

Direct Payment Information Pack

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Contents

1. Introduction to Direct Payments	Page 3
2. Staying Safe	Page 5
3. Support Planning and Using the Money	Page 6
4. Getting Started	Page 9
5. Keeping Records	Page 14
6. Useful Contacts	Page 15

1. Introduction to Direct Payments

What is a direct payment?

This is money Derby City Council (DCC) can give you instead of a service - if you are eligible for DCC services. You spend the money towards meeting your agreed outcomes. Outcomes are what you achieve with the support. They can be about living safely and independently and can also be goals and aspirations you have in your life which have been agreed with your social care worker.

Direct payments are a different way of meeting the outcomes of your support plan, which are directly linked to your assessed eligible need. If your social care support plan identifies eligible needs, then you can request a direct payment.

You may be able to use a direct payment to buy:

- support that helps you achieve your eligible outcomes
- support with activities of daily living
- support to access the community
- support to be safe at home.

Who can have a Direct Payment?

- Adults who are eligible to get help from DCC to meet their needs in the community
- Adults who are eligible to get help from DCC to meet their caring role.

Getting a direct payment

If you already receive services from Derby City Council and do not have a direct payment and you are interested in having one, you will need to contact your social care worker to request a direct payment.

If you do not receive a service from Derby City Council, or do not have an allocated social care worker, you will need to contact Derby Direct on 01332 640777 and ask for an 'assessment of need'. A social care worker will carry out an assessment to determine whether or not you are eligible for services from DCC. If you are eligible, the worker will discuss with you how your needs can be met in the best way. You could then request a direct payment. DCC will then consider your request to ensure a direct payment is a safe



and appropriate way to meet your needs. This will include making sure you are able to manage the direct payment and identify any support you may need in managing it.

If you have a direct payment, money is paid into a prepaid card account unless there are very exceptional circumstances why this would not be appropriate. You can have support to manage your prepaid card account. A direct payment does not affect your benefits.

Basic information about direct payments can be found online at www.gov.uk/apply-direct-payments

2. Staying Safe

Direct payments give you extra control over your care arrangements. We know that having control over our lives gives us more resilience against fear of abuse and neglect. All direct payment recipients need to know that all professionals are ready to support you with any worries and concerns you have regarding staying safe.

Safeguarding

Unfortunately, we know that some people and agencies in the care and health profession (including personal assistants) perpetrate poor practice (for instance poor moving and handling) or intentional abuse. We can help you manage this situation as a recipient of services and signpost help for you as an employer. Our safeguarding processes address the needs of direct payments clients when considering issues of safety and staying safe.

Adults Get Hurt Too

If you are worried about yourself or an adult who is being abused or neglected then call Derby City Council Safeguarding team on 01332 642855 between 9am and 5pm where trained staff can deal with your concerns.

Information is also available on the Derby City Council website:
<https://www.derby.gov.uk/health-and-social-care/safeguarding-adults-at-risk/>

If you want to talk to someone outside these hours, then you can ring Careline on 01332 956606, Monday to Friday from 5pm to 9am and 24 hours a day on weekends and Bank Holidays.

Do not keep your worries and concerns to yourself. Whatever you do, make sure you talk to someone. Tell your social care worker, a health professional, such as your GP, Health Visitor or Community Nurse. You could also talk to a college tutor or welfare staff at college. You could tell a trusted family member, friend, neighbour, community leader or someone from your church, synagogue, mosque or other local religious centre.

In an emergency you can dial 999 and ask for the Police.



3. Support Planning and Using the Money

Your assessment and support plan should detail outcomes your budget will achieve. Your outcomes are what you hope to achieve as a result of the support you receive. They will be individual to you and your needs. What your outcomes are will depend on your circumstance and the eligibility criteria. It may be that not everything you want to achieve in your life can be purchased with a direct payment; they may not be eligible needs.

Once you and your worker have agreed your outcomes, you can start thinking about how you will achieve this with your direct payment. How you will use your direct payment to achieve your outcomes should be written and agreed in your support plan. This doesn't mean that you cannot use the money flexibly, but your support plan should outline the general way that you will use the money to achieve each outcome. This will form your personal budget and help ensure your direct payment is sufficient to meet your needs. The direct payment you receive will be based on this, though you can manage this budget flexibly.

What you cannot spend your direct payment on:

- Anything illegal
- Meeting your health needs
- Employing a close family member living in the same house except in exceptional circumstances approved by your social care worker.
- Ordinary living costs such as food, bills, clothing, some leisure costs
- Telecare and pendant alarm standing charges
- Equipment and adaptations which are the remit of health or a disabled facilities grant
- Anything which does not meet your agreed outcomes in your support plan.
- Using accumulated funds in your prepaid card account to offset any contributions towards you direct payment/assessed needs.

Using the money

You can use the money for anything that is safe, healthy, and legal which achieves the outcomes, agreed with your social care worker and documented in your care and support plan.

Everything you spend the direct payment on must be directly related to an agreed outcome and agreed in your support plan. If you are not sure if something is agreed, talk to your worker or request a review.

Depending on circumstances, some people spend their direct payment on:

- Employing a personal assistant and related expenditure such as holiday pay and payroll.
- Completing a 'Disclosure and Baring Service' check for any personal assistants they employ. This is your choice as the employer. However, we recommend you do complete this and your payroll provider can do this for you.
- Contracting with an agency or service provider
- Paying for equipment which reduces your need for support (with prior agreement)
- Support whilst away on a short break or residential respite
- Neighbouring local authority services



If you don't feel your support plan clearly helps you understand how you can use the direct payment, please speak with your social care worker. Your social work team can also help you with how to use your direct payment.

Employing personal assistants

If you choose to employ personal assistants, there are responsibilities which must be fulfilled. Some of these responsibilities include:

- providing a contract of employment
- paying employees and making deductions– there are payroll agencies to support with this
- providing a payslip
- purchasing Employers Liability Insurance
- managing your staff
- keeping records, such as timesheets and a record of holidays

Skills for Care provide a range of information for employing your own staff, see www.skillsforcare.org.uk

There are additional costs involved in employing staff which you need to budget for. Your budget will be sufficient to include wages and additional costs.

