



# Direct Payments Information Pack

October 2024

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**Direct Payment Advice Line  
01629 533345**

**Direct Payments Finance Team  
01629 532219**

This is a working document and will be subject to updates from time to time. If you have any queries regarding the content of this document, please contact DCC Direct Payment team by emailing us on [ASCH.DirectPayments@derbyshire.gov.uk](mailto:ASCH.DirectPayments@derbyshire.gov.uk)

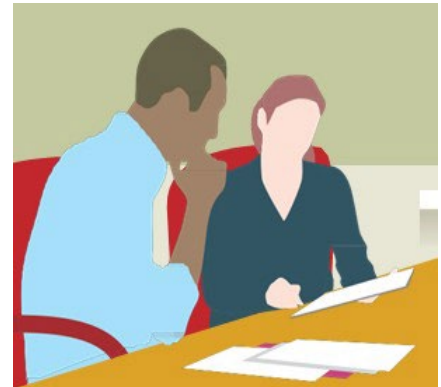
Version 5 October 2024

# 1. Introduction to Direct Payments

## What is a Direct Payment?

This is money Derbyshire County Council (DCC) can give you instead of a **service - if you are eligible for adult care**. You spend the money arranging your own care and support.

You can use a direct payment to meet your needs as is agreed in your support plan.



Some examples of what people spend their direct payment on:

- employ a personal assistant
- arrange care from a provider
- pay for a day service
- arrange respite at home or at a placement
- paying for equipment which reduces your need for support (with prior agreement)
- pooling their direct payment with others to share support

## Who can have a Direct Payment?

- adults 18+ who have eligible social care needs
- nominee on behalf of an adult with capacity
- authorised person on behalf of someone who lacks mental capacity to request a direct payment
- parents of disabled children on behalf of the disabled child
- 16/17-year-old disabled young people

## Will I have to contribute towards the care I arrange?

If you are over 18 you will have a financial assessment to determine if you will be asked to contribute towards your care. You can find out how much you may have to contribute to your care by visiting [www.derbyshire.gov.uk/betteroff](http://www.derbyshire.gov.uk/betteroff)

You will make any payments towards your care directly to Derbyshire County Council.

## Getting a Direct Payment

If you already receive services from Derbyshire County Council and do not have a direct payment and you are interested in having one, you can contact your DCC worker to request a direct payment. You have the right to request a direct payment at any time.

If you do not receive a service from Derbyshire County Council, you will need to contact 'Call Derbyshire' on **01629 533190** and ask for an 'assessment of need'. A DCC worker will carry out an assessment to determine whether you are eligible for services from DCC. If you are eligible, the worker will discuss with you how your needs can be met in the best way. You could then request a direct payment. We will need to make sure you are able to manage the direct payment and identify any support you may need in managing it before agreeing one.

**Help with a direct payment is available:**

### Derbyshire Direct Payment Team

Derbyshire have a dedicated direct payment team to help you get started with a direct payment. You can contact the direct payment team on **01629 533345** or email us on [ASCH.DirectPayments@derbyshire.gov.uk](mailto:ASCH.DirectPayments@derbyshire.gov.uk)

### Blue Sky Brokers

Blue Sky Brokers works in partnership with Derbyshire County Council to support adults and children who receive a direct payment in the county to get the most out of their care money and to achieve their goals. Their support includes:

- an information and advice hub which can be accessed via telephone or the website to answer any questions you may have around your direct payment or for document templates and factsheets
- direct payment support on all matters relating to managing your direct payment, including employer role and responsibilities, employment law, paying staff, managing care agencies, and keeping records
- personal assistant recruitment. They will support you to find the right PA for you. They offer a PA register in Derbyshire where PA's can advertise their availability and employers can advertise for recruitment. You can access this PA register at any time. All job adverts will be advertised on their website. They will support with shortlisting, interviewing, DBS checks and reference checks

More information is available on [www.blueskybrokers.org/derbyshire-direct-payments-support-service](http://www.blueskybrokers.org/derbyshire-direct-payments-support-service) or you can telephone them on **01332 404040** or email them on [info@blueskybrokers.org](mailto:info@blueskybrokers.org)

### DCC Brokerage service

The **brokerage service** provided by Derbyshire County Council helps Derbyshire residents find services that they may need. This can include helping people with a direct payment find the right services for them. Brokerage can help find services even if you are funding the services yourself.

