

# British Institute of Learning Disabilities

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## Factsheet – direct payments

### Summary

- Direct Payments allow people (including people with a learning disability) in receipt of community care services to receive money which they can use to purchase their own services.
- At the end of 2000, only 5% of Direct Payments were for people with a learning disability. The Government wants more people to use them.
- Social Services Departments are responsible for running Direct Payments schemes, and care managers will have information to help.
- More people need to get to hear about Direct Payments, and advocacy groups can have a positive role to play in helping this to happen.

### General Introduction

Valuing People, the learning disability White Paper for England, states that Direct Payments are an effective way of supporting greater choice and control for people with a learning disability.

### Numbers

In Autumn 2000, Social Services Inspectorate figures showed only 216 out of 3700 people in receipt of direct payments were people with a learning disability. Local Councils will be encouraged to achieve higher take up of direct payments. People can receive a direct payment to purchase support for some of their assessed needs and continue to receive services from the local authority to meet other assessed needs.

### The Issues

#### What is a Direct Payment?

A Direct Payment is a cash payment from a Local Authority, to enable people to purchase their own services. The power to make Direct

Payments is given to Local Authorities under the Community Care (Direct Payments) Act 1996, which came into force on the 1st April 1997. Guidance to accompany the Act specifically included people with a learning disability. A Direct Payment is not a social security benefit, and receiving one will not affect benefits.

### **Who can get one?**

A Direct Payment is available to anybody aged 18 – 64 who, following a community care assessment, needs community care support services.

The Health & Social Care Bill will make it a requirement for Local Authorities to make Direct Payments to everyone who requests one, and who meets the requirements of the scheme.

The Carers and Disabled Children Act 2000 extends direct payments to carers and to disabled 16- and 17-year-olds.

### **What can it be used for?**

Direct Payments must be used to purchase supports to meet the person's needs as assessed through a community care assessment. For example, it can be used to help provide support for somebody wanting to do a job as an alternative to a day service, or to provide support for people on short term breaks.

People can directly employ personal assistants, or contract with independent agencies to provide assistance. Direct Payments can also be used to purchase equipment (usually small and inexpensive items) or to pay for adaptations which would otherwise have been provided by the Social Services Department.

### **How is the amount of the Direct Payment worked out?**

The local authority making the payment will decide on the amount but it must be enough for the person to purchase a service which the local authority considers 'acceptable'. If the local authority believes that the service can be purchased more cheaply, but still of acceptable quality, they can refuse to meet the additional costs - these decisions though must take place in the context of 'best value'. If the service user believes the value of a Direct Payment should be greater than the local authority is prepared to give, they can use the local authority complaints procedure. Using a good person centred planning process will help somebody to ensure that they can cost the support they need in the way and in the way that they need it.

## **How can somebody go about getting a direct payment?**

If somebody already uses community care services, and has had a community care assessment, a local authority care manager can help to decide whether a Direct Payment will help to meet needs. Most local authorities will have a Direct Payments scheme with people who have knowledge about Direct Payments. Help is also available from an Independent Living Scheme or Centre for Independent Living.

Direct Payments can change as needs change, and they are designed to offer as much flexibility as possible. The Practice Guidance is clear in stating that local authorities need to provide good information about Direct Payments, but early indications were that this was not happening. Working with advocacy groups to ensure the message is clear and getting to the right people is beginning to work in some places.

## **What can't it be used for?**

Direct Payments cannot be used to purchase any local authority services which includes residential care, or nursing home care, or services or equipment otherwise arranged by other authorities (eg the NHS or housing authorities)

## **The Guidance uses the terms 'willing' and 'able' what do these mean?**

People using community care services must consent to having a Direct Payment. The guidance uses the words 'willing and able' to describe that person's ability to manage their direct payment. The guidance is also clear that people can receive as much assistance as they need to manage their direct payment. Early indications were that people with a learning disability were being excluded from some schemes because of a focus on the 'able' rather than 'assistance'. Values into Action produced two excellent packs, *Able and Willing* and *Pointers to Control* which provide more detail on this issue. One clear message is that capacity to consent to a direct payment must be assessed on an individual case by case basis, and there should be no policies that appear to exclude people with learning disabilities because of an assumption that they do not have the capacity to consent.

## **Are there any quality or monitoring issues about Direct Payments?**

If the point of Direct Payments is to ensure that the person has more choice and control, then there must be ways of ensuring that this is happening. Some local authorities have put in place systems for ensuring that service users are fully involved in decision-making; that the way people communicate how they want to be supported is recognised, and

that there is a balanced network of people, or a circle of support around the person to ensure that the person gets good advice. In some instances, 'Independent living trusts' have been used to provide a framework for receiving payments from a local authority and arranging services. Trusts can provide objective safeguards for people, and would seem to be increasing in number.

Services purchased by a Direct Payment will need to be of high quality, and a key issue as the number of people using direct payments increases, will be to balance the flexibility and individualisation offered with good monitoring of services inputs, and outcomes for people. The use of good person centred planning to make clear how the person wants to be supported, with what and when will help to measure whether those outcomes are being met. Circles of support can also help to ensure that these questions are being appropriately addressed.

#### Key Government Papers

Department of Health An Easy Guide to Direct Payments

Department of Health Community Care (Direct Payments) Act 1996 Policy and Practice Guidance

#### References

Ryan T, Holman A, (1998) Able and willing? Supporting people with learning difficulties to use direct payments VIA

Ryan T, Holman A, (1998) Pointers to control: People with learning difficulties using direct payments VIA

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