Employing family members

The Care and Support (Direct Payments) Regulations 2014 prohibit anyone receiving a direct payment from employing family members living in the same household. However, the local authority can agree that a close family member may be employed, where we consider it necessary.

Family members not living in the same house can be employed via a direct payment. However, you still need to be a good employer and your family will have the same employment rights as any other employee. We recommend that you have a job description and by law you must give written terms and conditions of employment - which is best given as a contract of employment. Having these will help you establish boundaries about what a family member does as an employee and what they do as a family member. Family members employed must also pay tax and national insurance as any other employee.

Self employed personal assistants

DCC do not recommend self-employed personal assistants. There are certain conditions that must be met for someone to be classed as working in a self-employed capacity and a personal assistant may not meet these conditions. Only HM Revenue and Customs can decide a workers status. If they decide after your personal assistant has been working for you they are not self-employed, you would be liable for the full tax and national insurance bill. You may also be fined. Direct Payment monies cannot be used to pay either the costs or the fines. If you do still choose to arrange support from a self-employed personal assistant, we recommend you ensure they are registered as self-employed and have a Unique Tax reference number (UTR). They should also provide an invoice for their services and not complete a timesheet.



You can also contact HM Revenue and Customs on 0300 200 3600 to check if they are self-employed.

If you employ a self-employed PA you must complete the 'employment status toolkit' to ensure your PA is tax registered as required. More information can be found on this website <https://www.gov.uk/employment-status/selfemployed-contractor>

Contracting with a service provider

If you engage the services of a provider, including day services, ensure you know all their costs. Some agencies charge travel for visits and some include this cost in their hourly rate. Checking these before you commit yourself will help you budget. If you choose an agency which costs more than local agencies, you may be required to top up the payments. If a particular agency is required to meet your needs or there are no others available, your personal budget would be based on the cost of the required agency.

If you do commission a service from a private provider, please ensure you request a contract. The contract should set out the terms and conditions of your service and any additional or related costs.

This should include any additional financial commitments during the service period, and if you choose to end your service with them (For example, notice periods, hourly rates, bank holiday).

Equipment which reduces the need for support

You cannot use your direct payment to purchase equipment without prior agreement, as a separate direct payment agreement is required for any equipment. General aids or normal household equipment for daily living cannot be bought with your direct payment. Agreement may be given for equipment which will enable you to meet an outcome of your support plan and reduce the need for care and support. If you do feel that a certain item would achieve your outcome, speak to your social care worker. Any expenditure on equipment must be agreed and written into your support plan. Direct payments cannot be used to purchase or maintain any equipment provided by health, including Carelink pendants or assisted tech equipment.

Once the direct payment is agreed and your support plan is complete, it is up to you to manage the direct payment and the budget. You make the decisions about how your needs are met day to day, week to week.

Having agreement about the different ways you will do this, upfront and documented helps both you and us be confident about the direct payment. It also helps prevent misunderstandings later.

We will review your support plan however, if your circumstances change or you want to change your support plan you can contact your social care worker or the area team at any time.



4. Getting Started

Once you have a clear support plan of how you will use the direct payment you can get started. You will need to sign an agreement in which you will agree to use the money as set out in your support plan and to keep records about how you use the money. The agreement also sets out what you can expect from Derby City Council. (Appendix 1)

Basics to know about a direct payment:

- Money is paid into an agreed account every four weeks in advance, unless agreed otherwise
- You will need to ensure these records are available to be viewed by DCC or provide them when requested. The direct payment finance team will notify you of your monitoring arrangements.
- If you choose to employ personal assistants, you will be an employer and will have to follow employment law.

There is support and advice available with all aspects of managing a direct payment. Before we make the payment, we will support you to set up a prepaid card account.

Customers managing their own direct payment

As a customer receiving your support as a direct payment, you are responsible for managing the payment, including following the conditions set out within the direct payment agreement you have signed.

With choice and control comes responsibility

The responsibilities involved in receiving a direct payment are outlined in the direct payment agreement, which both you and your social care worker sign. It is important that you understand what you are agreeing to by signing the agreement. If you will be employing staff you also need to understand your obligations as an employer. The direct payment agreement can be provided in different formats, if this is required, such as other languages or large print. If you need the agreement in another format, please discuss this with your social care worker. Your social care worker can also help you to understand the direct payment agreement.

You can choose to manage your own direct payment, including being an employer. We do have a duty to ensure you are able to manage this though. There is support available to help you manage your own direct payment if you prefer or someone else can manage the direct payment on your behalf.

A 'nominated person' managing the direct payment for you

The Care Act says that a 'nominated person' can now take full responsibility for your direct payment even if you have capacity to do so yourself, if you wish and if the 'nominated person' has agreed to do so.



Therefore the 'nominated person' can have different roles and responsibilities for a direct payment. It is important that you are clear from the outset whether the 'nominated person' is supporting you or becomes fully responsible for the management of your direct payment.

This is an agreement between you and 'nominated person' willing to assist you with the direct payment or has agreed to manage the direct payment on your behalf with your permission. This person is called a 'nominated person'.

Both parties will be required to sign a direct payment agreement.

The prepaid card account will be in the name of the 'nominated person'. However, both parties can have access to the account. If you are unsure which suits you speak to your social care worker.

Where a customer lacks capacity

Where a customer is unable to understand what a direct payment is, a direct payment can be requested on their behalf. This person is usually someone close to the customer requiring support and may already have responsibility for helping them with their finances and managing their support. If DCC agree this is a safe and appropriate way to meet the customer's needs, a direct payment can be paid to a 'Suitable Person' to manage the direct payments and arrange care and support in their best interests.

The suitable person becomes the direct payment recipient, with the responsibility to manage the direct payment, using this to purchase support for the customer and act in their best interests. As a suitable person you would sign the direct payment agreement.

The suitable person is also the employer for any personal assistants and is responsible for being a good employer, such as paying tax and national insurance. The suitable person would also be responsible for contracting with a service provider, including any contractual obligations. The suitable person is also responsible for meeting all the monitoring requirements associated with the management of a direct payment.

The money belongs to Derby City Council, not the suitable person, and is only to be used to provide support to the customer as per the support plan.

