

Direct payments

Northern Ireland
factsheet
Factsheet NI431LP
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Many people with dementia will need care and support as their condition progresses. A direct payment is an amount of money paid directly to you to pay for your care and support. It is intended to give you more control and flexibility over your care, by letting you choose how you use the money to meet your needs.

Direct payments are given by health and social care (HSC) trusts. Your HSC trust will have to carry out a needs assessment to decide if you are eligible for support. You can only use a direct payment for the kinds of care and support you have been assessed as needing.

This factsheet is for anyone who has care and support needs, whether you have dementia or care for a person with dementia. It looks at what a direct payment is, who can receive one, how to get one and what it can be spent on.

This factsheet is for people living in Northern Ireland. There are different arrangements in England and Wales – for more information see factsheet 473, **Personal budgets**.

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Direct payments

Direct payments are given by health and social care (HSC) trusts to meet a person's eligible care and support needs. However, it's up to you whether you want to get a direct payment if you are eligible. You can ask for one, but you can also refuse if one is offered. Direct payments can be used to buy all of the support that you need, or just part of that support alongside services provided by the HSC trust.

Direct payments do not give you an automatic right to a service. If the trust has a waiting list of people seeking a particular service (for example a day care session), anyone wishing to pay using a direct payment will still have to join this list. The direct payment may also not cover all your care and support needs. Trusts may arrange some services for you, as well as making direct payments.

Who can get a direct payment?

Direct payments are available to anyone who is eligible for care and support services. In Northern Ireland, you must be at least 16 years old and be:

- a disabled person (which, for this purpose, includes a person with dementia)
- an older person
- someone with a mental health condition
- a carer.

The trust must also be satisfied that you are willing and able to manage a direct payment, with help – if you need it.

You will need to have a needs assessment to work out whether you are eligible (see 'How to get a direct payment' on page 5).

Trusts must offer a direct payment to anyone who is assessed as needing care and support and who requests one. They must consider every application individually.

Consent and appointing an ‘authorised person’

Usually, you must have the ability (known as ‘mental capacity’) to consent to receive a direct payment.

However, if you lack the mental capacity to consent to receiving a direct payment, then it may be possible for someone else to receive and manage the direct payment on your behalf. The person appointed in these cases is often referred to as an ‘authorised person’. To become an authorised person, they will need either:

- an Enduring power of attorney
- an existing court order from the Office of Care and Protection, such as a Controllership or a Short procedure order.

If you don’t have either of these arrangements in place or can’t set them up, the person can apply to the Office of Care and Protection for a Short procedure order (direct payments only). This is a legal tool that lets someone act as the authorised person to receive and manage your direct payments for you.

For more information contact the Office of Care and Protection (see ‘Other useful organisations’ on page 9).

If someone is taking on the role of an authorised person, they must understand that they are in a position of trust. They must also understand what is involved in receiving and managing direct payments and be willing to take on this role. The HSC trust should provide them with information about the role and what it involves as soon as possible.

Managing a direct payment is not just about money and paying for services. It also involves arranging the care and support that the HSC trust would have provided.

For more information see factsheet NI472, **Enduring power of attorney and controllership**.

How to get a direct payment

If you need care and support, you should contact your local HSC trust and ask for a needs assessment. Details for your local trust can be found in your local telephone directory, online, at your GP surgery or through Health and Social Care in Northern Ireland (see 'Other useful organisations' on page 9).

A social worker, care manager or social care assessor will then visit to talk to you about your situation and the kind of care and support you need. They will use this information to decide what your needs are and what kind of help you are entitled to. For more information on this assessment process see factsheet NI418, **Assessment for care and support in Northern Ireland**.

You may be offered a direct payment as a result of the assessment, or you can ask to receive one.

If you decide to receive a direct payment, the trust will then decide how much they will pay and what the money is intended to be spent on. There are no set amounts or minimum and maximum limits for direct payments. Instead, the payment must be enough for the person to be able to get a service they need to a standard that the trust considers acceptable.

If you feel that the amount the trust suggests is not enough to get a particular service, you should first speak to them about this. If you cannot resolve the issue this way, you can use the trust's complaints procedure to take the matter further. With any complaint you bring, it's important to explain why the direct payment is not enough, and what care and support you need.

How payments are made

Direct payments are paid into a bank account. It is probably best to open a bank account specifically for the direct payments. The HSC trust will sometimes ask to look at this account so they can check that you are spending the money appropriately.

The HSC trust will tell you, or whoever manages the payments for you, what records you need to keep and what information you need to provide.

The HSC trust can also decide to stop direct payments if they feel that you are not getting the care you need, or if you or the person managing the payments for you is unable to do so.

What can direct payments be used for?

