



An introduction to Direct Payments in mental health services: Information for people eligible to use mental health services and carers.

“If we make people's personal ambitions, people's own desires and hopes and dreams the centre of planning the support they need, we liberate people, we transform lives, we make things possible that previously seemed impossible... let's make sure that we get that message out there to every single person who is using care services in this country.”

Stephen Ladyman MP (2003)

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Introduction

What are direct payments?

“The purpose of direct payments is to give recipients control over their own life by providing an alternative to social care services provided by a local council. A financial payment gives the person flexibility to look beyond ‘off-the-peg’ service solutions for certain housing, employment, education and leisure activities as well as for personal assistance to meet their assessed needs. This will help increase opportunities for independence, social inclusion and enhanced self-esteem.”

Department of Health (2003) **Direct Payments Guidance**

Direct payments are payments that are made to individuals who have been assessed as needing social care services, in order that they can make their own arrangements to meet their needs. These payments can be made on a regular basis, or on an occasional or ‘one-off’ basis, depending on the needs that they are being made for. They are made by local councils (local authorities), who have the statutory responsibility to meet social care needs.

Since April 2003, regulations have been in force that require councils to make direct payments to those people who are able to choose to have them and who wish to have them.

For adult mental health services, this duty on councils to make direct payments to meet social care needs should be incorporated into the Care Programme Approach, the joint health and social care assessment framework.

There are some things that direct payments cannot be used for, such as longer-term residential care or to purchase services from the local authority itself.

There are some people who are currently excluded from receiving direct payments. These are people whose liberty to arrange their own care is restricted by a court order or legislation, including certain sections of the Mental Health Act 1983¹. However, these restrictions are currently being reviewed (DH, 2006).

¹ A full list of these exclusions can be found on page 15

About this Introduction to direct payments

This guide has been written to promote the availability of direct payments within adult mental health services, following the Social Exclusion Unit report, ***Mental Health and Social Exclusion*** (SEU, 2004). Based on an earlier 'Guide to receiving direct payments' (Department of Health, 2003), it has been compiled with the support of people and organisations involved in mental health services and in a wide range of direct payments activity, from using direct payments, through managing or commissioning direct payments schemes and support services, to researching direct payments.

It is a companion to the Guide to Action published by the Department of Health in February 2006 which can be found at:

<http://www.dh.gov.uk/assetRoot/04/13/10/64/04131064.pdf>

Direct payments should be offered whenever applicable to all those eligible to receive them, and this guide attempts to bring together learning and good practice from areas which are closest to realising this within their mental health services.

However, mental health services and direct payment schemes are at different stages of development throughout the country, and it is important for people to find out how direct payments are being currently implemented in their locality. Where direct payments are not routinely offered and easily available to people eligible to receive them, this guide will provide the means for the situation to be addressed.

The name 'direct payments' may change from April 2006

There has been considerable confusion between these social care direct payments and the Department of Work and Pension's 'Direct Payment' of benefit or pension directly into a bank account. For this reason, the Department of Health is consulting on a change of name for social care direct payments, which may come into effect in April 2006 (DH, 2005). After that date, they will be known as either: 'direct services payments'; 'individual service payments'; 'individualised funding'; or 'personal budgets'.

If you have any difficulty in obtaining information or support, or wish to discuss any aspect of this guide, please telephone 01206 287588 and leave your contact details.

Direct payments and you

Direct payments give you an alternative way of meeting your needs. Rather than using a local day, work or support worker service, for example, that is provided by other people, you can receive money to buy your own support as part of your Care Plan.

Direct payments are available where you would otherwise be offered directly provided services to help with housing, employment, education and leisure activities as well as for domestic and daily living tasks and personal assistance. Needs which are met in these ways are called 'social' (rather than 'health') needs.

As long as you have agreed with your care co-ordinator that the ways in which you will use the money will meet your needs, you can decide who you employ or how else you use the money.

You can employ people yourself, which could include people you know, or you can be supported by people who work through an agency.

