

# **Adult Social Care Carers Direct Payment Policy & Guidance**

April 2025

POLICY INFORMATION SHEET	
<b>Name of Document:</b>	<b>Adult Social Care Carers Direct Payment Policy &amp; Guidance</b>
<b>Purpose:</b>	To outline the purpose, allocation, eligibility and use of carers direct payments to meet identified need
<b>Service area:</b>	Adult Social Care
<b>Target Audience:</b>	Unpaid carers
<b>Forum Policy/Procedure/Strategy was approved:</b>	
<b>Date policy is effective from:</b>	April 2025
<b>Date review due:</b>	April 2028
<b>Last reviewed:</b>	
<b>Status:</b> <ul style="list-style-type: none"> <li>• <b>Mandatory (all practitioners and managers must adhere to guidance)</b></li> <li>• <b>Optional (procedures and practice can vary between teams)</b></li> </ul>	Mandatory
<b>Location of Document</b>	Sharepoint :Policy Portal
<b>Related document(s)</b>	Adult Social Care Direct Payments Policy Employing Relatives Form Care Act 2014 guidance
<b>Superseded document(s)</b>	
<b>Document Owner</b>	Rick Berry, Service Manager Financial Support Service

## 1. **Background and Context**

The Care Act 2014 states that carers can receive direct payments to support them in their caring role. Carers Direct Payments are monetary payments, made to carers who after having a carers assessment have met the eligibility criteria. The Care Act 2014 legislation section 31-33 provides Councils with the power to make Carers Direct Payments to the adult in need of support, or a nominated/authorised person acting on their behalf.

The legislative context for Carers Direct Payments is set out in

- [Care Act 2014 \(legislation.gov.uk\)](#) section 31-33,
- [Section 117\(2C\) of the Mental Health Act 1983](#) and
- [The Care and Support \(Carers Direct Payments\) Regulations 2014 \(legislation.gov.uk\)](#)
- [Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#) Chapter 12.

In order to receive a Carers Direct Payment, a carers assessment must take place to ensure eligibility is met. The eligibility criteria in the Care Act 2014, Section 13, states that in order to receive a direct payment the carer must:

- Provide necessary care for an adult who is eligible for support
- Experience a significant impact on their wellbeing due to their caring role.

Under the Care Act 2014, “significant impact” on a carer’s wellbeing is a key criterion for determining eligibility for support. The factors to be considered are:

- **Physical and Mental Health:** The carer’s physical and mental health may be adversely affected by their caring responsibilities.
- **Daily Activities:** [The carer may struggle to carry out essential daily activities, such as personal care, household tasks, or maintaining relationships<sup>1</sup>.](#)
- **Work and Education:** [The caring role might impact the carer’s ability to work, attend education, or engage in training.](#)
- **Social Participation:** [The carer may find it difficult to participate in social activities or maintain social connections.](#)
- **Financial Stability:** [The carer’s financial situation might be negatively impacted due to their caring responsibilities.](#)

If these factors significantly affect the carer’s wellbeing, they may be eligible for a Carers Direct Payment to help manage their responsibilities and improve their quality of life.

If you are found eligible, a support plan will be created outlining the help you need. [This plan will detail the services and support that will benefit you in your caring role.](#)

## 2. **Carers Direct Payment Agreement**

- 2.1 To receive a Carers Direct Payment, the carer must have eligible support needs as defined in section 1. The Carers Direct Payment Agreement (Appendix 1) documentation must be completed. This agreement sets out the conditions under which Carers Direct Payments are able to be made and includes important information regarding the responsibilities of Bury Council, and the carer, by signing the agreement carers are committing to using the Carers

Direct Payment arrange support as detailed in their Support Plan. These arrangements must be legal, safe, and the carer must be able to provide evidence of spend (e.g. receipts/invoices) as required.

- 2.2 In circumstances where the terms and conditions of the agreement are not met the social worker will conduct a review and consider whether the Carers Direct Payment continues to be an appropriate arrangement to meet the carer's assessed needs. Any funds not spent in accordance with the Support Plan may need to be refunded to the Council.

