

# Direct payments

Direct payments are cash payments given by local authority social service departments to individuals who need community care services. A person must have been assessed as needing services to receive a direct payment, and the payment must be used to purchase the services that the person is assessed as needing. This sheet explains how direct payments work and how to apply for them.

## What are direct payments?

The Community Care (Direct Payments) Act 1996 empowers local authority social services departments to make direct cash payments to people for the community care services that they have been assessed as needing. In April 2003, it became mandatory to offer the direct payments scheme to people who fall within certain rules in England, although in Wales direct payments are discretionary. Payments may be made to carers and to people with dementia.

Day-to-day control of the money and the care package passes to the person who is best able to ensure that it is spent properly on the most appropriate services for the person.

Local authorities must consider every application to receive direct payments on its own merit. They cannot make one decision that covers all applications and cases involving people with dementia.

Local authorities may arrange some services for a person as well as making direct payments to them.

People receiving direct payments can ask a carer or another person to manage them and to act as their agent.

## Who can get direct payments?

Direct payments are available to carers and disabled people over the age of 16 who have been assessed as needing services. Any person who receives direct payments must be willing and able to manage them (alone or with assistance).

**The Society believes that people with dementia should be able to use the direct payments system, if this is what they would prefer.**

## How can a person get direct payments?

A person with dementia or a carer can request a direct payment by contacting their social services department and asking for an assessment. A social worker will then visit to discuss and assess the kind of support needed.

A list of the types of support needed can be helpful at assessments - for example, a person may need help with cooking, eating, bathing, dressing, shopping, collecting their pension, shopping, or going up and down stairs.

## What can direct payments be used for?

Direct payments can be used to buy all of the support that a person has been assessed as needing or just part of that support. There is a range of support services available. Each person's needs are different; it is important to discuss what the direct payment will be spent on with a social worker. The social services department must agree what the direct payment can be used for.

## Are there restrictions on the use of direct payments?

Direct payments are made as an alternative to the provision of services and are not intended as a replacement for support from families and communities. Previously the direct payment Regulations and Guidance did not allow someone to use his or her direct payment to employ a close relative, regardless of whether they lived in the same household or not.

However, the Department of Health has now decided that local councils should determine when a direct payment can be made in respect of care. Local councils will assess a person's needs on a case-by-case basis.

However whilst councils are free to formulate policies locally, they must, of course, comply with the legislative framework and with general public law principles about the way in which decisions are made.

## Consent

There are issues about consent and direct payments. A person must consent to receive direct payments, or must have given consent at a time when they had capacity to do so. If a person has a registered enduring power of attorney (EPA), their attorney cannot give consent to receive direct payments on their behalf; if the person's needs change, the attorney will not be able to consent to direct payments for the new services. The person with dementia must have given consent themselves previously.

For this reason and after discussion with the Department of Health, the Society recommends that all EPAs include a direction stating that the person with dementia would like to have the option of direct payments to assist with their care and support at home instead of services, if this is deemed to be in their best interests. The DH has stated that it does want people with dementia to benefit from direct payments.

## Useful organisations

### Carers UK

20/25 Glasshouse Yard  
London EC1A 4JT

Carers Line: 0808 808 7777 (weekdays 10am-12pm and 2pm-4pm)

Email: [info@ukcarers.org](mailto:info@ukcarers.org)

Website: <http://www.carersonline.org.uk/>

Produces a range of information for carers and has a leaflet about direct payments.

## **Department of Health Publications**

PO Box 777  
London SE1 6XH

Telephone: 08701 555455  
Email: [doh@prolog.uk.com](mailto:doh@prolog.uk.com)  
Website: <http://www.doh.gov.uk/>

The DoH publishes several documents about direct payments. These include:

- An easy guide to direct payments
- A guide to receiving direct payments from your local council - a route to independent living
- A parent's guide to direct payments
- Community Care (Direct Payments) Act 1996 - policy and practice guidance
- A guide to receiving direct payments (September 2004 edition)

## **National Centre for Independent Living**

4th Floor Hampton House  
20 Albert Embankment  
London SE1 7TJ

Telephone: 020 7587 1663  
Email: [ncil@ncil.org.uk](mailto:ncil@ncil.org.uk)  
Website: <http://www.ncil.org.uk/>

A helpful resource on independent living and direct payments for disabled people and others working in the field.

## **The Rowan Organisation**

Head Office  
Rowan House  
Lime Tree Courtyard  
Main Road

Ratcliffe Culey CV9 3PD

Telephone: 018 2771 8972

Minicom: 018 2771 7761

Fax: 018 2771 8932

Website <http://www.therowan.org/>

An organisation that provides disabled people with access to information, services and resources. It has a factsheet on direct payments and can provide advice and practical assistance to people using direct payments in certain parts of the country.

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