

**A HELPFUL GUIDE TO SELF DIRECTED SUPPORT IN  
HIGHLAND FOR ALL PEOPLE WHO CHOOSE  
OPTION 1: DIRECT PAYMENT**

## 1. INTRODUCTION

Self-directed Support offers people greater choice and control over how they receive their social care and support. It promotes flexibility and care and support solutions that are unique to the person.

NHS Highland and The Highland Council work in a person-centred way, involving carers, family and all relevant and important people, where appropriate, to ensure that this is reflected in the assessment and care planning processes. If it is confirmed in the Personal Outcome Plan - known as the 'POP' or Child's Plan - that a person has assessed social care and support needs, a set of outcomes are agreed. Many outcomes can be achieved without the need for additional resources. They can be achieved through accessing resources that are already available within families and communities and/or through interventions offered by professionals. In all cases, it is important to work collaboratively in the support planning process to identify and access flexible solutions that assist people to meet the outcomes that have been agreed.

Where additional resources are required, NHS Highland/Highland Council has a duty under the Social Care (Self-directed Support) (Scotland) Act 2013 to offer people four options as to how they may access their social care and support. This legislation gives people choice, control and flexibility over how they receive their care and support. A Social Worker or Lead Professional will assist in helping to make choices about their outcomes, social care and support. Every person who has been assessed as being eligible for social care and support is able to choose from four options:

**Option 1 - Direct Payment** - An individual budget is paid directly to the person, or someone on their behalf, so they themselves can purchase support or services. A Direct Payment helps to ensure that a person's care and support are tailored to their specific needs.

**Option 2** - The person's individual budget is paid to a service provider, (who is currently contracted with NHS Highland) and who will help the person to arrange their social care and support. In Highland, we call this an **Individual Service Fund (ISF)**.

**Option 3 - Traditional Service** - NHS Highland/Highland Council arranges any services or support on behalf of the supported individual.

**Option 4** - A mix of options 1, 2 and/or 3.

If a Direct Payment or Individual Service Fund is chosen, an individual budget is used to meet the outcomes that have been agreed. There is a requirement to evidence that the budget has been spent in accordance with the outcomes that have been agreed in the support plan.

**This helpful guide is relevant for anyone who is considering Option 1 - a Direct Payment –** where the following are in place:

- a completed assessment of care and support needs
- a Personal Outcome Plan/Child's Plan
- a set of agreed outcomes
- a budget agreed, to be used to meet the outcomes which have been agreed

This guide provides essential information about Direct Payments and describes:

- how each Direct Payment is specific to the individual person
- how the Direct Payment can be used
- how an Agreement between the person and NHS Highland/Highland Council forms the basis of all Direct Payments
- how the money that is spent is monitored and accounted for

The Flowchart at **Appendix A** provides a helpful summary of the Direct Payment process.

## **2. WHAT CAN DIRECT PAYMENTS BE SPENT ON?**

A Direct Payment can be chosen by a person or their parent/carer/representative (referred to as the Responsible Person), who has been assessed as eligible for social care support to assist them to meet the outcomes that have been agreed in their support plan. A Direct Payment is an amount of money that can be spent on social care, support or other activity that assists the person to achieve the agreed outcomes.

People are sometimes unsure how they can spend their Direct Payment. Questions regarding approved/authorised spending should be put to the worker/Lead Professional and/or team responsible for the assessment and support plan.

**PLEASE REFER TO THE SEPARATE GUIDANCE - “A GUIDE FOR SPENDING A DIRECT PAYMENT BUDGET”** Please see the NHS Highland website for this document - <http://www.nhshighland.scot.nhs.uk/Services/ASC/SDS/Pages/welcome.aspx>

## **3. EMPLOYING PAID CARERS / PERSONAL ASSISTANTS**

Some people choose to use their Direct Payment to employ one or more paid carers. This can be helpful in terms of having choice, control and flexibility, and in ensuring that care and support is provided consistently by carers who are familiar to the individual and the family.

