

# Direct Payments

After social services have assessed you and they decide you have eligible needs, you can ask for direct payments. Direct Payments are the money payments you get to pay for your care and support. This factsheet gives information about direct payments and how they work.



KEY POINTS

- When your local authority gives you money to buy the services you want, this is called direct payments.
- You may get direct payments if your local authority thinks you have needs because of your mental illness.
- Carers can get direct payments to meet their needs.
- You can spend direct payments on any service as long as it meets your assessed needs.
- Your carer, friend, or local support service can help you with direct payments.
- You may have to pay for some of your care and support depending on your financial circumstances.

**This factsheet covers:**

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4. [What can I spend direct payments on?](#)
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## 1. What are direct payments?

Your local authority may think that you have social care needs, such as:<sup>1</sup>

- preparing meals,
- looking after your personal hygiene, and
- getting out of the house.

Your local authority's social service or mental health services may help you take care of your needs. Otherwise, you could use the money to buy services or pay someone to help you. If you do this, the money you get is known as a 'direct payment'.

Your local authority should tell you how they do direct payments. They should explain how you can get them and what they expect you to do.<sup>2</sup>

### **Do I have to have direct payments?**

You do not have to get direct payments. You may want social services to meet your needs instead. But your local authority must offer you direct payments if you meet the criteria.<sup>3</sup>

### **What if I am getting free aftercare under 'section 117'?**

You can get direct payments to pay for your aftercare services. The rules are similar to getting direct payments normally.<sup>4</sup>

### **Will direct payments affect my benefits?**

No, direct payments will not count as income and will not affect your benefits.

You can get more information on how local authorities decide if you are entitled to social care in our '**Social Care Assessment and Eligibility**' factsheet from [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask for the information to be sent to you.

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## 2. Can I get direct payments?

You can get direct payments if:<sup>5</sup>

- you have eligible social care needs,
- you can make decisions for yourself,
- you ask for direct payments,
- you can manage a direct payment alone or with help, and
- direct payments will help to meet your needs.

Your care coordinator or social services need to check if you can manage direct payments by yourself or with support.<sup>6</sup> You will need to be organised, keep track of your spending, and keep receipts. You can get

direct payments if you need help from a friend, relative, or someone else to do this.

### **Can someone else manage my direct payments for me?**

Someone else can get direct payments for you, and help you to pay for the services you need. This person is called a 'nominated person'. They can help you to manage the money, but you will still need to decide how to spend it.<sup>7</sup>

### **What if I do not have mental capacity to manage direct payments?**

Mental capacity is a legal term that means you can make decisions.

If you cannot make a decision, you do not have 'mental capacity'. This means if you cannot:

- understand information about direct payments,
- remember the information,
- think about all the information to make a decision, or
- let someone know what your decision is.

The local authority will ask you if you:

- understand the decisions you will need to make, and
- what will happen if you make these decisions.<sup>8</sup>

You can get direct payments if you lack capacity. A carer, friend or relative can ask for them and manage them for you.<sup>9</sup> The local authority will only do this if they think that they are suitable and they will act in your best interests.<sup>10</sup> Your local authority might say that this person is 'authorised' to help you.

You can find more about '**Mental Capacity**' at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask for the information to be sent to you.

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## **3. How will the local authority pay me?**

Your local authority will pay your direct payments into your bank or building society account. You can set up a different account so it is easier to know how much you have left.

Some local authorities have schemes, such as 'pre-paid cards'. You should ask them if you would like to know if your local authority has other options.

### **How much will I get?**

This depends where you live and what support you need. Your care coordinator or social services will look at your social care needs. They will have a way to work out how much money you need to meet these

needs.<sup>11</sup> How much you get is called your 'personal budget'. There must be enough money in your personal budget for you to buy services that will meet your needs.

### **Will I have to pay towards my direct payments?**

Depending on how much money you have, social services may ask you to pay for some of your services. This is called 'charging for care'. Each local area has its own policy about this.

Your care coordinator or social services will do a financial assessment to decide if you have to pay. They will look at your income, savings, and any property you own. If you have to pay anything, your local authority will take this money from your direct payments or ask you to pay them back.<sup>12</sup>

If they take the money from your direct payments, you may have less to spend on services. You will have to pay the difference.

They cannot charge you if you are getting services under 'section 117' of the Mental Health Act 1983.<sup>13</sup>

You can find more about '**Charging for Social Care**' at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask for the information to be sent to you.

### **What if I would like expensive services?**

Your direct payments should be enough to buy a service that meets your needs. If the service costs more than your direct payments, you will need to pay the difference.

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## **4. What can I spend direct payments on?**

You can spend direct payments on services, equipment, or activities that meet your social care needs. You can buy these from organisations or individuals.

There are different things that you could spend direct payments on. For example:<sup>14</sup>

- someone to care for you at home
- transport, such as taxis
- help with shopping or budgeting
- educational classes (for example, art or writing classes)
- pooling direct payments with other people to employ a tutor to give classes
- respite, which could include a hotel stay or day trips with a friend
- help with childcare
- employing a personal assistant
- going to the gym

### **Is there anything I cannot use my direct payments for?**

You cannot use direct payments to pay for health services<sup>15</sup> or permanent accommodation. You can use them to pay for short stays of up to four weeks in residential accommodation.<sup>16</sup>

### **Can I use direct payments to pay a relative to care for me?**

You can use direct payments to pay a relative to meet your needs as long as you do not live with them.