The DCC brokerage service will **give you information** about care agencies and other support available. They can also help with finding a range of other services, including voluntary services, which could help you achieve your outcomes.

DCC brokerage can also help you find agencies to support you with managing the direct payment, such as managed bank account providers.

DCC Brokerage Team: 01629 537763 or **01629 537758**. Or visit [www.derbyshire.gov.uk/brokerage](http://www.derbyshire.gov.uk/brokerage)

**Basic information about direct payments can be found:**

[www.derbyshire.gov.uk/directpayments](http://www.derbyshire.gov.uk/directpayments)

[www.gov.uk/apply-direct-payments](http://www.gov.uk/apply-direct-payments)

## 2. Staying Safe

Direct payments give you extra control over your care arrangements. We know that having control over our lives gives us more resilience against fear of abuse and neglect. All direct payment recipients need to know that all professionals, and Call Derbyshire are ready to support you with any worries and concerns you have regarding staying safe.



### Safeguarding

Unfortunately, we know that some people and agencies in the care and health profession (including personal assistants) perpetrate poor practice (for instance poor moving and handling) or intentional abuse. We can help you manage this situation as a recipient of services and also signpost help for you as an employer.

### Adults Get Hurt Too

If you are worried about yourself or an adult who is being abused or neglected, then contact Call Derbyshire on **01629 533190** between 8am and 8pm where trained staff can deal with your concerns.

Information is also available on the Derbyshire County Council website:

[www.derbyshire.gov.uk/adultcare](http://www.derbyshire.gov.uk/adultcare)

or

[www.derbyshire.gov.uk/keeping\\_adults\\_safe](http://www.derbyshire.gov.uk/keeping_adults_safe)

**If you want to talk to someone outside these hours, you can ring:**

Derbyshire County Council's Out of Hours service on **01629 532600**

**Do not keep your worries and concerns to yourself. Whatever you do, make sure you talk to someone. Tell your DCC worker, a health professional, such as your GP, Health Visitor or Community Nurse. You could also talk to a college tutor or welfare staff at college. You could tell a trusted family member, friend, neighbour, community leader or someone from your church, synagogue, mosque or other local religious centre.**

**In an emergency you can dial 999 and ask for the police**

## 3. Support Planning and Using the Money

**Your support plan** should have agreed **outcomes** which you will use your budget to achieve. These are **goals** which are personal to you. Your support plan will document how you will achieve these goals and what type of things you will spend your direct payment on.



### What you cannot spend your direct payment on:

- meeting your health needs
- employing a close family member living in the same house except in exceptional circumstances approved by Derbyshire County Council.
- ordinary living costs, food, bills, clothing, some leisure costs etc.
- telecare and pendant alarm standing charges
- equipment and adaptations which are the remit of health or a disabled facilities grant (example, mobility aids)
- anything illegal, such as drugs or gambling or paying people 'cash in hand'
- anything not agreed in your support plan.

### Using the Money

You should use your funding as agreed in your support plan. If you are not sure if something is agreed, talk to your worker.

If you don't feel your support plan clearly helps you understand how you can use the direct payment, please speak with your worker. The direct payment team can also help you with how to use your direct payment.

### Employing personal assistants

If you choose to employ personal assistants, there are responsibilities which must be fulfilled. There is help available with these.