Why would I want direct payments?

If you receive direct payments, you can decide how your needs will be met, by whom and at what time.

You are in control.

If you employ staff directly they will report to you. If you have a contract with an agency, the agency will be accountable to you, not to the local council.

For example, you may find that the support worker arranged by the care co-ordinator cannot come at the time you want. With direct payments, you can arrange for someone to come whenever it suits you. And, if you wish, you can employ friends or relatives to support you in most cases.

Direct payments can also be used to meet needs in entirely new and individual ways, such as joining local clubs or societies, purchasing domestic equipment, or travelling to see close relatives. The important thing is that you use the money to meet the needs that were identified at your assessment.

What difficulties might I experience in getting direct payments?

One of the main challenges of providing information in a guide such as this is that each local authority has to make its own arrangements for offering and making direct payments, and there are considerable variations in how this has been done. The bringing together of health and social support in integrated mental health services has been a further issue, with some staff being more well informed than others.

Some areas have a considerable number of people using direct payments to meet mental health needs, whilst others have none. There are also variations in who can have a direct payment. In some areas all people who have a care co-ordinator under the Care Programme Approach (CPA) can choose to have their social care needs met through direct payments (provided they are not excluded from receiving them), whilst in others only those on 'enhanced CPA' are being offered them. In some areas each direct payment application is considered by a panel, and there can be considerable paperwork to be completed, whilst in others access to direct payments is little different than to a provided service.

Whilst this guide is intended to encourage a greater consistency in the way in which direct payments are available, it is important to find out how your local scheme works, how long an application for a direct payment might take, and whether you are currently able to request direct payments and for what purposes.

If you do choose a direct payment to meet all or part of your social care needs, you take on the responsibility for meeting those needs.

This means that you must ensure that whatever money you receive is used solely for the purpose of meeting the needs for which it has been given. You will need to keep records and receipts to show how the money has been spent, and complete returns (usually on a monthly or quarterly basis) to the relevant finance department.

Although there will be support available to assist with this, as well as with the recruitment and paying of staff, this varies in each area and so it is important to find out what level of support is available to you before you decide on a direct payment.

Of course, you may also use support from family or friends if they are able to provide it, and some people prefer to manage their support arrangements independently, but it is important to be clear about the responsibilities you will be taking on, particularly if you are going to employ people directly.

In some areas it has been difficult to recruit personal assistants/support workers, and whilst using workers provided by an agency avoids these and

other challenges posed by being an employer, you will need to ensure that the money paid to you will be sufficient to purchase enough support to meet your needs.

Your care co-ordinator must not give advice on certain matters, such as employment, and this is why it is vital that you talk direct payments through with someone from the direct payments support service, or other direct payments advisor. They may be able to put you in touch with other people who are using direct payments. Hearing from people with experience of managing direct payments can be very helpful.

Who can receive direct payments?

"There are only very limited circumstances when direct payments would not be offered."

Department of Health (2003a) ***A guide to receiving direct payments...***

The majority of people using mental health services have a right to receive direct payments, if they wish to, to meet social care needs for which they are offered or are already receiving support. Your care co-ordinator (who may be a social worker, community psychiatric nurse or occupational therapist) should discuss this with you when they assess your care needs, and at every review.

A small number of people, who are subject to legislation which limits their freedom to arrange their own care are excluded from receiving direct payments. This includes people subject to the conditions of some sections of the Mental Health Act, 1983. A full list of these exclusions is shown on page 15.

Whilst most people who are assessed as needing social care services have a right to direct payments, no-one should feel pressured to have direct payments if they prefer for services to be arranged by their care co-ordinator.

What are my options?

Choosing direct payments should not need to be an immediate or rushed decision. If you wish for time to find out more or to think about it further, you should be offered services to meet your needs in the meantime. It's important that you ask questions if you feel you do not have enough information to make your decision.

If you accept direct payments, you can change your mind at any time. You will need to contact your care co-ordinator to ask them to stop making direct payments and to arrange services for you instead.