If you live with a relative, you may be able to pay them to care for you or to help you to manage your direct payments. Your local authority has to decide if this is necessary.<sup>17</sup> The local authority should give you and your carer information on any effects this will have on your carer's income.<sup>18</sup>

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## **5. What are my responsibilities?**

You should keep receipts and records of what you have spent your direct payments on.

If you pay for someone, like a personal assistant, you become their employer. This means that you have certain legal responsibilities, such as:

- paying National Insurance,
- allowing holidays,
- taking out insurance, and
- paying sick pay.

When social services or your care coordinator work out how much your direct payments are, they should include these costs. They should give you all the information you need about being an employer.<sup>19</sup>

Local support organisations can often help with managing direct payments and being an employer.

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## **6. How can I deal with problems with direct payments?**

You can get help from an advocate. An advocate can help you deal with your problems with the local authority (LA).

If you want to complain, you need to use your LA's complaints procedure.

If you feel that your LA is not following the law, you can get legal advice. You would need to speak to a community care solicitor.

You can find more information about:

- Advocacy
- Complaints
- Legal Advice

at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask for a copy to be sent to you.

### **What if my direct payments are not enough?**

Your direct payments may be too low because:

- your local authority did not take all of your needs into account when working out the amount, or
- the way of working out how much you should get is not fair.

The local authority should review your situation in the first 6 months. This is to make sure you have enough money to buy services and you can manage direct payments.<sup>20</sup> The first review should be 6-8 weeks after you signed off your care and support plan.<sup>21</sup>

If you feel you are not getting enough money through direct payments, tell your social worker or care coordinator. They might be able to help. If that does not work, you can try some of the options we suggested above.

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## **7. When will my direct payments end?**

The local authority should only end your direct payments as a last resort. Your direct payments may end because:<sup>22</sup>

- you want them to end,
- you cannot manage them any more, even with support,
- you don't need care and support any more, or
- you did not follow the conditions.

They can stop your payments temporarily if your condition improves for a short time<sup>23</sup>.

If your direct payments stop, you can continue to get social care and support from social services. Your local authority should try to make sure there is no delay in getting you services to meet your needs.<sup>24</sup>

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## 8. I am a carer. Can I get direct payments?

If you care for someone with a mental illness, you might have your own needs. If you are over 18 and have, eligible social care needs you can get direct payments to meet these needs.<sup>25</sup>

You can find more about '**Carers Assessment and Support Planning**' at [www.rethink.org](http://www.rethink.org). Or call 0121 522 7007 and ask for the information to be sent to you.

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<sup>1</sup> Reg 2(2), *The Care and Support (Eligibility Criteria) Regulations 2015*. SI 2015/313. London: TSO; 2015.

<sup>2</sup> Department of Health;. *Care and Support Statutory Guidance Issued under the Care Act 2014*. Para 12.7.

<sup>3</sup> s31 (2), Care Act 2014 c23.

<sup>4</sup> As note 3 (CA 2014), s75(7).

<sup>5</sup> As note 3 (CA 2014), s31.

<sup>6</sup> As note 3 (CA 2014), s31(6).

<sup>7</sup> As note 3 (CA 2014), s31.

<sup>8</sup> As note 2, para 12.10 to 12.13.

<sup>9</sup> As note 3 (CA 2014), s32.

<sup>10</sup> As note 3 (CA 2014), s32(4)(c), s32(7).

<sup>11</sup> s.26(1) Care Act 2014, c23

<sup>12</sup> As note 2, para 12.26.

<sup>13</sup> As note 2, para 12.25.

<sup>14</sup> Joseph Rowntree Foundation. *Direct Payments and Mental Health: New Directions* (2005).

<https://www.jrf.org.uk/file/35926/download?token=7GEIldp3> (Accessed 30<sup>th</sup> March 2015).

<sup>15</sup> As note 3 (CA 2014), s22 (1).

<sup>16</sup> Reg 6, *The Care and Support (Direct Payments) Regulations* SI 2871. London: TSO; 2014.

<sup>17</sup> As note 15 (SI 2871), Reg 3(2).

<sup>18</sup> As note 2, para 12.38.

<sup>19</sup> As note 2, para 12.48.

<sup>20</sup> As note 15 (SI 2871), Reg 7.

<sup>21</sup> As note 2, para 12.62.

<sup>22</sup> As note 2, para 12.69 to 12.73.

<sup>23</sup> As note 2 para 12.72.

<sup>24</sup> As note 2, para 12.68.

<sup>25</sup> As note 3 (CA 2014), s8.

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## Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)

Email [advice@rethink.org](mailto:advice@rethink.org)

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### Did this help?

We'd love to know if this information helped you.

Drop us a line at: [feedback@rethink.org](mailto:feedback@rethink.org)

or write to us at Rethink Mental Illness:

RAIS  
PO Box 17106  
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm  
Monday to Friday (excluding bank holidays)



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### Need more help?

Go to [www.rethink.org](http://www.rethink.org) for information on symptoms, treatments, money and benefits and your rights.

### Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

### Need to talk to an adviser?

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