Some of these responsibilities include:

- providing a contract of employment
- paying employees and making deductions
- providing a payslip
- purchasing Employers Liability Insurance
- managing your staff
- keeping records, such as timesheets and a record of holidays

Skills for care provide a range of information for employing your own staff, see [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk)

There are additional costs involved in employing staff which you need to budget for. Your budget will be sufficient to include wages and additional costs. The direct payment team can support you with your budgeting. More information about employing personal assistants can be found in our '**Brief Guide to Employing personal assistants**'. **This is available on** [www.derbyshire.gov.uk/directpayments](http://www.derbyshire.gov.uk/directpayments) or you can ask your DCC worker if you have not received this information.

If you need more support with employing personal assistants, including help with all the above you can contact Blue Sky Brokers on **01332 404040** or [www.blueskybrokers.org](http://www.blueskybrokers.org). You can also speak to your worker who can make a referral to the direct payment team or Blue Sky Brokers on your behalf.

## Employing Family Members

You cannot employ close family members living in the same household. This can be agreed as an exception if we think it is necessary to.

Family members not living in the same house can be employed via a direct payment. However, you still need to be a good employer and your family will have the same employment rights as any other employee. We recommend that you have a job description and by law you must give written terms and conditions of employment - which is best given as a contract of employment. Having these will help you establish boundaries about what a family member does as an employee and what they do as a family member. Family members employed must also pay tax and national insurance as any other employee.

## Contracting with a service provider

If you arrange care from a provider, including day services, ensure you know all their costs. Some agencies charge travel for visits, and some include this cost in their hourly rate. Checking these before you commit yourself will help you budget. We will fund a budget which is enough for you to afford many available local agencies. If you **choose** an agency which costs more than local agencies, you may be required to top up the payments. We recommend you request a contract from your chosen provider, which should outline notice periods and rates. Please check any contracts before signing.

Your DCC worker can provide you with a directory of providers. Our **Brokerage Team** can help you find agencies to meet your needs, call them on **01629 537763**.

## Respite and Short Breaks

The direct payment can be used to fund care and support whilst on holiday, such as paying your personal assistant or paying a local care agency for the duration of the holiday. If accessing a holiday is an eligible outcome, your direct payment may also be used for other costs such as equipment hire. Any agreed expenditure should be included on your support plan.

Your direct payment can be used to fund short term residential respite. However, there are some limits so stays should always be at least 4 weeks apart to ensure these limits are not reached.



## Self Employed Personal Assistants

There are conditions that must be met for someone to be classed as working in a self-employed capacity and a personal assistant may not meet these conditions. Only HM Revenue and Customs can decide a worker's status. If tax and national insurance is not paid, you could be liable for the full tax and national insurance bill. You may also be fined. Direct Payment monies cannot be used to pay either the costs or the fines. If you choose to arrange support from a self-employed personal assistant, we recommend you ensure they are registered as self-employed and have a Unique Tax reference number (UTR). They should also provide an invoice for their services and not complete a timesheet.

You can also contact HMRC on **0300 200 3600** to check if they are self-employed or ask them to complete the employment status checker: [www.gov.uk/guidance/check-employment-status-for-tax](http://www.gov.uk/guidance/check-employment-status-for-tax)

Ask your DCC worker for the '**Brief Guide to contracting with a self-employed PA**' or you can find this on [www.derbyshire.gov.uk/directpayments](http://www.derbyshire.gov.uk/directpayments)

You can also get support finding a self-employed PA through the PA register with Blue Sky Brokers. For more information, please call **01332 404040** or access [www.blueskybrokers.org](http://www.blueskybrokers.org).

### Equipment which reduces the need for support

You cannot use your direct payment to purchase equipment **without prior agreement** as a separate direct payment agreement is required for any equipment.

General aids or normal household equipment for daily living cannot be bought with your direct payment. Agreement may be given for equipment which will reduce the need for care and support. If you do feel that a certain item would help you, speak to your worker. Direct payments cannot be used to purchase or maintain any equipment provided by health. Direct payments cannot be used to pay for maintenance of fixed equipment or ongoing personal contributions to equipment service such as pendant alarms.