Employing a carer or 'Personal Assistant' means that the employer has responsibility for:

- establishing a contract of employment between themselves and the carer or 'Personal Assistant'
- paying the carer including the payment of all tax and national insurance
- making provision for an occupational pension
- having Statutory insurance (indemnity and public liability insurance)
- making sure that the carer has undertaken appropriate training
- ensuring that the carer has an up to date PVG certificate from Disclosure Scotland.  
*Please note that this is a specific recommendation of NHS Highland/Highland Council.*

NHS Highland/Highland Council may award start-up funding of £300 to recipients of Direct Payments who wish to employ their own carers/Personal Assistants. This is usually agreed at the time of setting up the Direct Payment. This may be used to offset the costs of:

- advertising for staff
- drawing up contracts of employment
- for insurances
- PVGs
- accessing training for staff/PAs

The Direct Payment includes sufficient funding to ensure that any Personal Assistant who is employed is able to undertake their role safely and competently. It is the responsibility of the employer to ensure that the Personal Assistant completes training that is relevant to their role. This may include Moving and Handling, for example. Agreement will be required for additional funding to secure any additional training that is specific to needs of the person in receipt of care and support. It should be noted that NHS Highland/Highland Council does not fund Personal Assistants to complete SVQs.

#### **TRAINING FOR PERSONAL ASSISTANTS:**

The costs of training can be taken out of the start-up funding awarded. After that, the employer is expected to pay for training from their budget and from the funding that is available as a contingency. Each circumstance is different so the Responsible Person, who is employing, should ensure that they discuss this with the professional who has helped them with their Support Plan.

Some local organisations that already provide training to their own staff may be able to offer training to Personal Assistants, if they have availability on their training courses. These may incur a charge. Links are provided below:

Carr Gomm: <http://www.carrgomm.org>

Highland Home Carers: <http://www.highland-home-carers.co.uk>

Highland Hospice: <http://www.highlandhospice.org>

## **FURTHER HELP AND SUPPORT**

Some people may be put off by the idea of becoming an employer. However there is a lot of practical help and advice that is available locally and nationally to people who are thinking about this option. This includes Payroll and recruitment support services. Further information can be found at **Appendix B**.

Should a person require support with the management of a Direct Payment, it is for the person to select a Payroll service or support provider.

### **4. SELF EMPLOYED CARERS AND PERSONAL ASSISTANTS**

Some carers and 'Personal Assistants' are self-employed and offer their services on an hourly or sessional basis. It is important to ensure that when these services are purchased using a Direct Payment, the purchaser verifies that the person is registered with HMRC for income tax and national insurance and has appropriate insurance cover. It is also important to confirm that they have completed training to enable them to provide care and support competently, and safely for the specific work they are undertaking. All services purchased must be invoiced, paid for accordingly and receipts obtained.

### **5. EMPLOYING FAMILY MEMBERS**

A Direct Payment cannot be used to employ or to purchase care or support from a relative. There are several reasons for this, including a concern to ensure that caring and support arrangements are sustainable.

There are, however, some situations, where after careful consideration, exceptional circumstances may be agreed. This agreement comes from a senior NHS Highland/Highland Council management and will always be put in writing, will specify a time limit and will be subject to regular review. However, it should be noted that in terms of the Self Directed Support (Direct Payments) (Scotland) Regulations 2014 that permission will not be granted in a case where the family member or relative is a Guardian or attorney of the supported person, as such a payment is prohibited in all circumstances by the Regulations.

Please follow the link below for the Statutory Guidance to accompany the Social Care (Self-directed Support) (Scotland) Act 2013. Page 72-74, paragraph 11.8-11.26 refers to employing family members: <http://www.gov.scot/Resource/0044/00446933.pdf>

## **6. PAYMENT TO THE RESPONSIBLE PERSON – PAYMENT CARD ACCOUNT**

The Responsible Person for the Direct Payment signs an Agreement Form in order to receive the Direct Payment. The Agreement lists all the requirements that must be met by the Responsible Person in accepting and managing a Direct Payment. If the Supported Person is defined as lacking capacity, or is a child under 16, then their Representative is also the Responsible Person. If under 16 the Responsible Person will hold Parental Rights and Responsibilities. If over 16 and lacking capacity, the Responsible Person will need to have welfare and financial guardianship, or power of attorney and be able to provide evidence of this legal status. (see definition of Responsible Person on Direct Payment Agreement Form).

A Payment Card account is provided to all people in receipt of Direct Payments, in the name of the Responsible Person. Identity checks will need to be made in line with banking regulations.

The name, address and date of birth of the Responsible Person is submitted electronically, to Prepaid Financial Services (PFS) now known as EML are Financial Partner/s who provide the technological systems needed to run the programme and create the cards.

PFS /EML will send out a Payment Card with instructions on how to activate it. The Payment Card acts like a debit card and can be used as by the online account to pay anyone who has provided care or support. The Cardholder details are safe and secure just as they would be with a high street bank. There is a dedicated Client Services team within PFS/EML to help should there be any queries. The payment card can not be used at a cashline machine and is not contactless.