Prepaid Card Account

Once we receive your direct payment agreement and authorisation from the social care worker, we will arrange a prepaid card account to be opened on your behalf. You will receive confirmation of this account, with an account card, through the post. The letter with the card will also detail how you can activate the card and access the account. Prior to receiving the card, you will be required to sign an agreement for the prepaid card as well as the direct payment agreement. (Appendix 2)

For a prepaid card account to be issued you also need to complete a 'know your customer' form. This is required by the issuer of the prepaid card to ensure they are confident of the identity of the person the card is being issued to. Your social care worker can explain what you will be required to provide for these checks to be completed. These checks do not affect any right to benefits or your credit rating.



You can have more than one prepaid card holder linked to your direct payment.

The prepaid account has all functions of a traditional bank account, including transfers, standing orders and direct debits. You can access the account and make payments online, or if you prefer you can manage all your payments via the telephone.

If you need any help with your account, the dedicated Allpay Customer Services Helpline for Derby is open Monday to Friday 8am to 6pm, telephone 0330 808 0102.

In exceptional circumstances, the prepaid card account may not be suitable for you and we can support you to look at an alternative.

An exceptional circumstance could be:

- There are safeguarding concerns that cannot be resolved
- or
- You do not have access to the internet or a telephone.

Topping up your direct payment

In certain circumstances you may choose services or care that are more expensive than Derby City Council could provide directly. If this occurs your personal budget will only cover the amount that the council would be required to pay to provide the same care to you directly. We refer to this as a 'top up' or 'topping up' your direct payment.

Some examples of this could be:

- You choose to pay your personal assistant a higher hourly rate than allocated to your personal budget.
- You choose to contract with a care agency that is above the allocated amount within your personal budget.
- You choose to use an external provider to administer your direct payment.

Topping up your personal budget with your own funds is always optional and your budget will have been assessed to cover both the management of the direct payment and to source care and support to meet the outcomes identified on your support plan.

How long until I receive the payment?

Payments cannot be made into the account until we receive all the required paperwork. Your social care worker will give you a start date from when your direct payments will be paid. Once we receive all the required completed forms we will begin to set up payments. The finance team will write to you soon after to confirm your direct payments. We can backdate a direct payment to the start date on your support plan.

For your direct payment to start you will need to have completed the following forms:

- Direct payment agreement form
- Prepaid card agreement form
- Know Your Customer form.

If you have any questions about these forms or if you are unsure if you have completed them, please ask your social care worker.



Why might my direct payment stop?

There are some occasions where we may suspend or stop your direct payment while you still have ongoing eligible needs. If this does happen, we will discuss why this with you and how we intend to meet your needs while you are not receiving your direct payment.

To receive a direct payment from Derby City Council you must have capacity to manage it yourself, have capacity and nominate a “nominated person”, or, if you lack capacity, have an independent ‘suitable person’ in place. If you do not have any of these or your circumstances change and one of these is no longer in place, then your direct payment may stop.

There are other times that we might suspend making payments to you direct payment.

Some examples of this might be:

- You have not followed the agreed conditions of your direct payment, as set out in your ‘direct payment contract’
- Not managing the funds in your direct payment as agreed in your support plan.
- Not meeting your obligations as an employer.

If you have any questions or concerns regarding how you are using your direct payment you should contact your social care worker or team at the earliest opportunity.

5. Keeping Records

Good record keeping

It is essential to keep good records of how you use your direct payment. Everyone is required to keep a financial record of payments from their direct payment/prepaid card account. Paperwork includes all receipts, invoices, timesheets, and tax related or employer related documents. It is also advisable to keep any paperwork that relates to your direct payment in a safe place to refer to later if required. Your social care worker or the finance team may request to view documents related to your direct payment at any time, so you should ensure these are easily accessible and up to date.

Pre-existing direct payments

If you currently do not have a prepaid card account, your social care worker will move you to this method of payment at your review (subject to eligibility).

If you choose not to receive your direct payment on a prepaid card and you are eligible to receive your direct payment in this way then you will be asked to ‘top up’ any costs related to the management of your direct payment, where these are more than would be paid if using a prepaid card.

High street bank accounts

Historically some people set up separate high street bank accounts to receive their direct payment. You will now be required to receive your payment on a prepaid card except in very exceptional circumstances.



Managed accounts

In exceptional circumstances your social care worker will support you to receive your direct payment via a managed account.

Due to you not being able to manage the financial responsibilities or payments from your direct payment we will:

- pay wages to your personal assistant, and any employment related costs
- pay invoices to providers you are receiving care from
- ensure contributions are deposited into the account.

If you have a managed account and employ a personal assistant, your direct payment will have sufficient funds to purchase a payroll service.

6. Useful Contacts

Employment Advice

ACAS (Advisory, Conciliation and Arbitration Service)

08457 47 47 47

www.acas.org.uk

ACAS can help with employment matters providing independent free advice to employers and employees to solve problems.

There is also a question and answer section on direct payment employment matters in the Advice A – Z topics on their website.

Citizens Advice Bureaux (CAB)

0844 848 9800

www.adviceguide.org.uk

CAB offices can provide advice and support with employment matters. They have offices situated in various locations around Derbyshire. Many have drop-in sessions or you can make an appointment.

Employer and Public Liability Insurance

Take advice from your Insurer's legal employment helpline.

Gov.UK Website

<https://www.gov.uk/employing-staff>

This is the official UK government website. There is a lot of advice on employment matters. There is a section headed 'Employing Staff for the First Time' listing 6 things you need to know when employing staff for the first time. You may find this information particularly helpful.

Workplace Pensions

Information is available on the following websites:

<https://www.gov.uk/workplace-pensions>

<http://www.thepensionsregulator.gov.uk>

<http://www.nestpensions.org.uk>

<http://www.moneyadvice.service.org.uk/en>



Health and Safety

Employer and Public Liability Insurance

Take advice from your Insurers legal employment helpline. Please remember to follow the advice given or your insurance may become invalid.

Gov.UK website

<https://www.gov.uk/browse/employing-people/health-safety>

There is a section on Health and Safety at Work under the Employing People link.