### Transport and Travel

Derbyshire County council's transport policy applies to the provision of transport, even if you receive a direct payment. Transport or funding for transport will only be made available where:

- you have no other method of transport available
- travel to the activity is essential to meet an assessed eligible need

This means you can only use your direct payment for travel, including volunteer and PA expenses where you have no other means of getting about and this is included in your support plan. Derbyshire County Council are unable to fund transport to health appointments.

### Volunteer Expenses

You may choose to arrange support via volunteers. A volunteer is someone who supports you on a more formal and regular basis but does not receive any wage. Volunteers can be reimbursed their expenses, so they are not out of pocket through volunteering. They can only be reimbursed actual costs; any additional payments could be seen as income and liable for tax.

## What can be reimbursed?

- travel to and from the place of volunteering (and any travel whilst volunteering) this can be standard public transport or 45p per mile
- meals whilst volunteering up to HMRC limits £5 lunchtime, £15 evenings, £20 full day and evening (generally if the volunteer works more than 4 hours in one day)
- other costs such as activities if required to meet your outcomes

For audit purposes, volunteers should complete expense claim forms, which they sign. They can only claim actual expenses incurred.

In summary, only pay out of pocket expenses upon receipt of a claim form.

## PA expenses

**PA's should only be paid expenses where it is agreed in your support plan to meet your needs.**

A PA should not be paid for travel to and from their place of work, example your home. However, if your PA provides transport as part of their role in their car, it would be reasonable to reimburse them costs towards their fuel and running costs. Whether this cost can be found from the direct payment will depend on assessed need and the transport policy as referrer to on page 9.

PA's should only be paid expenses with a completed claim form with receipt's.

Where it is agreed, we would expect that PA expenses are claimed in line with HMRC limits for tax purposes. A PA can only claim for meals where they are continuously away from their work-place for more than 5 or 10 hours and they incur the cost of a meal. Limits to what can be claimed are:

Minimum Journey Time	Maximum Meal Allowance
5 hours	£5
10 hours	£10
15 hours	£25

All payments to PA's should be documented on a claim form and declared to HMRC.

Once the direct payment is agreed and your support plan is complete, it is up to you to manage the direct payment and the budget. You make the decisions about how your needs can be best met day to day, week to week.

Having agreement about the different ways you will do this, upfront and documented will help you be confident about the direct payment. It also helps prevent misunderstandings later.

We will review within 6 months of the direct payment starting to make sure everything is ok, and then annually after. However, if your circumstances change or you want to change your support plan you can contact your worker or the area team at any time.

## 4. Getting Started

Once you have a clear support plan of how you will use the direct payment you can get started. You will need to sign an agreement in which you will agree to use the money as set out in your support plan and to keep records about how you use the money. The agreement also sets out what you can expect from Derbyshire County Council.



### Basics to know about a direct payment

- money is paid into an agreed account **every 4 weeks in advance**, unless agreed otherwise
- you need to keep a record of how you have used the money including receipts, time-sheets and invoices. You need to keep these for 7 years
- you will need to ensure these records are available to be viewed by DCC, or provide them when requested.

If you choose to employ personal assistants, you will be an employer and will have to follow employment law.

### Clients managing their own direct payment

As a client receiving your support as a direct payment, you are responsible for managing the payment, including providing DCC with paperwork to show how you have used the money when requested.

You can choose to manage your own direct payment, including being an employer. We do have a duty to ensure you are able to manage this though. There is support available to help you manage your own direct payment if you prefer or someone else can manage the direct payment on your behalf.

### A nominee managing the direct payment for you

You can choose someone else to manage the direct payment for you. This can be family or a friend, it is up to you. If someone agrees to manage the direct payment for you, they sign the direct payment agreement, with you also signing to say you agree to them managing it for you.

