

# Fact sheet

Last Review Date: November 2024

Next Review Date: November 2025

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## Direct Payments: A Two-Way Street

### What are Direct Payments?

Direct Payments are a way of getting money directly from the local Council to help you choose your own care. Instead of the Council choosing your carers, you can choose who you want to help you, which gives you more control over your life.

### You (the Individual)

- Receive Direct Payments from the Council
- Choose your carers
- Manage your budget.
- Communicate with the Council about changes or problems

### The Council (Your care fund trustee)

- Assesses your needs
- Provides Direct Payments
- Offers support with finding carers or managing your budget.
- Monitors your care

### How does it work?

The Council will assess your needs to see how much care you need. Once your needs are assessed, the Council will give you a set amount of money each week or month. You can use this money to hire carers who are right for you. You can choose friends, family, or professional carers.

### Your Responsibilities:

- You will be responsible for finding and hiring your own carers.
- You will need to pay your carers using the money you receive from the Council.
- It's important to keep track of how you spend the money.
- You will need to let the Council know if there are any changes to your care needs or if you have any problems.

### The Council's Responsibilities:

- The Council will assess your care needs to determine the amount of money you will receive.
- The Council may provide support, such as advice on finding carers or managing your budget.
- The Council may check in to make sure your care is going well.

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## Legal Responsibilities:

When receiving Direct Payments, it's important to understand that you have certain legal responsibilities. These responsibilities are in place to ensure that the system works effectively and that your care needs are met.

The money you receive through Direct Payments is intended for specific care needs. You must use it only for those purposes. Misusing the funds can lead to legal consequences.

You are classed as an employer, and as such, you are responsible for hiring and managing your carers. This includes ensuring that they have the necessary qualifications and experience, paying them correctly, and following employment laws.

You should keep records of your care arrangements, including carer hours, payments made, and any issues that arise. These records can be helpful in case of disputes or audits.

It's important to notify the Council of any changes to your care needs or circumstances. This includes changes to your living situation, health conditions, or level of care required.

The Council may conduct audits to ensure that the Direct Payments system is being used properly. You are legally obligated to co-operate with these audits and provide any requested information.

If you have a dispute with a carer or the Council, you should try to resolve it amicably. However, if you are unable to reach a resolution, you may have the right to pursue legal action.

When you receive Direct Payments, you will be asked to sign an agreement. This agreement outlines your responsibilities as the recipient of a Direct Payment and the Council's responsibilities. It is a legal document that ensures both parties understand their roles and obligations.

In essence, the Direct Payment agreement is a contract between you and the Council that establishes a clear framework for the provision and use of Direct Payments. By signing the agreement, you are committing to using the funds responsibly and complying with the terms and conditions set forth in the document. By understanding and fulfilling your legal responsibilities, you can ensure that you are using Direct Payments effectively and that your care needs are being met.

If you have any questions or concerns, it is recommended to consult with a legal professional or contact your local Council for guidance.

Remember, Direct Payments give you more control over your care. If you do have any questions or concerns, don't hesitate to talk to your Social Worker, or the Direct Payments Team directly.



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