Health and Safety Executive

www.hse.gov.uk

There is comprehensive health and safety information on this website.

To consider adding copies of:

Direct payment agreement

Prepaid card stuff

Know your customer stuff.



Appendix 1

Direct Payment Agreement

Adult Social Care

A direct payment will be paid into a prepaid card account set up by The Council. If this is not appropriate, then direct payments can be paid to a managed account provider. Requests to open separate bank accounts will require justification.

If the Customer with eligible needs decides to ask another person to support them to manage the direct payment, the Customer can appoint a "Nominee " who will also be accountable. If the Customer does not have the capacity to consent to receive a direct payment, a "Suitable Person" can be appointed who will manage the direct payment on the Customer's behalf, taking on all the responsibilities of having a direct payment.

THIS AGREEMENT IS BETWEEN:

Derby City Council, The Council House, Corporation Street, Derby, DE1 2FS (The 'Council')

And

Person receiving the direct payment: (The 'Customer')

Full name of person		
Date of Birth <i>(or estimated age if unknown)</i>		
Contact details		
Address		

Signatures

If you are signing this Agreement as the Nominee supporting the customer to jointly manage the direct payments, please state your details: (The 'Nominee')

or

If you are signing this Agreement as the Suitable Person, please state your details: (The 'Suitable Person')

Name:	
Address:	
Contact Details:	



Direct Payment Details

A direct payment will be paid into a prepaid card account set up by The Council. If you are not eligible for a prepaid card your social care worker will discuss how we can support you to arrange a managed account.

How will I receive and manage the direct payment monies?

<input checked="" type="checkbox"/> <input type="checkbox"/>	<p>I/Suitable Person will receive the direct payment and manage the prepaid card myself or with my Nominee. A prepaid card account will be set up once all parties have completed the ID checks and signed the prepaid card account agreement. At this stage, the bank account details are unknown.</p>
<input checked="" type="checkbox"/> [else] <input type="checkbox"/> [endif]	<p>I/Suitable Person will receive a direct payment but a managed account provider will manage the direct payment account on my behalf. A Nominee may also support with managing the care arrangements.</p>

Bank Account Details for a managed account

Do not fill out this section if you are going to receive your direct payment via a prepaid card

(We will add your prepaid card account details to this section once your application is completed and accepted)

Bank Name:	
Address:	
Account #:	
Roll #:	
Sort Code:	



1. Purpose of this Agreement:

1.1.1 In accordance with the Care Act 2014, The Council is either required to meet the Customer's needs or has decided to do so and has prepared a care and support plan (the "Support Plan") with the involvement of the Customer to meet those needs and which specifies a sum of money ('Personal Budget') to meet those needs and outcomes.

1.1.2 Instead of the Council providing the services specified in the Support Plan the Customer has decided to take their Personal Budget or part of their Personal Budget in the form of a direct payment from the Council ('direct payment').

2. Nominee

2.1.1 If a Nominee has been appointed to assist in the administration of the direct payments, the Nominee represents the Customer under the terms of an Agreement. The Nominee is not to be employed by the Customer through a direct payment. The Nominee could also have been appointed by the Courts.

2.1.2 The Nominee acknowledges that the Customer's needs may change from time to time, in which case the Support Plan may change accordingly.

3. Authorised or Suitable Person

3.1.1 Under the Mental Capacity Act 2005, The Council has assessed the Customer as lacking the mental capacity required to understand and manage a direct payment to secure the outcomes identified in their Support Plan. This requires the assistance of an authorised or Suitable Person (a "Suitable Person") to act on their behalf before a direct payment can be made.

3.1.2 It has been agreed that the direct payment will be payable directly to the Suitable Person for the benefit of the Customer. The Suitable Person will manage the direct payment on the Customer's behalf, taking on all the responsibilities of having a direct payment.

3.1.3 The Suitable Person is a person acceptable to the Council who is willing and able to secure the outcomes in the Support Plan on behalf of the Customer. The Suitable Person will act in the Customer's best interest and in accordance with the terms of this Agreement.

By signing this Agreement, you, the Nominee or Suitable Person are showing that you understand your rights and what you must do. No payments can be made until this Agreement is signed.

4. The Customer agrees to:

4.1.1 only use the direct payment to pay for support/services that meet the agreed outcome as identified in the Support Plan;

4.1.2 use the prepaid card, separate bank account or appoint a third party managed account provider to receive the direct payment;

4.1.3 accept that the Council will check the prepaid account online. The Council will provide a factsheet to outline the functionality of a prepaid card account;

4.1.4 deposit their financial contribution (where applicable) into the account on a four (4) weekly basis;



- 4.1.5 deposit their financial contribution towards residential respite care provided in a registered residential home as prescribed by the Support Plan into the account. The Customer will be provided with a factsheet to explain respite care charges;
- 4.1.6 return any interest made on the direct payment in the bank account;
- 4.1.7 check the account every four (4) weeks to ensure that the direct payment has been received; if payment has not been received, the Customer will make contact with the Council within twenty-four (24) hours. This excludes accounts which are managed by a third party provider;
- 4.1.8 use the financial contribution (where applicable) first to pay for the needs identified in the Support Plan and then use the direct payment from the Council to pay for the remainder of the needs up to the level of the Personal Budget;
- 4.1.9 where necessary and to demonstrate good practice, use a direct payment support service when employing staff;
- 4.1.10 comply with all legal and good practice obligations as an employer;
- 4.1.11 make arrangements to purchase goods or services for which the direct payment is intended;
- 4.1.12 take responsibility for any bank charges or HMRC charges associated with the direct payment or this Agreement;
- 4.1.13 notify the Council of any changes that may affect direct payment, how this Agreement is intended to operate and/or the Support Plan;
- 4.1.14 retain original receipts, original invoices and timesheets showing how the direct payment is being used to meet the support needs as set out in the Support Plan and to provide such documentation requested by the Council in order to enable review and monitoring of the direct payment arrangements;
- 4.1.15 keep all relevant records for at least six (6) years and cooperate with any review by the Council or any other authorised public body of such records. This includes keeping records relating to tax and employment for a minimum of 6 years;
- 4.1.16 use the direct payments to secure services for the Customer only;
- 4.1.17 not use the direct payments to secure services from any person prohibited from providing services;
- 4.1.18 where necessary, complete and submit the 'Income & Spending Record' forms required by the Council every three months as detailed in the Monitoring Pack;
- 4.1.19 make arrangements to repay the Council any direct payment monies which are surplus funds and not required for needs in accordance with the Support Plan;
- 4.1.20 repay, on request by the Council, any direct payment monies that are not used in accordance with this Agreement or Support Plan;
- 4.1.21 not use the direct payment to employ a member of the Customer's family directly living in the same household; the Council may in exceptional circumstances give written consent to such use;
- 4.1.22 co-operate with the financial assessment to determine a financial contribution, if any;



4.1.23 co-operate with review of the Support Plan;

4.1.24 inform any staff or provider employed by the Customer if the Council agrees to pay a reduced direct payment following a change to the Support Plan.