### **3 Receiving a Carers Direct Payment**

- 3.1 A request for a Carers Direct Payment can be made at any time by a carer who has been assessed as eligible for carers support from Bury Council

To receive a Carers Direct Payment the following conditions must be met:

- The carer requests a Carers Direct Payment,
- Bury Council agrees that a Carers Direct Payment is an appropriate way to meet the needs and outcomes set out in the Support Plan,
- Bury Council is satisfied that the eligible carer or nominated/authorised carer is capable of managing a Carers Direct Payment with or without support,
- There are cases where a Carers Direct Payment cannot be made to meet needs, these are set out in Section 2 and Schedule 1 of The Support (Carers Direct Payments) Regulations 2014. For example:
- The carer lacks capacity to manage their finances and Bury Council is unable to authorise a suitable person to manage it on their behalf or
- When a carer is subject to drug or alcohol rehabilitation treatment/testing or Orders or released from prison on licence.
- <https://www.legislation.gov.uk/ukSI/2014/2871/contents/made>.

### **4. Calculating the Value of the Carers Direct Payment**

- 4.1 The Carers Direct Payment amount is equivalent to the Council's calculation of the reasonable cost of providing the items identified in your carers Support Plan. The payment should be sufficient to purchase at a standard and value that the Council considers appropriate to meet the eligible needs and outcomes for the carer. A reasonable cost will be established by comparing the price with prevailing rates for the same or similar items in the relevant market.
- 4.2 The Council is not obliged to fund specific costs associated with the carer's preferred method of securing their needs and outcomes. The carer in receipt of the Carers Direct Payment can top up their Carers Direct Payment budget if the cost of their chosen support exceeds the Council's estimation of reasonable costs to secure it.
- 4.3 Where the support need is to be met by a one-off payment for a piece of equipment, the Carers Direct Payment will be sufficient to purchase an item of standard specification appropriate to meet the need. Where the carer chooses

an item of a higher value or specification than required, they can choose to top up the difference.

- 4.4 The carer will be financially responsible for ensuring that the item is maintained and repaired and insured. Replacement items may not be considered in the event they have not been properly maintained, there is accidental damage, or the original item is still suitable to meet the support need. Replacement items will not be considered until the current item no longer meets need or stops working, after the average lifespan of the item.
- 4.5 The Council will not be responsible for contract agreements and payment plans associated with a one-off payment e.g. a monthly mobile phone contract or warranty

## **5 Prepayment cards**

- 5.1 The Carers Direct Payment is typically be made using the preferred method of a prepayment card. The prepayment card gives access to an online account, which operates in a similar way to a normal debit card bank account. It allows people to manage their Carers Direct Payment without needing a separate bank account. It also simplifies the auditing procedure and reduces the amount of information the carer is required to provide to the Council
- 5.2 The Council will set up the account and a card will be sent to the person carers directly from the card provider with their general terms and conditions which should be read in conjunction with the Carers Direct Payment Agreement
- 5.3 Bury Council will pay the Carers Direct Payment by the preferred option every four weeks in advance in accordance with the amount agreed in the Support Plan.
- 5.4 In the event of an underspend, allegation/confirmation of misappropriation (theft) or fraud in respect of the Carers Direct Payment Fund by the carer, the Carers Direct Payment may be suspended, and Bury Council will seek to recover any money owed.
- 5.5 In exceptional circumstances where the item or service cannot be purchased via a prepayment card, the Carers Direct Payment may be issued via bank transfer into the carers personal bank account. This must be agreed by a Team Manager with reasons for a prepayment card being unsuitable to purchase goods or services. Receipts and invoices for the items agreed in the support plan must still be kept as evidence of Carers Direct Payment spend.

## **6. How to spend Carers Direct Payments**

- 6.1 Bury Council has a duty of care to people eligible for carer services. It also has a duty to protect public funds, ensuring they are being spent appropriately. In delivering this responsibility, Bury Council must be satisfied that the Carers Direct Payment is being used to meet eligible needs as set out in the person's Support Plan.

- 6.2 Carers can only spend their Carers Direct Payment on support which meets their eligible needs and outcomes as set out in the Support Plan
- 6.3 All transactions to meet needs and outcomes must be made via the designated Carers Direct Payment pre-payment card. Transfers cannot be made from a prepayment card into an individual carer's bank account