“People who are already receiving services may wish to switch to direct payments. They may also wish to combine a package of services and direct payments.”

Department of Health (2003b) **Direct Payments Guidance**

If you prefer to receive provided services to meet some of your needs, you can have a combination of direct payments and provided services. This can be used to give you the chance to try out a direct payment before taking on responsibility for arranging services to meet all of your needs.

What help can I have with direct payments?

If you wish to consider or choose to use a direct payment, you will not be left to cope on your own. You can get a lot of help to manage your direct payment. This support is available through specially set up direct payment support services, or can be provided by other people you know. The types of things that people often want help with are:

- considering whether to use direct payments or provided services, or a combination of the two
- making and maintaining their direct payment arrangements
- managing money and keeping records
- recruiting and employing people

In addition to the support available from a direct payment support service, advocacy organisations and other mental health services should be able to provide information and support, or know who can.

You can also receive help from carers or other people who you know who are prepared to provide the support you need. Where you are concerned that you may lose the ability to manage your direct payment at certain times, or where you wish someone else to handle the money on your behalf, the direct payment can be made temporarily or permanently to a third party who will take on day-to-day management of the finances. Whatever the level of support you require, as

the person using the direct payment, you must remain in control of how your needs are met, and you are accountable for the way in which the direct payments are used.

“Many people with an episodic condition can manage direct payments very adequately. Nevertheless, some people may be better able to cope with direct payments if a friend, relative or some other third party is willing to provide greater assistance when their condition worsens. Advance statements should be used as part of the process of managing a fluctuating condition.”

Department of Health (2003b) **Direct Payments Guidance**

Your local direct payments support scheme should be able to assist in setting up the support you need. You may also want to approach local advocacy services or other local voluntary sector organisations, many of whom are developing the knowledge and skills needed to provide support with direct payments.

The National Centre for Independent Living have produced a useful guide, **Direct Payments for Mental Health Service Users/Survivors: A guide to some key issues**. This can be obtained free of charge by service users from:

NCIL, 250 Kennington Lane, LONDON SE11 5RD.

Tel. 0207 587 1663.

Website: www.ncil.org.uk

Will I have to contribute towards the costs of using direct payments?

As direct payments are not additional money, but made in place of the costs of services you might otherwise have used, they are not taken into account for the purpose of assessing income for social security benefits, and are not liable to income tax. If you are charged for using mental health services, then the same charges will apply. Where you would not be charged for using services, then you should not be charged for choosing a direct payment. People who are receiving services provided under section 117 of the Mental Health Act 1983 (after-care) cannot be charged for those services, or for a direct payment made in place of those services.

What do I have to do to get direct payments?

Your care co-ordinator must discuss this option with you when they meet with you to assess or review your care needs, or explain the reason if you are not able to receive direct payments. If you are already using services, you can ask your local direct payments support service or your care co-ordinator about direct payments.

Many people considering direct payments for the first time find it helpful to talk to people with experience of using direct payments. Your local council, care co-ordinator or direct payments support scheme should be able to put you in touch with other direct payment users.

Having read this guide you may still have many questions about direct payments. Do not worry. Direct payments are new to many people. All local councils have support services for people wishing to consider or to use direct payment schemes, and these are open to people who are eligible to receive mental health services.

If you are unsure about who to contact in your area, please ring 01206 287588 and leave your number and name and we will get back to you with details.

Preparing for an assessment or review of your needs

You might wish to think about your needs before the assessment. A friend or relative, or someone from the direct payment support service or a local advocacy service may well be able to give you help in doing this.

Some people find it helpful to keep a diary for a week before the assessment, recording what they do, how long it takes, and what help they receive, as well as what they would like to be able to do if they had the necessary help. If you decide to do this, take care not to overlook things that do not happen every week. If necessary, you may wish to list the types of needs you have over a longer period.