5. The Nominee agrees to:

5.1.1 accept all above conditions from 4.1.1 to 4.1.24 when working jointly with the customer;

5.1.2 provide the Council with at least four (4) weeks notice of any changes which effect a Supported Living arrangement. Where the Customer shares a package of support, the Nominee must seek the Council's Agreement before making any changes which may affect the Customer's Personal Budget or which will impact on the support received by the other individuals in receipt of the shared package;

5.1.3 accept they have been appointed to assist in the administration of the direct payments and to represent the Customer under the terms of this Agreement. The Nominee is not to be employed by the Customer through a direct payment.

6. The Suitable Person agrees to:

6.1.1 acknowledge and accept all above conditions from 4.1.1 to 4.1.24;

6.1.2 accept that the direct payment will be payable directly to the Suitable Person or a third party managed account provider for the benefit of the Customer;

6.1.3 encourage and permit the Customer to have the fullest input possible into decisions affecting the Customer.

7. The Council agrees to:

7.1.1 every four (4) weeks, pay the amount indicated on the Customer's Support Plan, less the Customer's contribution (if any). The amount will be equal to the agreed level of Personal Budget paid out as direct payment;

7.1.2 ensure the Customer has had a financial assessment with a Council Financial Assessment Officer in accordance with the Care Act 2014;

7.1.3 help with setting up a prepaid card account or third party managed account;

7.1.4 pay the direct payment as detailed at 7.1.1 on a four (4) weekly basis into the account as detailed in this Agreement on page 2, unless other arrangements are agreed;

7.1.5 make payments in advance every four (4) weeks;

7.1.6 provide information about the direct payment support services available to help manage the direct payment;

7.1.7 comply with the Care Act 2014 by keeping the Support Plan under review. The amount of the direct payment may increase or decrease as a result of any future assessment or review of the Customer's needs;

7.1.8 reserves the right to intervene where the support arrangements fail or do not meet the needs in the Support Plan;

7.1.9 notify the Customer, their Nominee or Suitable Person, if the Customer's financial contribution changes as a result of a future assessment or review;



7.1.10 tell the Customer, their Nominee or Suitable Person about the Council's financial auditing arrangements;

7.1.11 allow accumulated funds to build up in the account to secure support set out in the Support Plan. The Council may reclaim money that is regularly carried forward subject to the prior agreement from the social worker to such reclaim being made;

7.1.12 review the account balance at appropriate times and following subsequent reviews to ensure the direct payment is being spent on support/services to meet agreed outcomes. Funds that are regularly carried forward will be reclaimed by the Council in accordance with point 7.1.11. The Council will consult with the Customer, Nominee or Suitable Person about how this will be done;

7.1.13 reclaim funds that have been overpaid in accordance with point 7.1.11 and 7.1.19;

7.1.14 take any action necessary, including court proceedings, to recover money which has not been used to meet agreed outcomes, misspent or unaccounted;

7.1.15 review the operation of the direct payments within 6 months of the first payment and annually afterwards

8. Suspension

The direct payment may be temporarily suspended by the Council on the following grounds:

8.1.1 if support as outlined in the Support Plan is not secured. If direct payments are used to employ staff, the Council may pay a reduced direct payment amount to retain such staff. The Customer, their Nominee or Suitable Person must let the Council know if this occurs;

8.1.2 actual or suspected misuse or inappropriate use of the direct payment monies, pending a full investigation of the misuse;

8.1.3 failure to make arrangements to deposit the financial contribution into the account on a four (4) weekly basis;

8.1.4 if the Nominee or Suitable Person is paid through the direct payment for any care or support identified in the Support Plan;

8.1.5 if the Council suspects or becomes aware that the Customer is being abused or at risk of being abused;

8.1.6 if the Nominee or Suitable Person are unable to continue supporting the Customer for any reason for a temporary period and no suitable alternative arrangements have been provided for by the Nominee or Suitable Person;

8.1.7 on a minimum of seven (7) days written notice, if the Council feels that the current arrangements do not meet the needs as described in the Support Plan;

8.1.8 if all parties agree to suspension;

8.1.9 if the Council is prevented by law from making the direct payments.

9. Termination

This Agreement may be terminated by:

9.1.1 either party giving at least 4 (four) weeks' notice in writing;



9.1.2 by the Council with immediate effect (or such other period of notice as the Council specifies), if any of the following situations occur:

a breach of this Agreement;

the direct payment is used or the Council reasonably suspects has been used fraudulently;

the direct payment is used for services or goods which do not meet the needs as identified in the Support Plan;

the Customer is or becomes incapable of managing their direct payment;

the Nominee is no longer able to manage the direct payment and notifies the Council of such fact;

the Suitable Person is no longer able to manage the direct payment and notifies the Council of such fact;

the Customer's needs no longer meet the eligibility criteria;

the Customer goes into permanent residential care, hospital or dies;

a safeguarding protection plan relating to the Customer requires the termination of this Agreement;

the Council is prevented by law from making the direct payments.

9.1.3 On termination of this Agreement, if the Customer remains eligible for support, the Council will provide alternative arrangements and shall review the Support Plan. If the Customer's emergency back up arrangements fail, the Council will try to meet the needs in the best way possible at short notice;

9.1.4 On termination of this Agreement, the Council will arrange for the prepaid card to be made unusable and seek recovery of all unused direct payments and/or direct payments that have not been spent in accordance with this Agreement.