### Where an individual lacks mental capacity

Where someone is unable to understand what a direct payment is, even with assistance, they are unable to request one. However, someone else can ask for a direct payment on their behalf. This person is usually someone close to the person requiring support, who may already have responsibility for helping them with their finances and managing their support. If DCC agree this is a safe and appropriate way to meet the person's needs, a direct payment can be paid to an 'Authorised Person' to manage the direct payments and arrange care and support in their best interests.

Where the authorised person is not a close family member, they must undertake a Disclosure and Barring Service check before they can receive the direct payment.

The authorised person becomes the direct payment recipient, with the responsibility to manage the direct payment, using this to purchase support for the client and act in their best interests.

The money belongs to Derbyshire County Council, not the authorised person, and is only to be used to provide support to the client as per the support plan.

## **Bank Accounts**

Once we receive your direct payment agreement and authorisation from the DCC worker, we will arrange a Prepaid account to be opened on your behalf. This is an account just for the direct payment. You will receive confirmation of this account, with an Account Card, through the post. The letter with the card will also detail how you can activate the card and access the account.

The prepaid account has all functions of a traditional bank account, including transfers, standing orders and direct debits. You can access the account and make payments online, or if you prefer you can manage all your payments via the telephone.

If you need any help with your account, the dedicated PFS Customer Services Helpline for Derbyshire is:

Open Mon- Fri 8am- 9pm **020 3633 1641**

Automated Helplines (24 hours) **020 3327 1991** or **020 3468 4112** or **020 7183 2248**

If for any reason, the prepaid account is not suitable for you, we can explore alternatives. For example, if you would be unable to manage the direct payment without someone making payments for you, you may have a 'managed account' instead.

## **Managed Accounts**

If you require a managed bank account, we make the payments directly to a third party. They will make payments on your behalf and keep records for you.

You are still responsible for managing your own care and support, employing staff and spending within your agreed personal budget.

Some managed account provider details can be found in our 'Managed Direct Payroll and Managed Accounts Services - Provider List' Please ask your worker for a copy if you haven't received one.

## **Costs**

Each managed bank account provider will have a different rate of charges for the services they offer. When deciding which provider to use please consider their charges. The money you pay for their services needs to be found out of your direct payment. There are no additional funds to cover their costs unless agreed as part of your personal budget.

## **How long until I receive the payment?**

Payments cannot be made into the account until we receive all the required paperwork. Your worker will give you a start date from when your direct payments will be paid. Once we receive all the required completed forms, we will begin to set up payments. The finance team will write to you soon after to confirm your direct payments.

# 5. Pooling Direct Payments

## What do we mean by Pooling Direct Payments?

This is where two or more Clients combine some, or all of their Direct Payments, into a joint venture.

## Who can pool their direct payments?

Direct Payment Recipients with a common interest.

## How can you spend the money?

There are 3 main options:

1. Group living arrangements (social care support only - not daily living, household, or tenancy related expenditure)
2. Social activities or opportunities
3. Combination of the above.

## What are the benefits?

Here are some of the benefits of pooling your direct payments:

- sharing support costs in a group living arrangement
- sharing the costs of an activity or holiday
- developing skills, knowledge, and experience
- making friends

## How can you find other people interested in pooling their direct payments or personal budgets?

How can this be done will depend on your individual circumstances. Below are some ideas:

- do you know anybody who might be interested?
- you can try friends at school, college, or your day centre, and people you live with
- does your Derbyshire County Council worker know anybody who is interested in living independently and/or likes to do some of things you enjoy?

Help to set up a pooled direct payment is available from your DCC worker and the direct payments team. If you do want to explore pooling your direct payments with someone else, you should discuss with your DCC worker or contact the direct payment team. Blue Sky Brokers can also help with pooling direct payments.

# 6. Keeping Records

## Good Record Keeping

It is essential to keep good records of how you use your direct payment. Everyone is required to keep financial record of things; a direct payment is no different. It is best to keep the paperwork up to date as you go, but there may be times when you are not well enough to do this. If you make sure all letters, statements, invoices, receipts go in one file then it is easier to sort out when you are well enough again.