You may be asked to complete a form before the assessment to say what you think you need help with. It may not be possible to offer you assistance with everything you identify, but this process will help to define your needs in a way you are comfortable with. There are also some booklets available which can help you to complete a 'self-assessment', some of these are listed on page 16.

If you think you would find it helpful to get advice from a local support group, to help you to prepare for your assessment, your care co-ordinator or local council may be able to suggest groups for you to contact, or you may wish to contact us on the number above, or one of the organisations listed at the back of this guide (pages 17 and 18).

What can I spend my direct payments on?

A lot of people use their direct payments to employ a support worker (or personal Assistant) to meet needs they have for social activity or support.

“It’s very flexible. She comes in the evening and we have a drink and chat and take the dog for a walk sometimes and then I’ll go to bed at whatever time and she might do some cleaning for me or whatever...then she sits up all night and when I get up during the night, I have got someone to talk to. That just gives me a chance to get some sleep, because I don’t sleep very well, and I self-harm quite a lot...Just knowing that somebody is going to come in and spend the night and it gives me a bit of a break, somebody to talk to and I know I can phone her up too.”

(Direct payments user, quoted in Spandler and Vick, 2004)

“Direct Payments has provided a companion who I get on very well with, we do various things together eg swimming, snooker, pictures, shopping we also go for a drink together.

More than anything Direct Payments has given me choices and has helped no end with social inclusion. My companion has introduced me to new friends and I am finding it far easier to socialise with people, my family have also noticed that my social skills are improving all of the time. I would not hesitate in recommending Direct Payments to other Service Users, Direct Payments opens doors and improves lives.”

(Correspondence received from a direct payments user)

The money is for you to use to meet the needs that the care co-ordinator has assessed you as having. Every local council has its own particular scheme, and your care co-ordinator will explain the types of things that the money can and cannot be spent on.

This should not be ‘set in stone’ and should be negotiable. Direct payments are intended to provide the people who use them with choice and control over how their needs are met.

“One person lives with their sister and family, and every now and then needs a break. Direct payments pay for their train fare so they can travel to stay with their brother when they feel it is necessary. This provides the opportunity for the person to use ‘self-management’ in pursuing their preferred solution to their need for ‘respite’.”

(Example provided by Direct Payments scheme manager)

The important thing is that you use the money to meet the needs that have been agreed with your care co-ordinator, and that you properly account for how it has been spent.

As direct payments are designed to be used flexibly, you may agree with the care co-ordinator a number of options that you can choose from at any one time. This may include managing your payments flexibly as your needs vary. It may also include planning for a crisis or specific event that will require more or different support.

“The flexibility inherent in direct payments means that individuals can adjust the amount they use week to week and ‘bank’ any spare money to use as and when extra needs arise. So long as the overall payments are being used to secure the services they are for and the care plan objectives are met, the actual pattern of ‘service’ does not need to be predetermined.”

Department of Health (2003b) **Direct Payments Guidance**

Over time your needs may change or new ways in which your needs can be met may well arise, neither of which were considered at the previous assessment/review. You should be able to discuss such possibilities with your care co-ordinator as they arise and modify your care plan accordingly.

“Direct payments can help people to build up their skills and self esteem, get them away from a reliance on services and become involved with their families and community again, rather than being segregated in specialist services. Using direct payments can take away that stigma, instead focusing support around the individual, rather than slotting them into a service that happens to be available.”

Stephen Ladyman MP (2004)

Local advocacy, service user or disabled people’s organisations should be able to offer support if you are not happy with a decision made about what you can use your direct payment for.

Direct payments for carers of people with mental health problems

As a carer you are able to request an assessment of your needs if you provide a substantial amount of care on a regular basis to a disabled adult. You can be offered services to support your caring role and/or to maintain your own health and well-being.

If you are assessed as eligible to receive a social care service to support you, direct payments can be offered to you if you provide this care to someone who is themselves eligible to receive a social care service.

In general, the same principles, as described above, apply to carers' direct payments as for other direct payments.

