

# Direct Payments: Policy



Somerset  
Council

**Branding  
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## Read more

Care Act: [Care Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk)

Direct Payments: [Care Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk) (Sections 31-33)

Guidance: [40573\\_2902364\\_DH\\_Care\\_Guidance\\_accessible\\_pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)  
(Section 12, p163)

## Introduction

This policy explains Direct Payments in Somerset. It includes:

- Our principles
- What is a Direct Payment
- Who can have a Direct Payment
- Who cannot have a Direct Payment
- Direct Payments for equipment
- How Direct Payments work

## Our Principles

1. We want people to remain in control of their lives, to remain independent and to have the opportunity to make their own choices about their care and support arrangements.
2. We will achieve this by our Direct Payment system being as simple as possible and allowing people true autonomy to meet their eligible care and support needs.

## What is a Direct Payment?

A Direct Payment is one way of having a personal budget. It is funding given to a person who has been assessed as being eligible for social care support. It will give them flexibility to arrange and purchase care and support for themselves to achieve the outcomes agreed in their care and support plan.

Receiving a Direct Payment will not affect any entitlement to benefits.

## **Who can have a Direct Payment?**

A person can have a Direct Payment if:

- They have the capacity to ask for a Direct Payment or, if they do not have capacity, a request by a nominated or authorised person is made on their behalf.
- Their needs meet the Care Act 2014 eligibility criteria for care and support.
- Their income and capital is below the capital threshold, which will mean that the local authority must contribute to the cost of their care and support.
- They can manage the Direct Payment either by themselves or with support from a nominated or authorised person.

If someone doesn't have the capacity to manage a Direct Payment, we can arrange for someone to receive the Direct Payment on their behalf, for example, a friend or family member. It cannot be a paid carer unless they are directly related.

People may still choose for us to arrange some or all of their care and support. If someone is already receiving care and support from us, they can choose to change to a Direct Payment at any time. Similarly, someone receiving a Direct Payment may choose to cease receiving the payments and have us arrange their care and support.

## **Who cannot have a Direct Payment?**

The law specifically excludes people who are placed under certain conditions by courts relating to drug/alcohol dependencies.

## **Direct Payments for equipment**

At present equipment that has been prescribed by the Council's Occupational Therapists is ordered directly from an independent organisation contracted by the Council. They provide a range of good quality and good value equipment from which choices can be made. You can only use a Direct Payment for equipment if we cannot procure the item from our contracted provider.

## **Direct Payments for young people**

Financial assessments do not apply to Direct Payments provided to children and young people under the age of eighteen.

The national eligibility rules are only relevant to Adult Social Care, they do not apply to assessments carried out by Children's Social Care

## **How Direct Payments work**

We aim to make setting up and managing Direct Payments as simple as possible. We will provide clear information and advice to support people with a Direct Payment. [SCC - Public - C3 Direct Payment guidance.pdf - All Documents \(sharepoint.com\)](#)

Our procedures will be as "light touch" as possible. The procedures we do have are to make sure that we:

- Adhere to the law and national Direct Payment guidance - [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#).
- Protect Direct Payment users and/or the people who manage a Direct Payment on their behalf, for example, from financial abuse.
- Make sure that people's eligible care and support needs are being met.
- Protect council tax money to make sure it is spent on meeting eligible care and support needs.

We always recommend people obtain independent financial advice and can provide details of how to do this.

### **Your opportunity to feedback**

We welcome your comments about the services you receive. If you would like to tell us what you think, please do so by choosing from the options below.

- Contact us by going to our website, [Complaints, comments and compliments \(somerset.gov.uk\)](https://www.somerset.gov.uk/complaints-comments-compliments)
- Phone Customer Services on 0300 123 2224
- Contact the Adults and Health Customer Experience Officer  
Floor B2 East  
County Hall  
Taunton  
TA1 4DY  
Email: [customerexperience@somerset.gov.uk](mailto:customerexperience@somerset.gov.uk)

**This document is also available on request in Braille, large print, tape, disc and can be translated into different languages.**