10. Complaints

The Customer has the right to complain under the Council's Adults, Health & Housing Complaints Procedure about the operation of this Agreement.

11. Governing Law and Jurisdiction

This Agreement is subject to the law of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.



Appendix 2

Direct Payments and Prepaid Card Accounts

Your prepaid card account

Your new prepaid card account, provided by Derby City Council and allpay Limited is like a debit account with a debit card. The card is loaded with your direct payment for community care services so you can use it to buy support and services to meet the needs set out in your support plan. This card cannot be used for anything that has not been agreed in your support plan.

Using your prepaid card account

The prepaid card account works just like any other bank debit account/card. This is how it works:

- The prepaid card is MasterCard enabled, which means you can use it anywhere that displays the MasterCard logo.
- Similar to a debit card, you can use the prepaid card to buy goods and services up to the amounts loaded onto the card.
- You can make BACS transfers to other bank accounts online.
- You can make payments over the phone using your card.
- It is possible to set up direct debits.

Please note: for any of the payment methods above, the account can only be used to meet the care costs as identified on your support plan.

Validation Check

Before you and/or your representatives can receive a Prepaid Card account, the following checks will be undertaken by the Visiting Officer. This is known as a 'Know Your Customer' (KYC) check:

- Proof of National Insurance Number
- Proof of identity
- Proof of address

1. National Insurance Number:

The Visiting Officer will need to see evidence of your National Insurance Number. Please note this does not need to be a separate document should the proof of ID or address documentation already confirm it.

Acceptable Documents
National Insurance Card
National Insurance Number Letter (e.g., BF57)
Payslip / P60 / P45 from a recognised employer
Any original benefits letter or statement



2. Proof of Identity

Please note that only one document listed below is required for proof of identity

Acceptable Documents
Birth/Adoption Certificate
Current (not expired) Full Passport or Travel Document
Current (not expired) Full Driving License Photocard showing current address
Current (not expired) Biometric Residence Permit
Current (not expired) Bus Pass
Letter from Social Care Worker where none of the above are available

3. Proof of Address

Please note that only one document listed below is required for proof of address

Acceptable Documents
Council Tax Bill (within the last 12 months)
Utilities Bill dated within the last 3 months
Bank Statement (within the last 3 months)
Benefits Statement (within the last 3 months)
Current Full Driving Licence Photocard (if not used as proof of name)
Letter from Social Care Worker where none of the above are available

In situations where you and/or your representative are unable to provide proof of identity or address, you are encouraged to inform the Social Worker if proof cannot be obtained before the Visiting Officer arrives.

The Visiting Officer will use a work Smartphone to take an image of the evidence which will then be securely transmitted to the Finance Team to process the application. The scanned image will then be deleted from the Smartphone. At no point will the Visiting Officer ask to take away the original evidence.

You will also be asked to sign a Direct Payment Agreement and Prepaid Card Agreement. Do not worry about adding the account details as this information will not be known in the early stages. Sign and return both Agreements to your worker

Additional information

During the visit, you and/or your representative will be asked to provide an email address and/or mobile number. This is important to access the account online. You will need to provide separate emails and/or mobile numbers to undertake online banking and enable 2-way authentication when making payments.



Security Question

During the visit, the Visiting Officer will obtain the answer to one of the security questions below:

Security Question	Answer
1. What was the name of your first teacher	
2. What was the colour of your first vehicle	
3. What was the name of your first pet?	
4. What is the name of your best friend from childhood?	
5. What is your Mother's maiden name?	

When you activate the card via the telephone helpline, your chosen question will be asked. The Finance Team will use the security answer when setting up the Prepaid Card account application. Once the card has been activated, you can change your security question.

Receiving the Prepaid Card Account details

As soon as Finance are satisfied that all KYC evidence has been verified, you will be issued with a Prepaid Card which will be issued and posted out within 5 working days from the successful application date. The letter will contain your account and sort code.

Once the card has been activated, the Finance Team will arrange to load the funds onto the Prepaid Card which will be followed up with a notification letter. The letter will also confirm further instructions about how to use the Prepaid Card Account.

I have received my pre-paid card, now what do I do?

Using the prepaid card is very simple. However, before you start using the prepaid card you must do the following steps:

- Sign the signature strip on the reverse of the prepaid card.
- Activate the prepaid card using the telephone to contact allpay Limited Customer Services on 0330 808 0102.
- Obtain your PIN through the telephone system.

Specific instructions about activating the prepaid card will be in the envelope with the prepaid card.

If the prepaid debit card does not arrive within this period, please;

- Contact the CCCST who will check that the prepaid debit card has been issued. The contact number is 01332 640773.
- Contact allpay on 0330 808 0102 to advise that the prepaid debit card has been mislaid in the post. Allpay will cancel the mislaid prepaid debit card and send a new card



How will I know how much is on the prepaid card?

Derby City Council will have agreed to pay you an amount as a direct payment following your care needs assessment. This is called your Personal Budget. The Community Care Charging and Support Team will write to let you know when the first amounts will be loaded onto the card together with a payment schedule telling you the dates the prepaid card will be reloaded thereafter. The team will make payments every 28 days.

If you have been asked to make a financial contribution towards your care, the amount we pay you will be your Personal Budget less your contribution. You will be asked to top up the prepaid card to ensure there are enough to pay for your care. You can load your prepaid card with your contribution by standing order or bank transfer. Your social care worker can help you to set up the payment arrangement as a regular transaction. If you require assistance, you can contact allpay's Limited Customer Services Team on 0330 808 0102.

The case below illustrates the contribution that Mrs Smith has to make towards her care package:

Mrs Smith has been assessed as needing a Personal Budget of £50.00 per week to meet her social care needs. Following the financial assessment, the Council calculated that Mrs Smith needed to contribute £10.00 per week towards her care needs.

The Council pays £40.00 straight onto the prepaid card whilst Mrs Smith pays £10.00 onto the prepaid card, making a total of £50.00.

