



Direct Payments

In Westmorland and Furness we recognise that you are the expert in your own life and you know how your care and support needs could best be met. Members of our Social Work and Occupational Therapy teams will work with you to identify what matters to you, we will build upon your strengths and resources to ensure that you can retain independence and have a good quality of life. A direct payment will give you choice and control of your care so you can flexibly meet your care and support needs in a way that suits you.

A direct payment is **money that is paid to you (or a nominated person acting on your behalf) on a regular basis by us** so you can arrange your own support, instead of receiving social care services arranged by the council.

What is a Direct Payment?

A Direct Payment is an amount of money that will be paid to you to meet your assessed eligible care and support needs. An Adult Social Care practitioner will work with you to identify your eligible needs by completing a Care Act assessment and will develop a support plan on how you would like these needs to be met. You may have to pay a charge for your direct payment; for more information on this, please follow the below link:

[Customer Factsheet: Paying for Care and Support at Home](#)

If you would like a Direct Payment, together we will then agree a personal budget for you to meet these needs. For more information on how we will agree your personal budget, please follow the link below:

[Customer Factsheet: Calculating a Person Budget](#)

Your practitioner will send you your Care Act assessment and support plan so you are clear what eligible needs should be met by your direct payment. The [Care and support statutory guidance \(Chapter 12.35\)](#) states:

“Direct payment is designed to be used flexibly and innovatively and there should be no unreasonable restriction placed on the use of the payment, as long as it is being used to meet eligible care and support needs”.



In Westmorland and Furness we will work alongside you to develop a support plan to enable you with choice and flexibility. The way you use your direct payment to meet your [eligible](#) needs will vary from person to person, you **could** use your direct payment to:

- Employ staff/personal assistant to help with personal care and household tasks
- Buy personal care from a private home care agency to be provided in your own home
- Buy short-term care in a care home for up to 4 weeks within a 12 month period
- Attend classes or day activities that meet your eligible needs
- Buy equipment to enable you to meet your needs safely and independently
- Fund minor adaptations of up to £1000 to meet your needs.

Unfortunately, direct payments cannot be used to:

- Pay to live in long term residential care
- Pay household bills and daily living expenses e.g. utility bills, rent or mortgage, and food shopping bills
- Pay for health related equipment or services

Personal Assistants

To meet your needs, you could employ someone to help with things such as personal care and household tasks, these are often known as Personal Assistants (PA).

‘Being a personal assistant is a unique role and I’ve recruited an amazing range of people over the years. People who love my kids, who go the extra mile to help them get the gloriously ordinary lives they deserve, who problem solve, think on their feet and fight our corner. They work in our family home, they become part of the family’

Tricia Nicoll: Parent carer and member of the Survey Design Group (Think Local Act Personal, 2022)

If you think a Personal Assistant may best suit your needs, you may have someone in mind to do this for example a family member or friend. Alternatively, you may know of someone through word of mouth, or you could put an advert out.

If you do want to use a family member or friend, both parties must be in agreement of this and unfortunately you cannot employ a family member who you live with to meet your care needs, unless the local authority agrees it is necessary. Be mindful that using a family or

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friend as a Personal Assistant will likely impact upon your relationship, so please consider this carefully before using them. If you would like to talk this through with someone, why don't you contact your social worker or occupational therapist. If using a family member or friend, we would encourage that you create an exit plan or an agreement that either party could use, if they/you want to end the agreement and consider a contingency plan on how you would meet your needs in their absence.

If the Personal Assistant you choose, is not employed through an agency or is self employed be mindful that you would be the employer to that person. People First in Cumbria will be able to assist with the employment process by supporting with placing adverts, Disclosure and Baring Service (DBS) checks, setting up interviews, employer responsibilities and payroll responsibilities. Depending on the service you need there may be a small charge for this, discuss this with your practitioner and see if the fee could be covered as part of your direct payment. If you would like support with this your social worker will be able to advise you of services locally to do this.

