



## **Direct Payments / Self Directed Support Explained**

### **What is a direct payment?**

The Self Directed Support (Scotland) Bill is now in force, giving you a legal right to choose who provides your care and support. A direct payment is money given to an individual, by the local authority, to pay for community care services that he or she has been assessed as needing under this Bill.

***It provides the service user and the carer with more choice and control over the care he or she receives and who will provide it.***

With Direct Payments, you can access daycare and day opportunities from EK Dementia Carers Group rather than just accept what is offered. ***You choose!*** Direct Payments can also be used to purchase more flexible respite/short breaks (including having someone come to house to free up the main carer).

### **Who is entitled to direct payments?**

Anyone who has been assessed by Social Services as requiring support services, and who qualifies for direct payments.

To get direct payments you'll need to contact your local council to ask them to assess your needs. You then request **Self-Directed Support**. In South Lanarkshire, Direct Payments are normally available to people with:

- \* physical disabilities
- \* learning difficulties
- \* sensory impairment
- \* mental health issues
- \* parents and carers of children with disabilities

### **If you already receive social services**

Under **Self-Directed Support** legislation, your local council is obliged to offer you the option of direct payments in place of the services you currently receive. **You have a legal right to choice.**

### **Will direct payments affect your benefits?**

No, direct payments are **not** liable to income tax and will **not** be taken into account for the purpose of assessing income for social security benefits.

### **Managing direct payments.**

If the person with dementia, while he or she was still able, has appointed a welfare and financial attorney, the attorney can make decisions on his or her behalf. Management of direct payments could be included in the list of powers.

Where the illness has progressed too far for the person with dementia to appoint an attorney, the carer can apply to the sheriff court to be appointed welfare and financial guardian. The powers requested by the guardian could include the specific power to manage direct payments.

The Local Authority insists upon a Power of Attorney or Guardianship being in place before granting Direct Payments.

## **Receiving direct payments.**

To receive direct payments, you will have to set up a separate bank account.

The Social Work Department will pay the agreed sum into the bank account four weekly in advance. We will invoice you for care provided at the end of each four-week period. It is as simple as that.

You can decide at any time that you no longer wish to carry on receiving a direct payment and ask the social work department to have services arranged for you instead so your needs continue to be met.

## **What will it cost you?**

On the basis of the Social Work Community Care assessment, a care plan should be drawn up with you, and you should be given a copy. The care plan will set out your support needs and the services to be provided to meet them.

Certain services are free of charge, such as **personal care** for people aged 65 and over, but there may be a charge for other services such as daycare and day opportunities. The Local Authority will ask you to agree to a financial assessment (means-test) for how much you may have to contribute towards costs.

Only the income of the service user should be assessed. If the income is below a certain level, then the Social Work Department will meet the full charge.

If you decide you want to go ahead with direct payments, the local authority will tell you how much money you will have to contribute to the care. We have no say in what the Council charge.

## **Do you have to become an employer to get Direct Payments?**

NO! By getting your care from us, **we** recruit, manage and pay the care workers, including things like; enhanced Disclosure checks; tax and National Insurance. As our 'customer', you pay **us** to provide the support or services you need. **You have no employers' responsibilities.** These responsibilities would only apply if you decided to use Direct Payments to employ your own personal Care assistant.

You will be asked to agree and sign a written agreement (contract) which will set out details about the number of hours of service required, where and when they will be provided. The written agreement will clearly state:

- the service to be provided
- the terms and conditions for receiving the service (e.g. charges)
- arrangements for changing the agreement (or allowing for flexibility) in response to changing needs
- arrangements for ending the agreement

## **Further reading and useful numbers**

The Alzheimer Scotland publication [Dementia: Money and Legal Matters - A Guide](http://www.alzscot.org/pages/info/moneyandlegalissues.htm) contains information and advice on powers of attorney, intervention orders and guardianships. This is free to people with dementia and their carers. Call their Dementia Helpline (0808 808 3000) for a copy or download one from: [www.alzscot.org/pages/info/moneyandlegalissues.htm](http://www.alzscot.org/pages/info/moneyandlegalissues.htm)

Take Control (South Lanarkshire) Self-Directed Support Service: 01698 892372  
South Lanarkshire Council Social Services: 01355 807000  
South Lanarkshire Council Direct Payments: 01698 453716