive household policy but most policies don't.

You must check with your own insurance company and not assume that it covers you for these purposes.

Employer Liability Insurance and Public Liability Insurance. These insurances must be in place before your Personal Assistant can start work

Employer Liability Insurance

If your employee is injured whilst working for you and you are held legally liable, you will be protected to cover legal costs and compensation. By law most employers must have employer's liability insurance.

Public Liability Insurance

This will insure you against any damages or injury caused to someone else by you or your Personal Assistant while working for you.

The council will fund the cost of this insurance as part of your Direct Payments and will provide you with information on where and how to put it in place.

The Insurance company must also be made aware of the maximum number of staff who would be on duty at any one time.

There are terms and conditions you must follow, and these will be explained by the insurance company.

Self-Employed Personal Assistants

IT is extremely unlikely that the Inland Revenue would consider anyone who works as a Personal Assistant in your home as self-employed.

However, if you have had this confirmed (see above section on employing someone legally), it is the responsibility of the Personal Assistant who is self- employed, to provide their own insurance cover to offer their services.

You must ask to see a copy of the policy before you agree they can provide you with the service.

We would not pay for the insurance for someone who is self - employed.

Training Your Own Personal Assistant

If you choose to employ your own Personal Assistant, the person assisting you with drawing up your support plan and/or the Direct Payment Support service organisation can help you think through what you need to do to become a responsible employer.

This will include thinking through any training you/your staff will need to undertake.

You need to make sure any staff you employ are able to carry out the tasks you expect of them and do not put you or themselves at risk of being injured.

It is particularly important that you and your staff understand the implications of any moving and handling tasks expected of them.

Insurance companies state that they will only pay out if the Personal Assistant is trained in moving and handling by an appropriate trainer.

Employers are required to provide their staff with instruction, information, training and supervision.

In particular, health and safety legislations applies to employers of 5 or more staff who are then legally required to provide training.

We strongly recommend that you identify your own training needs, so you can provide some formal guidance. Training to your Personal Assistants.

We also recommend that they/you access the training courses you have identified.

This may mean attending some courses together. Some training is also available in the home setting.

If your Personal Assistant has not already undertaken training and depending on tasks they will be asked to undertake, the sorts of course.

This may mean attending some courses together. Some training, and depending on the tasks they will be asked to undertake, the sorts of courses you may need to consider are for example:

- Moving and handling – if your Personal Assistant is supporting you with any moving and handling tasks, then they will need to have Moving and Handling training.
- First Aid, Infection Control, Food Hygiene.

You may also want to consider other specialist courses, such as, autism awareness, diabetes, epilepsy management etc.

Some useful information is also available from Skills for Care:

Common Induction standards

<https://www.skillsforcare.org.uk/Document-library/Standards/Common-Induction-Standards/CommonInductionStandardsguidanceforthoseresponsibleforworkers.pdf>

Code of Conduct for health and social care workers, including PA's

<https://www.skillsforcare.org.uk/Documents/Standards-legislation/Code-of-Conduct/Guidance-on-the-Code-of-Conduct-for-support-workers.pdf>

Help for people who employ their own carers

<https://www.skillsforcare.org.uk/individualemployers/>

<https://www.skillsforcare.org.uk/home.aspx>

You may also find the Personalisation briefing, Implications for Personal Assistants useful:

<https://www.scie.org.uk/personalisation/practice/personal-assistants>

Direct Payments Factsheet 6

Buying care from an agency or another provider organisation

You can contact agencies or provider organisations to ask them to supply you with support either in the home or support you with your social activities during the day.

Buying Care from an Agency

You may want to use a care agency (also known as home/domiciliary care) to provide your care.

You may also want to use an agency to provide support for you to participate in short break activities.

If you choose to use an agency, the staff who will work with you will usually be employed by the agency. If you use agency, they will:

- Be responsible for managing the staff and will pay their wages
- Check the staff are safe to work with you

You will still maintain choice and control as you will make arrangements directly with them and will be able to say how, when and where your support will be provided.

You will pay the agency invoice from your Direct Payment.

Always check that you have discussed all of your arrangements with the agency and have an agreement in writing.

Ensure that the agency has given you a breakdown of all their costs in writing. You do not want to have any unexpected costs, such as additional charges for mileage, bank holidays etc. that you have not previously agree to pay.

Sometimes the agency may charge an hourly rate, which is more than your Direct Payments hourly rate paid to you. It is likely you may have to pay the difference from your own personal funds. We would advise you to discuss any additional costs with your Social Worker.

Agencies providing personal care are required by law to be registered with the Care Quality Commission (CQC). You can ask the agency to show you details of its registration.

When choosing an agency/provider to support you with short breaks activities you should also think about the following:

- If you can have a taster session?
- It is clear what support will be provided?
- Can they meet your needs?
- How do you pay them, each session or for several before you start?

Once you have been working with individual members of staff for some time from a care agency you may think you could employ them direct as a Personal Assistant and not use the Agency.

We strongly recommend that you talk to us before you do this. Some agency agreements allow their staff directly but may charge you a fee as part of their conditions for providing the service for you.