Contingency Planning

We use direct payments to enable you to live as independently as possible with solutions that are tailored to meet your needs. Unfortunately, sometimes things don't always go to plan and when you have a direct payment you are in control of your own care and may have to develop a quick solution when things go wrong. Examples of these could include, your informal carer is no longer able to provide you support or your personal assistant is unwell and cannot provide you with care. For these kinds of situations, it is always beneficial to create a contingency plan, so you are not left without support. A contingency plan could include:

- **Alternative support arrangements:** is there anyone else who could provide support in your Personal Assistants absence as an interim measure, if so, is this documented with up-to-date contact numbers.
- **A list of support tasks:** ensure you have lists of care and support tasks that you require every day to meet your needs to ensure these are met safely and appropriately. **Don't forget the small stuff that makes the big difference to you.**
- **Emergency Contacts:** Ensure you have an up-to-date list of emergency contacts if you need support meeting your care needs this could include your local Adult Social Care practitioners telephone number.



- **Use your direct payment flexibly:** work with your Adult Social Care Practitioner and ensure there is some contingency funds on your direct payment, if you need to change or increase your care if you are unwell for example.
- **Share your plan:** Share your contingency plan with the right people for example a trusted family member and your Adult Social Care Practitioner so they can ensure your plan is put in place if you are not able to do this.

Managing Your Direct Payment

There may be times when you are unable to or would like to have support in managing your direct payment, on these occasions you could identify a nominated person to manage this. They would be responsible for arranging your support, paying for this and if you have employed staff, they would also take on the legal responsibilities required of an employer, but you will still need to decide how this is spent. Unfortunately, the suitable person cannot be someone you employ as a personal assistant but could be someone you trust such as a family member, friend, partner, someone appointed by the Court of Protection, or appointed under the Lasting Power of Attorney. The person must agree to take on the role to manage your direct payment.

If you are beginning to have difficulty managing your direct payment as a result of a mental illness or you are a family member who is concerned about your loved one's ability to manage this. Under the Care Act 2014 you are still entitled to receive a direct payment. Your practitioner will work with you to establish if:

- a) A legally authorised person has deemed it in their Best Interests (a Deputy or a Donee of a Lasting Power of Attorney); or
- b) Where no legally authorised person exists, the local authority deems it to be in your Best Interests; and
- c) There is a suitable person available to receive and manage the Direct Payment

A suitable person is a person who:

- a) Is willing to receive and manage the Direct Payment; and
- b) Is capable of managing the Direct Payment; and
- c) Is deemed likely to arrange support and services that are in the Best Interests of the person.



Reviewing Your Direct Payment

We will review your direct payments once within the first six months and then at least annually. If you have used the direct payment to buy a minor adaptation this will be reviewed once this is in place. Any review will include you, your Adult Social Care Practitioner and anyone else you feel necessary. Within your review your Adult Social Care Practitioner will get a report from our finance team and look at a break down on how you have used your direct payment to ensure all your care and support needs have been met. If you have a high balance this may be withdraw from your account. You or anyone else managing your direct payment must keep records and accounts showing how the money was spent. Within this, we will also review your Adult Social Care Support Plan to understand any changes to your care and support needs. We will establish how well your care and support needs are being met and establish if we need to make any changes to the support you receive from us, this could include reviewing your personal budget to ensure you eligible needs are being met effectively.

Arranging an assessment

If you would like to arrange and [assessment](#) and on your direct payment, do not hesitate to contact your Adult Social Care practitioner on:

[Fill out our adult social care enquiry form](#)

Alternatively, contact us via email or phone:

customerservicesASC@westmorlandandfurness.gov.uk

0300 373 3301

Our working hours are Monday – Thursday 9am-5pm and Friday 9am-4:30pm. If you require urgent support for a vulnerable adult out of these hours, please use the number detailed below:

01228 526690

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