Funding is paid into a dedicated account every four weeks in advance to ensure that you have funds to manage wages, though in some cases a one-off payment may be awarded. The amount of the payment directly relates to the Support Plan that has been agreed. All expenditure from this account will be made using a Payment Card issued on behalf of NHS Highland / Highland Council.

For the Agreement Form and further Information about the Payment Card please see:

<http://www.nhshighland.scot.nhs.uk/Services/ASC/SDS/Pages/welcome.aspx>

## **7. FINANCIAL MONITORING**

Financial Monitoring is done on-line by NHS Highland/Highland Council to ensure all monies are spent in accordance with the agreements outlined above. Monitoring is also done to ensure that monies and balances have not accumulated to an excess. In addition to the usual four weekly payments, recipients may retain a contingency that reflects their agreed support plan. Please note that some people may build up contingencies for specifically agreed spends, such as an extended short break/respice. NHS Highland/Highland Council will discuss unspent balances with the Responsible Person for the Direct Payment, before any money is reclaimed.

As the monitoring of spending is undertaken by NHS Highland/Highland Council via secure online access, there is no need for the Responsible Person to routinely submit any further information in order to evidence the use of monies. However, NHS Highland / Highland Council may request invoices / receipts for audit purposes, so they must be retained by the Responsible Person for the Direct Payment or can be uploaded to the Payment Card system.

## **8. FOLLOW UP AND REVIEW**

Six weeks after the Direct Payment is set up, there will be a follow up discussion with the Responsible Person for the Direct Payment to ensure that things are running smoothly. The meeting will focus specifically on how the Direct Payment arrangements are working. Any wider concerns about the person's care package must be raised by the Social Worker, or other professional or team who undertook their assessment.

In any case, the person's care package will normally be reviewed by the Social Worker, professional or team in accordance with local procedures for review.

## **9. CHANGES IN CIRCUMSTANCES**

People's circumstances are all different and from time to time, they change. All people with Direct Payment, or their Responsible Person, have a responsibility to alert NHS Highland/Highland Council whenever there is a change in their circumstances. This includes:

- a change of contact details e.g. address, telephone number
- a change in their requirements for care and support e.g. if the Direct Payment is no longer being used to purchase care or support
- when a stay of over a week in hospital is required
- a change in the person's financial circumstances (for Supported People over 18)

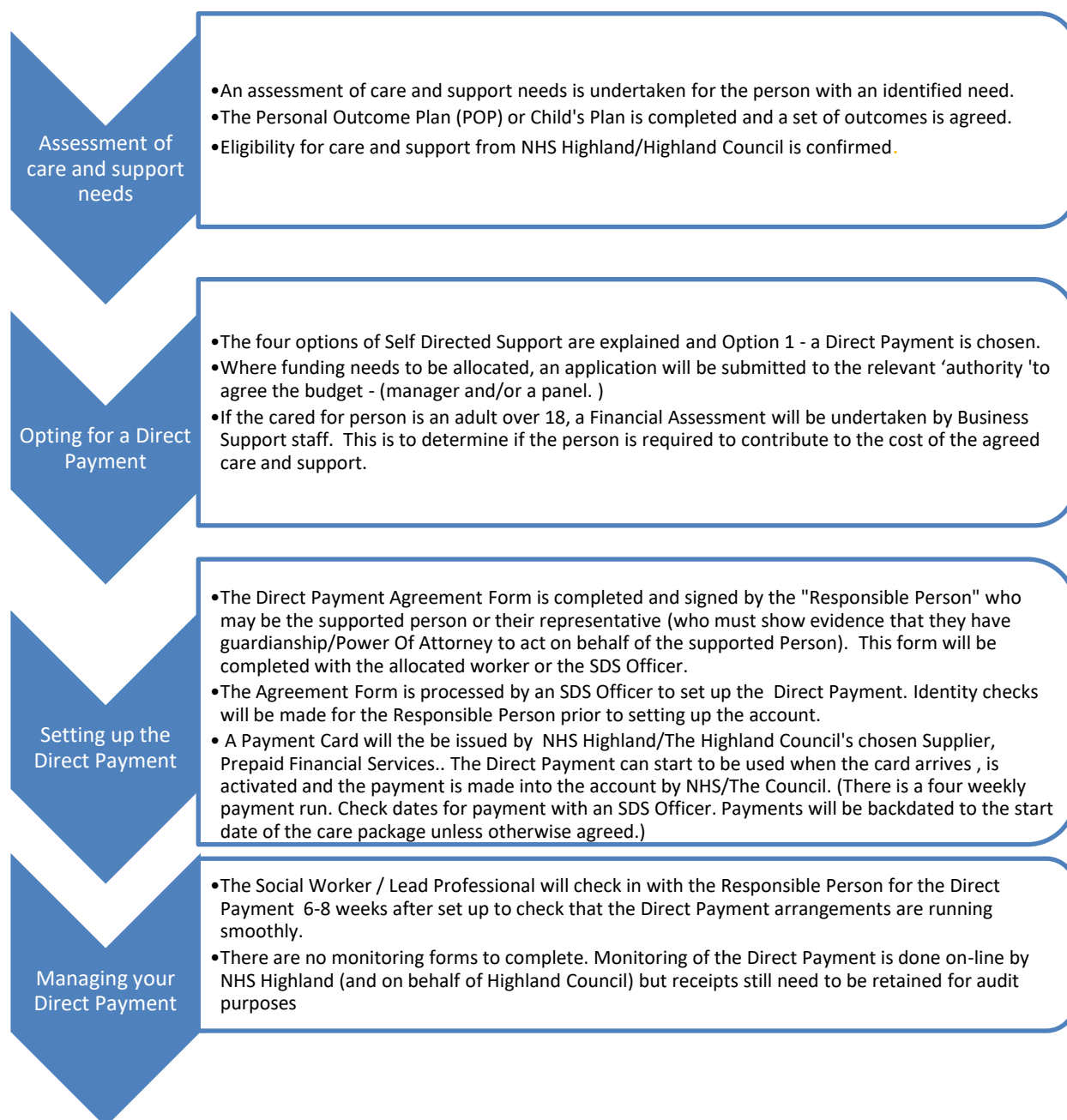
A change in agreed outcomes may also affect the budget that is allocated.

