

CHANGES FOR DIRECT PAYMENTS USERS

QUESTIONS & ANSWERS

INTRODUCTION

- The key points about the changes for Direct Payments users are given in the covering letter
- These Questions & Answers give more information.
- Details of how you will be affected personally will depend on the outcome of the financial assessment carried out with you by the Financial Assessments & Benefits (FAB) Team.
- Details of the financial assessment are given in the green leaflet.

CONTENTS

What's been decided about Direct Payments option A?.....	2
What happens next?.....	2
Do the changes mean I can no longer employ an assistant?.....	2
Will my letter of agreement change?.....	2
How does the financial assessment work?.....	3
Will I get a different hourly rate from now?.....	4
Will the support I get from the Independent Living Fund (ILF) be affected?.....	5
Will the person carrying out the financial assessment understand the costs of being disabled?.....	5
What happens if my assessment shows that I won't get funding from the County Council?.....	5
What will happen if I decide not to have a financial assessment?.....	6
Will I lose my services if I decide to stop having Direct Payments?.....	6
Why has it suddenly been decided that option A is illegal?.....	7

WHAT'S BEEN DECIDED ABOUT DIRECT PAYMENTS OPTION A?

The County Council has agreed that option A does not meet the government's rules about charging (*for more details see page 7*).

The payments that you receive from the County Council will in future be worked out after a financial assessment has shown what, if anything, you can afford to contribute to the cost of your care.

Two changes to the existing charging policy for non-residential services have also been agreed. Details of these are given in the **green leaflet** describing the financial assessment.

WHAT HAPPENS NEXT?

- A care manager will contact you to make sure that the details of your care plan are up to date.
- When this is done he or she will ask the Financial Assessments & Benefits (FAB) Team to phone you or write to you to arrange a meeting for your financial assessment.
- We aim to carry out your financial assessment by the end of September 2006.

DO THE CHANGES MEAN I CAN NO LONGER EMPLOY AN ASSISTANT?

NO!

Nothing changes about the direct payments scheme itself. You can still use the money you receive from the County Council to employ a personal assistant in the same way that you do now.

The only change is that you will be offered a financial assessment to see what, if anything, you can afford to contribute to the cost of your care.

WILL MY LETTER OF AGREEMENT CHANGE?

No – you will still have the same letter of agreement.

You will still have to keep records and send in quarterly returns as you do now.

HOW DOES THE FINANCIAL ASSESSMENT WORK?

Details of the County Council's current financial assessment for non-residential services are given in the green leaflet. The changes to it that have been agreed are explained in the leaflet.

You need to know about the **old** charging policy as well as the **new** one agreed by the County Council in May. There are two changes to the old policy. The first change will be implemented for everyone on 31 July 2006, and the second on 1 January 2007.

- From financial assessment until 30 July 2006, your monthly payment will be based on the old policy.
- From 31 July until 31 December 2006 your monthly payment will be based on the old policy + the change from taking a maximum of 75% of disposable income into account to a maximum of 95% of disposable income.
- From 1 January 2007 your monthly payment will be based on the new policy, which will include the new way of calculating income from savings, capital and investments.

This sounds complicated, but it ensures that the new policy is implemented at the same time for all service users.

After you have had your financial assessment all your different payments will be calculated and you will be given details. If your care package changes the amounts will be revised.

WILL I GET A DIFFERENT HOURLY RATE FROM NOW?

- If you employ a personal assistant your monthly payments will still be based on the current gross hourly rate of £9.56.
- We will work out the gross cost for your care package, and your monthly payment will be net of your assessed contribution.
- Information about the financial assessment refers to weekly amounts, because that is how the calculations are made. You will however still receive a monthly payment as you do now.
- Your contribution relates to what you are assessed as being able to afford, not the cost of your care. It is based on how much weekly 'disposable income' you are assessed as having (*see green leaflet*).
- Some people may in future get a higher monthly payment than they do now, some may get a lower payment, and some people may stop getting a payment from the County Council.

This is an example only, based on a care package of 20 hours a week care at home – a package with a gross cost £191.20 (20 hours at £9.56).