Carers' eligibility is not specific to mental health services, and the way in which payments to carers have been introduced varies considerably. The care coordinator for the person you are caring for, or the local mental health trust, should be able to give you information about carers' assessments and direct payments. The local authority will have information for all carers on its direct payments scheme.

What should people eligible to use mental health services and carers be able to expect?

- To have a clear statements of the needs for which they are eligible to receive services.
- To be given the maximum possible choice and control in how their eligible needs are met
- To be offered the option of direct payments as a way of meeting their social care needs at every assessment and review meeting
- To have it explained if they are excluded from receiving direct payments
- To be provided with adequate information about direct payments to be able to make an informed choice whether to use them or not
- To be given the details of people who can support them to consider and use direct payments
- To be able to use a mixture of direct payments and provided services if they choose
- To be able to stop using direct payments at any time and return to using a provided service

People excluded from receiving direct payments

A small number of people, who are subject to legislation which limits their freedom to arrange their own care, are excluded from receiving direct payments.

This includes people:

- placed under guardianship in pursuance of -
 - (i) an application made in accordance with section 7 of the 1983 Mental Health Act; or
 - (ii) an order made under section 37 of the 1983 Mental Health Act;
- absent from hospital with leave given in accordance with section 17 of the 1983 Mental Health Act;
- subject to after-care under supervision within the meaning of section 25A of the 1983 Mental Health Act;
- subject to a condition imposed in accordance with section 42(2) or 73(4) (including such a condition which has been varied in accordance with section 73(5) or 75(3) of the 1983 Mental Health Act.

The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003: Statutory Instrument 2003 No. 762

Other exclusions are:

- people who are receiving any form of after-care or community care which constitutes part of a care programme initiated under a compulsory court order;
- offenders serving a probation or combination order subject to an additional requirement to undergo treatment for a mental health condition or for drug or alcohol dependency;
- offenders released on licence subject to an additional requirement to undergo treatment for a mental health condition or for drug or alcohol dependency; and
- people subject to equivalent restrictions in Scottish mental health or criminal justice legislation.

Direct Payments Guidance: Community Care, Services for Carers and Children's Services (Direct Payments) Guidance England 2003 *Department of Health*

Reference should be made to the Regulations for full details of the circumstances in which the duty to make a direct payment does not apply.

References

Department of Health (DH)(2003a) **A guide to receiving direct payments from your local council: A route to independent living** May 2003 London: DH

Department of Health (2003b) **Direct Payments Guidance: Community Care, Services for Carers and Children's Services (Direct Payments) Guidance England 2003** September 2003 London: DH

Department of Health (DH)(2005) **Independence, Well-being and Choice: Our vision for the future of social care for adults in England** London: Department of Health

Ladyman, S. MP (2003) **Transcript of speech by Stephen Ladyman, Parliamentary Under Secretary of State, Department of Health, at National Centre for Independent Living launch event, 30 October 2003, London**
(from NCIL website: www.ncil.org.uk)

Ladyman, S. MP (2004) **Transcript of speech by Health Minister Stephen Ladyman MP at 'New Directions in Direct Payments for People who use Mental Health Services', Joseph Rowntree Foundation/Health and Social Care Advisory Service Conference, 18th May 2004, London.** London: DH

Social Exclusion Unit (SEU) (2004) **Mental Health and Social Exclusion: Social Exclusion Unit Report** June 2004. London: Office of the Deputy Prime Minister

Spandler, H and Vick, N. (2004) **Direct Payments, Independent Living and Mental Health: An Evaluation Full Report.** London: Health and Social Care Advisory Service
Executive summary also available: www.hascas.org.uk

Literature on Self Assessment

Leader, A. (1995) **Direct Power: a resource pack for people who want to develop their own care plans and support networks** Brighton: Pavilion

Markovits, P. (1996) **The Avon Mental Health Measure: A User-Centred Approach to Assessing Need** Bristol: South West MIND