## **7 What carers Direct Payments cannot be used for**

- 7.1 Carers Direct Payment can be used for support to meet eligible needs and outcomes as identified in a carer's Support Plan. The following key principles should be followed, spend must
- Be Legal
  - Be clearly linked to the outcomes agreed in the carers support plan
  - Be able to show how it will keep the carer healthy, safe and well
  - Be affordable and proportionate to the carers assessed eligible needs and outcomes
- 7.2 What Carers Direct Payment cannot be used for:
- Anything illegal
  - Anything that will harm a person's health, safety or wellbeing
  - Paying for anything related to regular day to day living expenditure e.g., food, drink, dietary supplements etc.
  - Purchase of alcohol, tobacco or gambling
  - Paying for anything that other departments or statutory organisations provide, for example the NHS
  - Paying any rent or household bills e.g., gas, electricity, TV, Broadband, Insurance.
  - Paying for any home equipment, decorating/maintenance, furniture including white goods.
  - Clothing
  - Payments for subscriptions e.g. mobile phone contracts
  - Permanent residential or nursing care
  - Paying for services for carers directly from Bury Council
  - Paying for services from a spouse, family member or partner who lives in the same household as the person, unless Bury Council has determined it necessary.
  - Spend involving commitments out of the United Kingdom (UK). Any out of the UK spend will need to be assessed on a case-by-case basis and subject to authorisation by the Assistant Director
  - Paying the assessed client contribution for any person in receipt of care and support services
  - Carers break outside of the UK mainland

## **8 Safeguarding**

- 8.1 People in receipt of a Carers Direct Payment are entitled to make their own decisions and to take risks in the same way that any others in the community are entitled to. Where appropriate, safeguards will be put in place to prevent

any potential abuse and to support the person in making decisions and managing any associated risk as a result of that decision.

- 8.2 The carer must ensure that an enhanced DBS check is undertaken when using the services of a person who will have unsupervised access to children, young people or vulnerable adults during the course of their work. The check is undertaken to ensure that the person has no relevant criminal convictions that would preclude them from working with children or vulnerable people.
- 8.3 Safeguarding is everybody's business and therefore it is essential that staff working for Bury Council, partnership organisations, agencies, and members of the public remain alert and vigilant to the potential for abuse and are informed of the mechanism for reporting safeguarding concerns.
- 8.4 In the event that Bury Council considers the provider of support to be placing the person at risk, the Carers Direct Payment may be suspended, and alternative provision provided, whilst a safeguarding investigation is undertaken.

## **9 Audit of Carers Direct Payments**

- 9.1 Bury Council must be satisfied that the Carers Direct Payment is being used to meet the eligible needs and outcomes as agreed in the Support Plan.
- 9.2 Bury Council has a responsibility to ensure that public money is spent and accounted for appropriately.
- 9.4 The person or their Authorised Person must keep all documents and records generated in connection with the provision of support provided by a Carers Direct Payment Agreement with Bury Council for a period of six years following the end of the agreement. The documents or records held by the person, or their authorised/nominated person may be inspected by Bury Council at any point during this period.
- 9.5 Bury Council will request information and supporting documentation in relation to any transaction registered on the carer's Direct Payment card that is not easily recognisable, exceeds or is notably lower than the service costs. The person or the prepayment card holder must provide this information within 14 days of the request. Failure to provide such documentation can result in a reassessment of the person's eligibility for a Carers Direct Payment.
- 9.6 The Carers Direct Payment prepaid card account will be subject to an audit, to ensure that the Carers Direct Payment is being used for the purposes laid out in the Support Plan with accurate receipts and records being kept. Any discrepancies will be investigated and resolved, and any debt will be recoverable by Bury Council from the recipient of the Carers Direct Payment.
- 9.7 Bury Council has the right to suspend (temporarily pause) or terminate (end) the Carers Direct Payment as a result of the findings of the audit of the Carers

Direct Payment account, however, such action will not be unreasonably applied.

## **10 Unspent Carers Direct Payments**

- 10.1 Any unspent funds on the prepayment card at the end of the annual audit period will be reclaimed by the Council.
- 10.2 In most cases Bury Council will undertake a review of the Support Plan with the person to ensure they are not disadvantaged. Following a review, the Carers Direct Payment may be changed to ensure it still meets the needs of the person.

## **11 Recovery of Carers Direct Payments**

- 11.1 Bury Council reserves the right, after discussion with the person to adjust future payments and to recover any overpayments or underspends. This may occur for example when the person has long hospital stays, a change in circumstances or the death of the person.

## **12 Wrongful use of a Carers Direct Payment (misuse and fraud)**

- 12.1 In the event that fraud, abuse or misuse is reasonably suspected by the carer, Bury Council may refer the matter to the Internal Audit Team for investigation and offer support to the person to reduce the risk of further loss occurring.
- 12.2 Bury Council will not be responsible for any losses incurred by the person or Authorised Person and will not therefore reimburse the person unless or until they have been cleared of any involvement in the loss, save for in exceptional circumstances.
- 12.3 In cases of misuse or fraud relating to the use of a Carers Direct Payment, Bury Council will take action to recover all or part of the monies where appropriate.
- 12.4 Bury Council may seek repayment from the Authorised Person where they have been responsible for managing the Carers Direct Payment on the person's behalf.