You will be able to check the balance of your account online, 24 hours a day, 7 days a week at www.allpayprepaid.net/cardholder. This is a free service. In addition, allpay Limited provides its own Customer Services Team, available Monday to Friday 8:00am to 18:00pm on 0330 808 0102. This service will cost the same as a local rate call from your landline and mobile is included in your inclusive calls plan in the same way as other local rate calls.

Is there a credit limit?

No, the prepaid card is not a credit card and carries no credit limit. You can only spend up to the amount that is loaded onto the prepaid card. This also means that you will not be able to go overdrawn. If the purchase is more than your available balance, the purchase will be declined.

Are there any fees for using my prepaid card?

You will not incur any fees or charges for making purchases or using the prepaid card online, at a shop or via the phone.

Can I withdraw cash?

No, you will not be able to withdraw cash with the prepaid card. Cashback is not permitted, because the funds on the card are to support your care. You should speak to the Community Care Charging and Support Team at the Council if you want to use a service that only accepts cash.



Are there restrictions on where I can use my prepaid card?

Prepaid cards are restricted from being used in pubs, nightclubs, off-licences, as well as betting and gambling establishments. The prepaid card cannot be used for Escort Services, massage parlours, pawn shops and tobacco shops. Your Social Care Worker will ensure that you can use your prepaid card for the needs identified in your support plan.

Can I change the PIN assigned to me?

You can change your PIN at any UK ATM where this service is available. To ensure you keep your PIN safe, there is a checklist towards the end of this factsheet to use as best practice.

What should I do if my prepaid card is lost or stolen?

In the event of loss or theft of the prepaid card, or you believe its security has been compromised, you are responsible for reporting this as soon as possible by contacting allpay Limited Customer Services on 0330 808 0102 and selecting the Lost and Stolen option. As soon as this is done, your prepaid card will be immediately blocked, protecting you from unauthorised usage. Any transactions made before reporting the prepaid card as lost or stolen will be charged to the account.

If you see a transaction that you do not recognise, you should contact allpay Limited Customer Services on 0330 808 0102 straight away.

The replacement card usually takes 5 working days to be replaced.

Does my prepaid card ever expire?

Yes, you can find the expiry date on the front of the prepaid card. If your prepaid card is about to expire and is still active, please contact the Council if you have not received a new card. Any balance on the prepaid card will be transferred to the new one before it's dispatched to you.

How many cards can I hold?

You can have up to three (3) additional cards, with the agreement of your Social Care Worker. Additional card holders must be 18 years or over to qualify for a secondary card.

Anyone that holds a card will be required to go through the 'Know your customer' checks as required by Mastercard.

What happens if I no longer want to use my prepaid card account?

If you wish to cancel your prepaid card account or no longer wish to use it then please contact the Council and destroy the card. Funds on the card will be returned the Council. If you have made a financial contribution which was not required, funds will be returned to you.

Will you carry out a credit check when I apply for a card?

We will not carry out a credit check. However, we will carry out a PEPs and Sanctions check. This will not leave a footprint on your credit history or records.



How do I pay for my care support using my prepaid card?

Paying my Personal Assistant (PA):

If you employ a Personal Assistant (PA) directly, as an employer you will be responsible for paying their wages. You will be supported to appoint a payroll provider so that your employee(s) are registered with HMRC. Your payroll provider will calculate your PA wages and deduct Tax, National Insurance and Pension contributions (if applicable). You don't have to worry about calculating any of this as the payroll provider will do this for you but will charge for this support. Payroll costs will be added into your direct payment.

All you need to do is keep a timesheet recording the number of hours your PA(s) worked and at the end of the four weeks submit the signed timesheet to your payroll provider. Your payroll provider will then calculate the wages and send to you a copy of your PA(s) wage slip. Upon receipt of this wage slip, you will then need to pay your PA(s) the amount detailed as 'NET PAY' on the wage slip. You can do this by arranging a bank transfer into your PA's bank account. To do this you will need to obtain your PA's bank name, sort code and account number.

- Please remember to detail the reference as 'PA name and date of care' **e.g., S Smith 01.10.21 to 30.10.21**

Self-employed Carer

If your carer is self-employed then they will do their own returns to HMRC. Your worker will carry out checks to ensure that the carer's status is 'Self-employed'.

Your Self-Employed carer will provide you with a copy of their invoice detailing the support provided. You will need to check the invoice is correct and arrange to pay this invoice by bank transfer. The invoice should detail the bank name, sort code and account number.

- Please remember to detail the reference as 'Self-employed PA name and date of care' **e.g., S Smith 01.10.21 to 30.10.21**

Paying a Care Agency & Day Service

If an agency and/or day care service is meeting your assessed needs, you will receive an invoice detailing of support provided. You will need to check the invoice to ensure the dates and amounts are correct. The invoice should also detail the bank name, sort code and account number for you to arrange payment. Using your prepaid card account, you can undertake a bank transfer by making payment to the account detailed on the invoice.

- Please remember to detail the reference as 'Name of agency and date of care covered'

All timesheets, invoices and receipts should be retained for safe record-keeping as these will be requested by workers at care reviews and can be requested from the finance team.

You can set up payments to bank accounts using Faster Payment by visiting the website www.allpayprepaid.net/cardholder or by calling allpay Limited Customer Services on 0330 808 0102.



How do I set up a Direct Debit?

You can set up a Direct Debit by quoting the sort-code and account number associated with the card to your service provider. Funds will be debited from your prepaid card by 2pm on the date the Direct Debit is due. You must ensure there are sufficient funds available on the card to pay a Direct Debit that is due.

Monitoring the prepaid card account

You do not have to worry about submitting any regular financial records as the CCCST can access the prepaid card account via a secure portal. The CCCST will check the account to ensure the expenditure appears in line with the agreed Support Plan and regular contributions are deposited into the card account.

Additional Information

PIN Best Practice:

- Never share your PIN with anyone.
- Select a PIN that cannot be easily guessed. Do not use birth date or particular account numbers and try to avoid using sequential numbers like 1,2,3,4, or repeated numbers like 1111.
- Memorise your PIN, do not write it down on your card or keep it on a piece of paper with your card.
- Do not use your PIN as a password for other banking services.
- Do not use the same PIN for all your cards.
- Be aware of others nearby when entering your PIN at a point of sale or ATM.
- Check your transactions regularly for unfamiliar transactions.





