

Direct Payments Policy Statement

Introduction

Personal budgets are an allocation of funding given to citizens after a social care (social services) assessment of their needs and it being determined that they have eligible care and support needs. Citizens can take their personal budget (PB) as a cash PB, which means the money transfers from Birmingham City Council (BCC) to the citizen as a Direct Payment.

Alternatively, someone may choose a managed PB which means the council commissions services on their behalf. Some people take a mixture of the two.

The aim of Direct Payments (DPs) is to increase individuals' independence and choice by giving them control over the support they receive. The payment must be sufficient to enable citizens to purchase services to meet their needs, and it must be spent on meeting the person's outcomes, as agreed in their support plan.

The aspiration of BCC is that as many citizens as possible will take their PB as a DP.

Eligibility for Direct Payments

Since DPs are made in place of social care services, they can only be given to a person who has been assessed as qualifying for social care services. The vast majority of people who are assessed as needing social care have a right to DPs.

When Can I Use a Direct Payment?

DPs can be used for any community care service that Adult Social Care (Social Services) might agree to arrange to meet assessed eligible care and support needs. However, a DP cannot currently be used to:

- fund permanent residential care
- employ a family member as a carer who lives within the same household
- purchase Birmingham City Council in-house services

What Can I Use a Direct Payment For?

You can use a DP to buy services from a care provider or you can choose to employ your own workers. The services you buy must meet the outcomes that have been agreed in your care and support plan.

Financial Contribution Towards a Direct Payment

DP recipients will have a financial assessment to determine how much they are required to contribute towards the cost of their care in the same way as people receiving services arranged by BCC.



Purchasing Support that is Higher in Cost than the Direct Payment is Allowing For

The DP rate will be based on a standard rate that should cover the cost of the support agreed in the support plan. In exceptional circumstances BCC might agree to pay a higher rate, in line with assessed need. If someone wants to purchase care that costs more than the amount provided as a DP, they must meet these extra costs from their own resources.

DBS Checks, Employers Legal Responsibilities, Self-employed Personal Assistants

DBS checks: It is strongly recommended that anyone choosing to directly employ their own workers [often referred to as personal assistants] obtains a check via the Disclosure and Barring Service (DBS).

Employer's legal responsibilities: Where DPs are used to employ personal assistants; the DP recipient must comply with the legal responsibilities of an employer, including pension's auto-enrolment.

Self-employed Personal Assistants: Where a personal assistant is contracted on a self-employed basis, an employer will not be responsible for paying their tax and national insurance contributions. Where applicable, DP users will be advised to contact a local tax or HMRC to check the tax implications of contractual arrangements with a personal assistant.

All of the above can be arranged on behalf of the DP recipient by a Direct Payment Support Service Provider.

Children and Disabled Young People aged 16 and 17

DPs can be used for services which local councils might provide under section 17A of The Children Act 1989.

BCC will strongly recommend that anyone intending to employ someone to support a disabled child or young person, using a DP, to obtain an employee check on the potential employee through Disclosure and Barring Service.

BCC will not make a DP where a person with parental responsibility insists on using a person found to be unsuitable or where concerns have arisen following a DBS check. DPs to purchase support for disabled children and young people are currently not subject to charges.

Direct Payment Support Service Providers

There are three organisations (Ideal for All, Penderels Trust and PeoplePlus) that are paid by BCC to provide DP support, recruitment support and payroll provision. The cost of the DP support will be paid by BCC.

Pre-Paid Cards

BCC will issue the DP recipient with a Prepaid Card which offers all the benefits of a bank account (apart from a cheque writing facility).

Pre-Paid Cards mean that citizens do not have to open up a separate bank account for their DP and (unless specifically requested by BCC) do not have to send in financial returns showing how they have spent their DP.

Further information can be found here: [Prepaid Card factsheet](#)

In exceptional circumstances BCC may assist the citizen with opening their own bank account.

Termination of a Direct Payment.

BCC reserves the right to end DPs if it is of the opinion that the arrangements made by the recipient do not meet the individual's assessed needs.

The DP will also be terminated if the monies are not being used appropriately or if the scheme is not being managed effectively.

BCC will reclaim some or all of the DP if it is not satisfied that the money has been used appropriately or more money is being paid by BCC than is actually needed.

For further information see:

'Your care and support – Direct Payments' leaflet, here:

[Direct payments | Birmingham City Council](#)