## **13 Disputes and complaints**

- 13.1 Any disputes in relation to the provision of a Carers Direct Payment can be appealed initially via contact with Operational Team Manager
- 13.2 Any disputes in relation to the audit of a Carers Direct Payment or a request for funds to be repaid can be appealed initially with the team leaders of the Direct



Payment Service and then the Adult Social Care Financial Support Service Manager.

- 13.3 Should the appeal be unsuccessful the person or their Authorised Person submit a formal complaint to Council's Complaints Team, and if unsatisfied they have the right to go to the Local Government Ombudsman to consider the dispute.
- 13.4 Any disputes with the provider should be dealt with directly with the provider via their complaints process.

## **14 Ending a Carers Direct Payment**

- 14.1 Bury Council may suspend or terminate Carers Direct Payment if:
- It is apparent that the person is no longer capable of managing the Carers Direct Payment whether on their own or with support
  - The person no longer needs the support for which the Carers Direct Payment is made.
  - There appears to be/is illegal or fraudulent use or misuse of a Carers Direct Payment;
  - If Bury Council are unable to obtain records and information to verify if support needs are being met in an appropriate way.
  - If the criteria for receipt of Carers Direct Payment is no longer met by the carer on review.
  - If the carers circumstances change such as to make them ineligible to receive Carers Direct Payment under Schedule 1 of the Support (Carers Direct Payments) Regulations 2014 – for example, if the person is placed by the court under a condition or requirement relating to a drug and/or alcohol dependency.
  - As part of an investigation or plan under the Safeguarding Adults Procedures.
- 14.2 Once a Carers Direct Payment has been suspended or terminated for the above reasons a new Carers Direct Payment may not be considered until all outstanding issues from the original Carers Direct Payment have been resolved, for example all outstanding balances are repaid and safeguarding issues resolved
- 14.3 Bury Council retains the right to recover Carers Direct Payment in full or in part if it is satisfied that the money had been diverted from the purposes identified within the person's Support Plan.
- 14.4 Failure to comply with the auditing and monitoring of your Carers Direct Payment may result in the Carers Direct Payment being suspended until requested evidence is received.
- 14.5 A Carers Direct Payment will be terminated on reasonable notice if the person being cared for is admitted to long-term residential care.

- 14.6 A Carers Direct Payment will be terminated on reasonable notice if the person being cared for dies
- 14.7 On closure of account, shortfall of funds arising from overuse of Carers Direct Payment funds will be payable by the person in receipt of Carers Direct Payments.

# Bury Council Adult Social Care

## DIRECT PAYMENT AGREEMENT BETWEEN:

**BURY COUNCIL**

**AND**

**The CARER (AS NAMED BELOW)**

**OR**

**THE ASSIGNED PERSON MANAGING THE DIRECT PAYMENT (AS NAMED BELOW)**

<b>Carer name:</b>	
<b>Address including Postcode:</b>	
<b>Name of person managing the Direct Payment: (if applicable)</b>	
<b>Address of person managing the Direct Payment: (if applicable)</b>	

**Note** that this is a legally binding agreement therefore you should read it carefully and seek legal advice should you be unclear regarding any of the terms.

This Agreement outlines your responsibilities and the Council's responsibilities when using your Carers Direct Payment. No payments can begin without this agreement having been signed and received by the Council.

## YOUR CARERS DIRECT PAYMENT

- To receive a Carers Direct Payment, you will be a carer with eligible needs as outlined by a carers assessment.
- You will have completed an assessment form and had an assessment by a Council representative.
- If you are a carer, the Council will have prepared a Carers Support Plan showing how your assessed support needs will be met.
- You have agreed that the support described in the Carers Support Plan is to be provided wholly or partly through a Carers Direct Payment.

## HOW WILL YOUR CARERS DIRECT PAYMENT BE PAID

Your Carers Direct Payment will be paid via prepayment card except in exceptional circumstances as listed in the Carers Direct Payment Policy.