## Prepaid Account Holders

Where you receive your direct payment into a prepaid account, you must keep all your records together, which DCC may request at any time. The documents will be reviewed within 6 months and then annually. DCC may also request evidence to support specific transactions shown on your prepaid account.

## Personal Account

If you receive your direct payment into a separate personal bank account, we ask that you send copies of your direct payment records at agreed intervals. The standard monitoring period is to send documentation every 4 weeks, unless otherwise agreed. We require bank statements and timesheets, invoices, and receipts.

## Managed Accounts

Where your direct payment is made into a third-party managed account, it would be an expectation that the managed account provider supplies requested documentation on your behalf.

If you are not sure how to complete the timesheets, please ring the Direct Payment advice line on **01629 533345**.

**Direct Payment Team, Client Financial Services  
Corporate Services and Transformation  
County Hall  
Matlock  
DE4 3AG  
Tel: 01629 532119**

## **Sending your direct payment paperwork via email.**

You can send your monitoring documentation via email. However, it is important that any documentation sent is password protected or encrypted. This is because it contains sensitive and confidential information. For example: your direct payment bank account details, your personal assistant's employee details, the agency details which may include any bank data for internet bank payments.

**Direct Payments Email address: [CST.CFS.DirectPayments@derbyshire.gov.uk](mailto:CST.CFS.DirectPayments@derbyshire.gov.uk)**

# 7. Useful Contacts

## Derbyshire County Council Contacts

### Direct Payment Team

01629 533345

[ASCH.DirectPayments@derbyshire.gov.uk](mailto:ASCH.DirectPayments@derbyshire.gov.uk)

Website: [www.derbyshire.gov.uk/directpayments](http://www.derbyshire.gov.uk/directpayments)

### Direct Payments Finance Team (Including Timesheets)

01629 532119

[CST.CFS.DirectPayments@derbyshire.gov.uk](mailto:CST.CFS.DirectPayments@derbyshire.gov.uk)

Address:

**Direct Payment Team, Client Financial Services  
Corporate Services and Transformation  
County Hall  
Matlock  
DE4 3AG**

**DCC Brokerage Service 01629 537763 or 01629 537758**

## Employment Advice

**For any employment matters we advise you contact your employer liability insurance advice line.**

**ACAS (Advisory, Conciliation and Arbitration Service) - 08457 47 47 47**

ACAS can help with employment matters providing independent free advice to employers and employees to solve problems.

There is also a question and answer section on employment matters in the advice A – Z on their website.

[www.acas.org.uk](http://www.acas.org.uk)

## Gov.UK Website

This is the official UK government website. There is a lot of advice on employment matters. There is a section headed **‘Employing Staff for the First Time’** listing 6 things you need to know when employing staff for the first time. You may find this information particularly helpful.

[www.gov.uk/employing-staff](http://www.gov.uk/employing-staff)



## **Workplace Pensions**

Information is available on the following websites:

[www.gov.uk/workplace-pensions](http://www.gov.uk/workplace-pensions)

[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)

[www.nestpensions.org.uk](http://www.nestpensions.org.uk)

[www.moneyadviceservice.org.uk/en](http://www.moneyadviceservice.org.uk/en)

## **Health and Safety**

### **Employer and Public Liability Insurance**

Take advice from your Insurers legal employment helpline. Please remember to follow the advice given or your insurance may become invalid.

### **Gov.UK website**

There is a section on Health and Safety at Work under the Employing People link.

[www.gov.uk/browse/employing-people/health-safety](http://www.gov.uk/browse/employing-people/health-safety)

### **Health and Safety Executive**

There is comprehensive health and safety information on this website [www.hse.gov.uk](http://www.hse.gov.uk)

### **Keeping Safe**

If you are worried about yourself or an adult who is being abused or neglected, then contact Call Derbyshire on **01629 533190** between 8am and 8pm where trained staff can deal with your concerns.

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