

# Care Act Bulletin

Edition 12

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Welcome to the twelfth edition of the Care Act Bulletin. This is a series of Bulletins which have been produced to provide an outline of the key elements in the Care Act, to prompt thinking about how these changes may impact on your organisation and what opportunities it may bring. Each bulletin will cover a chapter in the Care Act Guidance issued by the Department of Health. Links to the guidance and relevant fact sheets are detailed at the end of the bulletin.

## DIRECT PAYMENTS

Direct payments have been in use in adult social care and support since the mid-1990s and they remain the Government's preferred mechanism for personalised care and support. They provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs.

The Care Act provides a power to enable direct payments to be made to the person in need of care and support, or a nominated person acting on their behalf.

Direct payments are cash payments given to people in lieu of community care services which they have been assessed as needing and must be spent on services that meet eligible needs. They are intended to give people greater choice in their care. However, the gateway to receiving a direct payment must always be through a request from a person.

The local authority has a key role in ensuring people are given relevant and timely information about direct payments. To have maximum impact the local authority will have to ensure processes are implemented that do not restrict or stifle innovation by requiring that adults needs are met by a particular provider.

Direct payments give responsibilities to recipients to decide how their eligible needs are met, either by employing people, often known as personal assistants, or by commissioning services for themselves.

Direct payments are available to all client groups, including carers, disabled children and people who lack mental capacity. However, they cannot be used to purchase residential care or services provided directly by local authorities.

As a provider you will need to understand what personal budgets and direct payments are and how they work in practice. Individuals will need to have access to clear information about the services you

have on offer, the cost and how they can purchase support. This will support individuals to make choices on which provider can best meet their needs. Providers may need to review their systems and invoicing arrangements to make it easier for people with a direct payment to purchase support directly.

You can view the Department of Health Care Act Guidance by visiting:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_2390277\\_7\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_2390277_7_Care_Act_Book.pdf)

The factsheet regarding general responsibilities is available on:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366080/Factsheet\\_1\\_-\\_General\\_responsibilities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366080/Factsheet_1_-_General_responsibilities.pdf)