

Meeting: Caring Sub-Committee

Date: 28 November 2023

Title: Overview of Direct Payments

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Service: Adult Social Care

Wards affected: All

1. Purpose of Report

- 1.1 To provide an overview of Direct Payments, including how they can promote person-centred care, choice and control for adults with eligible care and support needs.
- 1.2 To share with committee members the recently updated Direct Payment policy (appendix).
- 1.3 To respond to any further questions the committee may have in relation to Direct Payments.

2. Recommendations

Members of the Sub Committee members will be asked to note the contents of the Direct Payment policy and seek responses to any further questions the Sub Committee may have in relation to Direct Payments.

3. Information

- 3.1 The Care Act 2014 (sections 31-33) and Care and Support Statutory Guidance (chapters 10-13) provide the legislative framework and guidance on Direct Payments.

- 3.2 The Council is committed to offering Direct Payments to all people who are eligible and agreed that this is a suitable way to meet their care and support needs.
- 3.3 Prompting and increasing the uptake of Direct Payments is a strategic priority for Adult Social Care for 2023–24, as a way of improving outcomes for the people we support; the Direct Payments Policy was updated in September 2024 and provides an overview of Direct Payment eligibility and support options.
- 3.4 Direct Payments provide independence, choice, and control by enabling people with care and support needs to commission their own care and support, to meet the eligible needs identified in their adult social care assessment.
- 3.5 Following the adult social care assessment and eligibility decision, the suitability of a Direct Payment to meet some or all of their eligible needs is discussed with the person when planning their support. If they decide to request a Direct Payment, the person can ask it is made directly to them, or a person they nominate.
- 3.6 The Council must be satisfied that making a Direct Payment is a suitable way of meeting eligible needs. There are some instances when the Council cannot make a Direct Payment: these are outlined in the Direct Payments Policy.
- 3.7 If the Council agree a Direct Payment is a suitable way of meeting eligible needs, the person or nominated person will have a responsibility for arranging and managing the support, intended to achieve the outcomes in their support plan.
- 3.8 Direct Payments can be used to pay for an agreed service, such as day care or home care, to purchase equipment to support with independence, or to employ a personal assistant (PA).

- 3.9 If the person chooses to employ a PA, they become the employer and must ensure that employees' rights are upheld. As an employer, they must:
- 3.9.1.1 Provide an employment contract
 - 3.9.1.2 Provide payslips
 - 3.9.1.3 Ensure the PA does not exceed their maximum working hours
 - 3.9.1.4 Pay more than the National Minimum Wage (National Living Wage in North Tyneside).
- 3.10 If the PA meets the eligibility requirements, they are also entitled to:
- 3.10.1.1 Statutory maternity pay
 - 3.10.1.2 Statutory sick pay
 - 3.10.1.3 Redundancy pay
 - 3.10.1.4 Workplace pension.
- 3.11 Adult Social Care recognise that recruiting PAs can be a slow process if a PA is not already identified, which can be a barrier to exploring Direct Payments when support is needed quickly. The Council are exploring ways this process could be improved.
- 3.12 The Council has arrangements in place with Direct Payment Support Services to ensure the person receiving a Direct Payment has support to recruit PAs if needed, and to meet their responsibilities as an employer.

4. Background Information

- 4.1 The legislative context for Direct Payments is set out in the:
- [Care Act 2014](#)
 - [Section 117\(2C\) of the Mental Health Act 1983](#)
 - [The Care and Support \(Direct Payments\) Regulations 2014](#)
- 4.2 The following papers/information have been used in compiling this report:
- (1) [North Tyneside Council Direct Payments Policy 2023](#)

- (2) [Information sheet: Introduction to Direct Payments](#)
- (3) [Information sheet: Support to manage a Direct Payment](#)
- (4) [Information sheet: Direct Payment accounts](#)
- (5) [Information sheet: Using a Direct Payment to buy services](#)
- (6) [Information sheet: Using a Direct Payment to employ someone \(PA\)](#)
- (7) [Information sheet: Using a Direct Payment with a self-employed personal assistant](#)
- (8) [Information sheet: Safe recruitment of personal assistants](#)

5. Appendices

North Tyneside Council Direct Payment Policy 2023