We have given you a few suggestions of the type of questions you may want to ask. Please think about the information you want and what questions you need to ask the Direct Payments Support Service agency to help you to choose the right agency for you.

Care Quality Commission (CQC) contact details - 03000 616161 <https://www.cqc.org.uk/>
Email: enquiries@cqc.org.uk

A contract or agreement, which tells you how much it costs, what support you will receive, when you will receive it and what, is expected from you. All this should be included in the agreement. If they are not, ask them about them

Direct Payments Factsheet 7

What to do when someone receiving direct payments dies

When someone on Direct Payment dies, the council needs to be informed so that they can stop the arrangements that are in place.

You can call the deceased person's Social Worker.

The Direct Payments Support Agency will contact you to explain and support you regarding the Direct Payment account and meeting all the legal requirements.

The council has a contact with Direct Payments Support Services agencies. They may be involved during this time to ensure all the employer responsibilities are completed correctly.

The money has been provided to meet someone's social care support. It does not form part of the person's estate and cannot be used for any purpose other than Direct Payments contractual obligations that need to be met. It cannot be used for such things as funeral expenses.

Once all the contractual and legally required invoices have been paid, any money left in the Direct Payments account, must be returned to Leicester City Council. We will advise on how this can be done.

If you are the executor of the Will for the parents/carers managing the Direct Payments

You will need to find out there are contractual obligations or payments that need to be made from the Direct Payments account. For example, if the deceased had been employing a Personal Assistant this person will need to be paid for the work that they have already completed, and any redundancy/annual leave pay that is due to them. The council or Direct Payments Support Service agency can assist you to do this.

How can we meet the contractual responsibilities if we cannot access the money?

In the case where the account has been frozen or there is no access to the account, the council will, in certain circumstances, pay out some outstanding payments e.g. salaries on the individual's behalf. The money will then be recovered once the account has been reactivated and closed.

Direct Payments – Social Care words and their meaning

Word / Term	Definition / meaning of words
Assessment	The process of working out what your needs are
Benefits	Payments from the Government that you may receive because of your age, disability income or caring responsibilities. Some benefits are universal – paid to everyone regardless of their income. Others are means-tested – only paid to people whose income or savings fall below a certain level. Benefits in England are paid by the Department of Work and Pensions, not your local council.
Care Agency	A care agency is an agency that provides care workers to help and support you. The agency might be a private company or a charity.
Carer	A person who provides unpaid support to a disabled child, partner, family member, friend or neighbour who could not manage without this help. This is distinct from a care worker, who is paid to support people.
Direct Payments	Money that is paid to you (or someone to action on your behalf), on a regular basis by the Council, so you can arrange your own support, instead of receiving social care services arranged by the Council
Direct Payments Support Service agency (DPSS)	Is a specialist agency which can help you manage your Direct Payments. They can pay your support providers and any other expenses related to your Direct Payments. They also help you to employ your own staff, this can include advertising, interviewing, carrying out Disclosure Barring Service (DBS) checks, sorting out insurance, contracts of employment of how much to pay.
Eligibility	The Council decides who should get support, based on your level of need and the resources available in your area.
Lacking Capacity	Sometimes a person who needs social care support is not able to make the necessary decisions about Direct Payments due to an impairment of, or a disturbance in the functioning of a person's mind or brain. This is described as lacking capacity.
Personal Assistant (PA)	Someone you choose and employ to provide the support you need, to assist in a way that suits you best.
Short Breaks	A Service giving parent/carer a break from their caring role, by providing care for the child/young person with care needs, It can mean a few hours of activities provided during the day or evening or weekend. It can also benefit the child/young person as it gives them an opportunity to try new activities, develop their skills and meet new people.
Social Care Worker (When we talk about Social Care workers in this document, we mean Short Break workers and Social Workers)	They are professionals who work with children and families to help improve their lives by arranging to put in place the support they need. This includes to protect adults and children from harm or abuse.
Suitable Person	This is someone who can receive and manage Direct Payments for a person who needs social care support but is not able to make the necessary decisions about Direct Payments.
Support Plan	A plan you develop with support that says how your needs will be met. You will need to map out your week and define the outcomes you hope to achieve.
Third Party Support	If you are not able to manage your Direct Payments, for example, you are not able to open your own bank account, or you do not want to manage your own money but still want to manage your own money but still want Direct Payments, someone you trust, or a specialist agency can manage Direct Payments on your behalf. This is known as Third Party Support. The Council has a contract with 2 support service agencies that can provide this support for you.

Useful Contacts – People you can call for information and support

Issue	Contact	Telephone	Email / Website
Serious concerns about agencies/ CQC	Care Quality Commission	03000 616161	enquiries@aqc.or.uk http://www.cqc.org.uk/
Being an Employer	H M revenue and Customs	Employer Helpline: 0300 2003200 Text Phone: 0300 2003211	http://www.hmrc.gov.uk/employers/index.shtml
Advice to employers about preventing illegal working	Home Office UK Border Agency	Helpline 0300 1234699	http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/