RCP/NSF [now Rethink](2000) **CUES (Carers' and Users' Expectations of Services) Service User Version/Carers' Version** Available from: Royal College of Psychiatrists, Multi-Centre Audit Team, College Research Unit, 6th Floor, 83 Victoria Street, London SW1X 7EE. Tel 0207 227 0840 or Research Department, Rethink, 30 Tabernacle Street, London, EC2A 4DD

Useful Contacts

National Institute for Mental Health in England (NIMHE)

National Social Inclusion Programme: Direct Payments
Eastern Development Centre
654 The Crescent, Colchester Business Park,
Colchester
Essex. CO4 9YQ
Tel: 01206 287588 Fax: 01206 287597
robin.murray-neill@nemhpt.nhs.uk

The **Direct Payments project** within the National Social Inclusion Programme works in partnership with NIMHE's 8 Regional Development Centres, to promote direct payments as a standard option for people eligible to use mental health services, and provides support to all organisations and individuals with an interest in this.

The **National Social Inclusion Programme** website www.socialinclusion.org.uk includes electronic versions of the Direct payments for people with mental health problems: A guide to action (DH, 2006) and this guide for service users and carers.

The **Direct Payments Practice Exchange Network** will support implementation of this guide. It is open to all, and can be accessed by joining the NIMHE Knowledge Community: <http://kc.nimhe.org.uk>, or contacting the address above. NIMHE is part of Care Services Improvement Partnership (CSIP) www.csip.org.uk

The Social Care Institute for Excellence (SCIE)

SCIE,
Golding's House,
2 Hay's Lane,
London, SE1 2HB.
Tel: 020 7089 7102
www.scie.org.uk

SCIE has published **Direct Payments: Answering Frequently Asked Questions**, a guide for practitioners and their managers, and finance and senior managers. It offers creative and innovative examples of how the legislation on direct payments can successfully be applied, and answers a range of frequently asked questions. This guide contains a large number of practical examples on every aspect of direct payment provision and use. It should be read in conjunction with this Guide.

Department of Health

Tel: 020 7210 4850
E-mail: OPDEnquiries@doh.gsi.gov.uk
www.dh.gov.uk

Includes electronic version of the Direct payments for people with mental health problems: A guide to action (DH, 2006)
Information on policy and guidance can be found by visiting the DH website.

Directgov

www.direct.gov.uk

Information on accessing Government services, including financial support.

Equalities National Council for Disabled People and Carers from Black and Minority Ethnic Communities

Waltham Forest College

707 Forest Road

London. E17 4JB

Tel/Fax: 0208 527 3211

E-mail: enquiries@equalitiesnational.org.uk

Equalities work includes support to people to obtain direct payments. They have produced a video on the subject called **Breaking Barriers**.

Health and Social Care Advisory Service

King's Fund

11-13 Cavendish Square

London W1G 0AN

Tel: 0207 3072892

E-mail: enquiries@hascas.org

www.hascas.org.uk

The Executive summary of **Direct Payments, Independent Living and Mental Health: An Evaluation** can be obtained free of charge from the website or by contacting the address above.

In Control

Self Directed Services: A National Programme to change how Social Care is Organised in England

Programme Co-ordinator

Valuing People Support Team

36 Rose Hill Drive

Mosborough

Sheffield S20 5PN

www.selfdirectedsupport.org

The next In Control pilot sites will include some which will be open to people who use mental health services.

Joseph Rowntree Foundation

The Homestead

40 Water End

York YO32 6WP

Tel: 01904 629 241

www.jrf.org.uk

JRF have funded a large amount of work on direct payments. Summary (and sometimes full versions of their reports, including **Implementing Direct Payments in Mental Health: New Directions**) can be obtained free of charge from the website.

National Centre for Independent Living

4th Floor, Hampton House

20 Albert Embankment

London SE1 7TJ

Tel: 0207 587 1663

www.ncil.org.uk

NCIL publish a number of useful guides to using direct payments, many available free from their website, including the **Service User/Survivor Guide to Direct Payments** by Pauline Heslop. Their website also has an invaluable discussion forum.