- Your Carers Direct Payment can only be used for the items listed/support services set out and agreed as per your support plan. This account must not be used for any purpose other than for receiving the Carers Direct Payments and making payments for your assessed support needs/support needs under your Carers Support Plan. If you wish to use your Carers Direct Payment for an alternative service that meets your needs, you must get agreement from the social care team (contact 0161 253 5151).
- You must not make any cash or ATM withdrawals from this account.
- You must not make any transfers to your own bank account. Please note: *there will be no reimbursement of funds if you pay for services/goods with your own money rather than using the Carers Direct Payment account.*

## GENERAL RULES ABOUT HOW TO USE THE CARERS DIRECT PAYMENT MONEY

- Your Carers Direct Payment is to enable you to buy the support required to meet the outcomes as detailed and agreed in your Carers Support Plan.
- You must notify Bury Council if you wish to change anything in your Carers Support Plan and obtain approval in writing from Bury Council prior to purchase.
- You must inform Bury Council at the earliest opportunity of any material changes in circumstances which would affect your assessed needs or entitlement to Carers Direct Payments. This will include any changes in capacity to manage Carers Direct Payments or in the event of the death of the person in receipt of the Carers Direct Payment or the cared for person
- You cannot use your Carers Direct Payment to buy anything other than goods/services which meet your outcomes as agreed in your Carers Support Plan. Although not an exhaustive list, you **cannot** spend your Carers Direct Payments on the following items:
  - Anything illegal
  - Anything that will harm a person's health, safety or wellbeing

- Paying for anything related to regular day to day living expenditure e.g., food, drink, dietary supplements etc.
- Purchase of alcohol, tobacco or gambling
- Paying for anything that other departments or statutory organisations provide, for example the NHS
- Paying any rent or household bills e.g., gas, electricity, TV, Broadband, Insurance.
- Paying for any home equipment, decorating/maintenance, furniture including white goods.
- Clothing
- Payments for subscriptions e.g. mobile phone contracts
- Permanent residential or nursing care
- Paying for services for carers directly from Bury Council
- Paying for services from a spouse, family member or partner who lives in the same household as the person, unless Bury Council has determined it necessary.
- Spend involving commitments out of the United Kingdom (UK). Any out of the UK spend will need to be assessed on a case-by-case basis and subject to authorisation by the Assistant Director
- Paying the assessed client contribution for any person in receipt of care and support services
- Carers break outside of the UK mainland

## **REVIEWING THE CARERS DIRECT PAYMENT**

- If there is a change in your circumstances, you must notify the Council.
- You can request a review of your Carers Support Plan at any time. Your review should take place no later than 12 months from when your carers support plan takes effect, however, should you wish to discuss your carers PB with the social work teams, you can do so via contacting Connect and Direct on 0161 253 5151
- The Council's responsibility remains to provide a review of your assessed care needs on a regular basis.
- It is also the Council's responsibility to address any concerns in respect of your safety and welfare should they arise.
- You must keep accurate financial records (and retain these for a period of at least 6 years).
- You must keep the following records: -
  - If you use a service provider, then you will need to keep copies of all the invoices and receipts you have received from the service provider
  - Any other receipts or invoices related to your Carers Support Plan expenditure.
- You must submit all documents requested by the Council for audit purposes promptly. Failure to do so may result in the Carers Direct Payment being suspended or the agreement being terminated.

- If the Council decides that you are not keeping proper financial records it will consider terminating this Carers Direct Payments Agreement

## ENDING THE CARERS DIRECT PAYMENTS AGREEMENT

- In the event of your death, those dealing with your affairs need to be aware that any Carers Direct Payments money remaining in the prepayment card does not form part of your estate and cannot be used to pay for expenses such as funeral costs. This money will need to be returned to the Council subject to a final audit.
- If Carers Direct Payment's money is used in an inappropriate or fraudulent way, the Council will take appropriate action to recover any money spent in this way.
- If an audit identifies there is surplus or unused money the Council will arrange for the return of surplus money.
- If you do not keep to the terms and conditions of this Carers Direct Payments Agreement the Council may stop your Carers Direct Payment and you will be required to return all or part of the money you have received.
- The Council may take any necessary legal action it deems appropriate if the terms of this agreement are breached.

<b>SIGNATURES:</b>			
<b>CARERS NAME:</b>			
<b>Signed:</b>		<b>Date:</b>	
<b>Print Name:</b>			
<b>Person managing direct payment: (where applicable, ie if different to Carer)</b>			
<b>Signed:</b>		<b>Date:</b>	
<b>Print Name:</b>			
<b>Relationship to the Carer:</b>			
<b>ON BEHALF OF THE COUNCIL:</b>			
<b>Signed:</b>		<b>Date:</b>	
<b>Print Name:</b>			
<b>Designation:</b>			
<b>DIRECT PAYMENT START DATE:</b>			

Bury  
Council