Direct Payment Prepaid Card Agreement

Adult Social Care

This Agreement tells you about the Prepaid Card Scheme and how it will be used to manage your direct payment.

THIS AGREEMENT IS BETWEEN:

Card Issuer (referred to as the “Card Provider”)

Issuer: allpay Ltd

Address: Fortis et Fides, Whitestone Business Park, Hereford, HR1 3SE

Telephone: 0844 225 5729

And **The Council** (referred to in this Agreement as the ‘The Council’)

Council: Derby City Council

Address: The Council House, Corporation Street, Derby, DE1 2FS

Telephone: 01332 640773

And **The Customer** (name and address of the person receiving a Direct Payment via a prepaid card. Referred to this Agreement as ‘You’)

Customer Name:

Address:

Contact Methods:

And **The Nominated Person** (name and address of the person receiving payment onto card as a supplementary card holder. Referred to this Agreement as ‘You’).

Nominated persons’ Name:

Address:

Contact Details:

And **The Suitable Person** (the person who will receive the direct payment onto a prepaid card and manage this on your behalf. Referred to this Agreement as ‘You’).

Suitable Person Name:

Address:

Contact Details:





This Agreement is made on the understanding that:

- You have had an assessment of your needs and you are eligible for support under the Care Act 2014.
- That you have chosen to receive your support in the form of a direct payment and that you would like to receive the direct payment onto a prepaid card and you or your nominated person are willing and able to arrange and purchase the support required using your prepaid card.
- In the event that you have been assessed as not having capacity to manage a direct payment and a Suitable Person will have been appointed on your behalf, The Suitable Person has agreed to receive the direct payment onto a prepaid card.

Payments

You will receive a direct payment to enable you to meet your care needs as set out in your Support Plan. Your social care worker will tell you the amount of the direct payment. You will receive this payment onto your prepaid card. Finance will provide you with a letter, including a Payment Schedule to confirm the date(s) the prepaid card will be loaded.

Know Your Customer (KYC) Checks

In order to receive a prepaid card, you will need to provide information with the Council's Officers to confirm your identity and address. This is known as a KYC check and is required by the Council and the Card Provider to meet regulatory requirements. The Council Officer will ask you to provide specific documentation which will then be verified.

Restrictions

Prepaid cards are restricted from being used in pubs, nightclubs, off-licences, as well as betting and gambling establishments. The prepaid card cannot be used for escort services, massage parlours, pawn shops and tobacco shops. The social worker will ensure that you can use your prepaid card for the needs identified in the Support Plan. You must only use the prepaid card to meet care needs as set out in the Support Plan.

You will not be able to withdraw cash with the prepaid card. Cashback is not permitted, because the funds on the card are to support your care. You should speak to the finance team at the Council if you want to use a service that only accepts cash.

Fees

You will not incur any fees or charges for making purchases or using the prepaid card online, at a shop or via the phone. The prepaid card will not allow you to go overdrawn, meaning there will never be any overdraft charges.

Lost or Stolen Cards



In the event of loss or theft of the prepaid card, or you believe its security has been compromised, you are responsible for reporting this as soon as possible by contacting Card Provider Customer Services on 0330 808 0102 and selecting the Lost and Stolen option. As soon as this is done, your prepaid card will be immediately blocked, protecting you from unauthorised usage. Any transactions made before reporting the prepaid card as lost or stolen will be charged to the account. The Council will pay the fee for a replacement card.

If you see a transaction that you do not recognise, you should contact the Card Provider's Customer Services on 0330 808 0102 straight away.



Financial Contribution

If you have been asked to make a financial contribution towards your care, the amount we pay you will be your Personal Budget less your contribution. You will be asked to top up the prepaid card to ensure there are sufficient amounts to pay for your care. You can load your prepaid card with your contribution by standing order or bank transfer. Your social care worker can help you to set up the payment arrangement as a regular transaction. If you require assistance, you can contact the Card Providers Customer Services Team on 0330 808 0102.

Checking how you are using your prepaid card

The Council will make regular checks to make sure you are spending your money on your assessed needs as set out in your Support Plan. Monitoring will also be carried out by the Card Provider, to meet regulatory requirements. The Council will check that you are depositing your financial contribution and the prepaid card is being used correctly. When required, the Council can suspend the prepaid card from being used. Your social worker will be involved in any decision to suspend the prepaid card.

Returning monies from the prepaid card

The Council will seek recovery of unused funds from the prepaid card on termination of the Council's direct payment arrangement agreement with you. You will receive written notification to inform you that funds have been reclaimed.

If there are unused contributions deposited onto the prepaid card, the Council will arrange to return the funds.

Declaration

- I have read and understand the Terms and Conditions of this Agreement
- The Terms and Conditions of this Agreement have been explained to me
- By accepting and using this prepaid card, I agree to the Terms and Conditions of this Agreement

Customer

Signature.....

...

Name.....

Date.....

If you are nominating a **Nominated person** to receive a supplementary card, please complete the section below:



Signature.....

....

Name.....

Date.....



If a **Suitable Person** has been appointed to receive the direct payments on your behalf, please sign below:

Signature.....	
Name.....	Date.....

Council Authorisation

Signature.....	
Name.....	Date.....

How is your information used?

The information we collect will be used for the purpose of setting up, paying, monitoring and administering a direct payment to enable you to purchase goods and services in accordance with your agreed Support Plan.

Who will your information be shared with?

We will share your information with allpay Ltd so that they can issue you with a prepaid card and provide you with customer support services.

We may share your information with a Suitable Person or other Third Party specified by you or by the Council so that they can help you to administer your direct payment and to help you fulfil your duties as an employer (if applicable). We may also ask the same Suitable Person or other Third Party to give us information on your behalf.

For further information about how your personal information will be used, please visit <https://www.derby.gov.uk/privacy-notice/> where you can see a full copy of our Privacy Notice. Alternatively you can request a hard copy from the Contact Support Team, Business Support, Derby City Council, Council House, Derby DE1 2FS. Email: contact.support@derby.gov.uk Tel: 01332 640825