- If your assessment shows that you have **NO** weekly disposable income, then you would not be asked to contribute to the cost of your care, and would get £191.20 a week.
- If your assessment shows that you have **£20** weekly disposable income, then you would be asked to contribute **95% of £20** to the cost of your care: £19, and would get £172.20 a week.
- If your assessment shows that you have **£200** weekly disposable income, then you would be asked to contribute **95% of £200** to the cost of your care: £190, and would get £1.20 a week.

WILL THE SUPPORT I GET FROM THE INDEPENDENT LIVING FUND (ILF) BE AFFECTED?

Your ILF support will be affected if the net amount paid to you by the County Council falls below £200 a week as a result of your contribution to the cost of your care.

If this happens you should speak to a care manager.

WILL THE PERSON CARRYING OUT THE FINANCIAL ASSESSMENT UNDERSTAND THE COSTS OF BEING DISABLED?

The County Council's specialist financial assessment team (the Financial Assessments & Benefits – FAB – Team) has carried out many thousands of financial assessments, and are well aware of the cost of disability equipment and the extra expenses that disabled people have.

When your financial assessment is carried out, please talk to the FAB Visiting Officer about the extra expenses you have because you are frail, ill and/or disabled. You should also give details of money spent on equipment, wheelchairs, and/or an adapted car.

WHAT HAPPENS IF MY ASSESSMENT SHOWS THAT I WON'T GET FUNDING FROM THE COUNTY COUNCIL?

There will be no change to your funding until you have had a financial assessment.

Depending on your financial circumstances you may find that you stop qualifying for funding from the County Council straightaway, or this may happen when the second stage of changes comes into effect on 1 January 2007

If this applies to you, you may decide to pay for help privately – in which case you would not have to submit quarterly returns. You can still get support from your Direct Payments Support Worker at SCIL.

However, you may want to continue to have support and advice from the Adult Services Department. You should discuss this with a care manager.

WHAT WILL HAPPEN IF I DECIDE NOT TO HAVE A FINANCIAL ASSESSMENT?

You can decide not to have an assessment if you wish, but this would mean that you would no longer qualify for financial support from the County Council towards the cost of employing your assistant.

It would also mean that if you asked to receive **arranged services** instead of employing an assistant you would have to pay the assessed weekly charge for these services in full.

The 'assessed weekly charge' is what the County Council charges service users, and does not represent the full cost to the County Council of the care provided. It is a contribution towards the full cost of care. What you would be asked to pay is the **full weekly charge, NOT the full cost of care.**

WILL I LOSE MY SERVICES IF I DECIDE TO STOP HAVING DIRECT PAYMENTS?

You can choose to leave the Direct Payments scheme if you wish. Anyone who is eligible for support from the Adult Services Department would continue to get their assessed needs met.

WHY HAS IT SUDDENLY BEEN DECIDED THAT OPTION A IS ILLEGAL?

The question of the financial contribution made by users of direct payments option A has been debated over a long period of time. The government's rules, *Fairer charging policies for home care and other non-residential social services*, state that it is unacceptable to have charges which pay no regard to the service user's means. They makes specific reference to people receiving direct payments, saying that 'councils should treat people receiving direct payments as they would have treated them under the council's charging policy if those people were receiving the equivalent services' (para 86).

In 1997 and 2002 the debate focused on the *equivalence* of direct payments and services provided by an agency. Direct payments option A recipients have argued that there is no such equivalence, and the Council, when the charging policy was last reviewed in 2002, accepted that option A and option B, where payments are related to the recipient's financial circumstances, should continue to co-exist.

Since then, the Government has issued regulations under the Health and Social Care Act 2001 (The Community Care, Services for Carers and Children's Services (Direct Payments [England] Regulations 2003) on the amount and payment of direct payments. Paragraph 5(2) states that 'the responsible authority shall determine, having regard to the prescribed person's means, what amount or amounts (if any) it is reasonably practicable for him to pay towards securing the provision of the relevant service'.

Because of the concerns about the future of option A, strongly expressed by users, the Council sought legal advice on whether or not it would be lawful to continue to offer this option. Counsel's view was that it would not be lawful.

NOTES