## **10. FURTHER INFORMATION**

Further information about Self-directed Support and the four options, including Direct Payments, and the Payment Card and contact details for the SDS Officers can be found on the [NHS Highland website](#).

## SELF DIRECTED SUPPORT - OPTION 1 DIRECT PAYMENT

### A STEP BY STEP GUIDE



Please refer to the [NHS Highland website](#) for information on Self Directed Support and how to contact our Self-directed Support Officers.



## APPENDIX B

### SUPPORT TO MANAGE A DIRECT PAYMENT

Should a person wish for some support with the management of their Direct Payment, there is help available. Sometimes this help is referred to as a Brokerage Service. The organisations below can help with Payroll support and/or assistance with finding and employing a Personal Assistant.

Payroll can be provided by any accountant / bookkeeper /organisation of your choice. Should you wish to do your own Payroll, a helpful link for support is the gov.uk website: <https://www.gov.uk/payroll-software>

Currently, people in Highland are using the following organisations listed below to assist them in managing their Direct Payment:

#### Local organisations:

- **Community Contacts:**
  - **Community Contacts** – Email: [becsbarker@carrgomm.org](mailto:becsbarker@carrgomm.org) or phone 07766925388
  - **Highland SDS Peer Support Group** – regular online meetings are arranged which you can join if you wish to. Please contact Becs Barker by email on [becsbarker@carrgomm.org](mailto:becsbarker@carrgomm.org)
- **Highland Broker** - Independent Broker, Tel: 01463896174 or 07710 199560 - email: [highlandbrokers317@gmail.com](mailto:highlandbrokers317@gmail.com) - [www.facebook.com/HighlandBrokersLtd](http://www.facebook.com/HighlandBrokersLtd)
- **VAL - Voluntary Action Lochaber**, Tel: 01397706044, <http://valochaber.org> (payroll support).

#### National organisations:

- **PA Network Scotland** (Personal Assistants Network Scotland); Tel: 01563 522551, e-mail: [info@panetworkscotland.org.uk](mailto:info@panetworkscotland.org.uk) or <https://www.panetworkscotland.org.uk/> (specifically focused on all types of support with employing PAs – they do not do payroll).  
Here/

Here is the link to the Personal Assistant jobs page on My Job Scotland website: <https://www.myjobscotland.gov.uk/personal-assistant-jobs> - The page has been recently updated and provides a comprehensive overview of what a PA in Scotland is and how to find work.

**NHS Highland / Highland Council contacts:**

Self Directed Support Officers for Adults:

- Email: [nhsh.sdsOfficers@nhs.scot](mailto:nhsh.sdsOfficers@nhs.scot)
- Phone: 0779 631 5096 or 0789 091 0842
- Self Directed Support Officers for Children: [SDS.Children@highland.gov.uk](mailto:SDS.Children@highland.gov.uk)