

Factsheet 4 of 6: Direct Payments Rights & Responsibilities

Your responsibilities as a Direct Payment User

When you choose to receive a Direct Payment you will need to:

- Sign the Direct Payment User Agreement to confirm that you have read and understood the terms and conditions of receiving a Direct Payment
- Maintain a separate bank account for Direct Payments (except in the case of Managed Bank Accounts)
- Cooperate with a Financial Assessment to determine any personal contribution required
- Pay any contribution amount into the Direct Payment bank account as specified in your Financial Assessment/Direct Payment agreement.
- Keep and compile financial records and make these available for monitoring as required (Financial Returns – see below)
- Return any unspent funds to the Council in a timely manner
- Advise the Council if your care needs change at any stage
- If you employ a Personal Assistant, ensure appropriate insurance is in place and employment procedures are followed in line with Employment Law.

A list of organisations that can support you with these arrangements can be found at www.centralbedfordshire.gov.uk/direct-payments

Financial Returns Process & Monitoring

There are two levels of financial monitoring. You will be placed on the 'Standard' financial monitoring at the start of your Direct Payment; however you could be moved to 'Light Touch' following your review.

Standard: The recipient will be required to submit regular full returns, bank statements and receipts accounting for all Direct Payments spending, and cooperate with Direct Payment Review visits.

Light Touch: The recipient will need to keep their receipts and bank statements, but will not be required need to submit full returns. Direct Payments spending will be checked during Direct Payments Reviews

Failure to provide Financial Returns may result in the Direct Payment ceasing.

Recovery of Funds

You will be required to return any Direct Payment money not used to pay for eligible care needs to the Council or if at the end of the review period you have a balance in excess of the equivalent of 12 weeks monies.

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Rights & Responsibilities

Employing a Personal Assistant

Employment responsibilities

As an employer the Direct Payment amount will be calculated so that it enables you to cover all the additional costs associated with acting as a responsible employer.

If you or your Suitable Person is intending to use the Direct Payment to employ someone directly to meet your care and support needs, for example a Personal Assistant, you will assume all responsibilities of an employer, which include the following:

- Recruitment process, including Disclosure and Barring Service (DBS) checks
- Issuing an retaining contracts of employment, timesheets, payroll records and Her Majesty's Revenue & Customs (HMRC) correspondence for six years
- Compliance with all HMRC employer requirements including payment of all taxes such as Income Tax and National Insurance
- Putting in place adequate Employers Liability and Public Liability Insurance
- Meeting the cost of any redundancy

A list of organisations that can support you with these arrangements can be found at www.centralbedfordshire.gov.uk/direct-payments

What is a DBS check?

The Disclosure and Barring Service carries out checks service allows employers to access the criminal record history of people working, or seeking to work, in certain positions, especially those that involve working with children or adults in specific situations.

How do I get this check?

Central Bedfordshire Council will arrange and pay for this check to be done on anyone you wish to employ if you are receiving Direct Payments. This check should be repeated every 3 years.

Employment information and templates

You can access further information and employment template via the Skills for Care website, www.skillsforcare.org.uk

How do I find out more?

Direct Payments are your choice.

Further Direct Payment Factsheets are available

For more information contact the Direct Payments Team:

Telephone 0300 300 8341

or e-mail direct.payments@centralbedfordshire.gov.uk