Direct payments can be used to buy a range of things, provided they are directly linked to the care and support you have been assessed as needing. This could include:

- employing someone to help you, such as a personal assistant or a carer
- buying services from an agency, such as paying a care agency to arrange carers to visit your home
- paying for day care services – this might be in a day care centre, or even day care in a care home that offers this.

Each person's needs are different and it is important to discuss with a social worker what the direct payment will be spent on. The trust must also agree what the direct payment will be used for.

Direct payments are designed for paid-for services, and are not intended to be used for existing support networks within families and communities. For this reason, you cannot use direct payments to pay for a service from your spouse or partner, or anyone who lives in the same household, except in exceptional circumstances (for example, if someone is specifically recruited to be a live-in employee).

If you think someone you would like to employ or buy a service from might fall into one of these categories, you should discuss this with the trust before going ahead.

Frequently asked questions

Where can I get help with direct payments?

For many people, the prospect of managing direct payments, particularly if this means becoming an employer, can be daunting. However, there are a range of information and support services available that can help you with direct payments.

The HSC trust should support you to manage your direct payments. Your social worker or other support worker will be able to tell you about local advocacy, information and services that can help you with your direct payments.

The Centre for Independent Living can also provide reassurance, support and independent advice on matters relating to direct payments, including referral, assessment, finding staff and managing money. For more information see 'Other useful organisations' on page 9.

What if I disagree with the amount of money in my direct payment?

If you don't agree with the amount allocated for your direct payment, speak to your social worker or someone from the local HSC trust. The direct payment must be enough to meet your needs. If you feel that it isn't, the trust must show how they expect you to meet your needs with this amount of money. You might want to involve an advocate or support worker to help you.

If, after talking to the social worker or trust, you still feel the decision is unfair, you can make a formal complaint. You should have been told about the complaints procedure when you had the assessment. If not, contact your social worker or trust and ask them about it.

What if I don't spend all of my direct payment?

If you don't spend all of your direct payment, you should speak to the HSC trust. The money should only be used to meet your assessed needs. So if your needs are already met and you haven't used all the money, you can't use the remaining money for anything else. The trust may reduce your direct payment if this is the case, but they should first speak to you to ensure that your needs are being properly met.

Sometimes you may not need to use your budget for a short amount of time. For example, if you are in hospital or on holiday you may not be paying for services. If this happens, you should also speak to the trust. They may claim back the money that has not been used, as this cannot be used for anything else. But they shouldn't change your direct payment because of any short-term change in your circumstances.

What will the effect on my benefits be?

Direct payments are not a replacement for income. They are not part of taxable income and they do not affect any other benefits.

What if I am not happy with something relating to my direct payments?

If you are not happy with something the HSC trust does, you should first contact your social worker, care manager or key worker. If they cannot sort things out, you can complain to the trust. Each trust has leaflets available on how to do this.

Complaints about agency workers or employees should be taken up with the service provider.

Other useful organisations

Age NI

0808 808 7575 (advice line, 9am–5pm Monday–Friday)
advice@ageni.org
www.ageuk.org.uk/northern-ireland

Age NI provides information and advice for older people in Northern Ireland.

Carers Northern Ireland

0808 808 7777 (helpline, 9am–6pm Monday–Friday)
advice@carersni.org
www.carersuk.org/northernireland

Carers Northern Ireland gives information, advice and support about caring.

Centre for Independent Living NI

028 9064 8546 (9am–5pm Monday–Friday)
info@cilni.org
www.cilni.org

Centre for Independent Living NI provides a range of services for people using or considering using direct payments or other self-directed support.

Department of Health

028 9052 0500
webmaster@health-ni.gov.uk
www.health-ni.gov.uk

The Department of Health website has information about direct payments.

Health and Social Care in Northern Ireland (HSCNI)

online.hscni.net

HSCNI is the official gateway for health and social care in Northern Ireland. The website has contact information for local trusts as well as information about services that are on offer.

Law Centre NI

028 9024 4401

admin@lawcentreni.org

www.lawcentreni.org

Law Centre NI offers free legal advice and support on benefits and employment.

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Our information is based on evidence and need, and is regularly updated using quality-controlled processes. It is reviewed by experts in health and social care and people affected by dementia.

Reviewed by: Catherine Harper, Community Care Legal Officer, Law Centre NI and Michael Graham, Director, Cleaver Fulton Rankin Solicitors and member of Solicitors for the Elderly

This factsheet has also been reviewed by people affected by dementia.

To give feedback on this factsheet, or for a list of sources, please email publications@alzheimers.org.uk

People affected by dementia need our support more than ever. With your help we can continue to provide the vital services, information and advice they need.

To make a single or monthly donation, please call us on **0330 333 0804** or go to alzheimers.org.uk/donate

We are Alzheimer's Society. We are a vital source of support and a powerful force for change for everyone affected by dementia. We provide help and hope.

For support and advice, call us on **0333 150 3456** or visit alzheimers.org.uk



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