

# Have your say

## Draft rules for direct payments

### Easy-read Summary



The Scottish Government wants to know what people think about the draft regulations (rules) for direct payments.

The Scottish Government is also asking people what they think about draft Guidance on care and support. (This is a separate paper.)

Please take a look at the draft Rules and the draft Guidance together. The Scottish Government would like your views on both papers.

## **Part 2: Getting a direct payment**

A direct payment is used by a person to buy the support they need.

### **Rule 3: Checking what people can pay towards support**

The local council can check if a person can pay some money towards the cost of their support. It must carry out this check before the person gets a direct payment or as soon as possible afterwards.

Once it has done the check, the council may ask the person to contribute (pay something) towards the direct payment.

If the person already has their direct payment, and then needs to pay something towards their support, the council can ask the person to repay part of the direct payment.

There are also rules for Carers Support and charges. This means that some people may not have to pay towards their support.



## Rule 7: Stopping a direct payment

The local council can stop the direct payment if:

- The person stops being eligible for a direct payment
- The money has not been used for support but for something else
- The money has been used to buy support from a family member and this is not allowed.

Before it stops the direct payment, the council must tell the person that it is going to do this and why.

It must also tell the person the date when the direct payment will stop. When it decides the date, the council must think about:

- any legal arrangements the person has for support
- how much time the person will need to arrange other support.

The council must tell the person in writing and in any other format that the person needs.

### Question 1: What do you think?

Tell us what you think about the rules in Part 2 for

- Checking how much someone can pay towards their support
- Paying the direct payment
- Stopping the direct payment

- 1 I think it should be checked to see if someone can pay something towards their support.
- 2 I think the direct payment is a good thing but the options are limited
- 3 Direct payment should be stopped if they are misused or any evidence of fraud

One of the following things must also be true:

- There are hardly any local care organisations that can meet the person's needs
- The person does not like strangers
- The person finds it hard to communicate with other people
- The family member can give support at times when it would be difficult for others to do this
- The person needs support to care for parts of their body and it is better if this care is given by someone in their family
- The person would prefer someone with the same religion or beliefs to provide the care
- The person has an illness that means they will die and they need care for the last months of their life
- The person needs care for just a short time
- There are other reasons why the council thinks it would be better if a family member provides the care and support.



## Rule 10: When a family member cannot provide support

Sometimes a family member cannot provide support – even if they fit the rules above.

The council may decide that the person or the family member is not making a free choice about the support but feels they have to agree to it.

Sometimes a family member will be the person's guardian or will have a power of attorney (a legal paper) that means they can make decisions about the person's support. Then, the family member cannot provide the support.

### Question 2: What do you think?

Tell us what you think about the rules in Part 3 about when you can and cannot use a direct payment to employ a family member to give support.

In my opinion this whole issue is a shambles  
At the moment we are given enough money  
for 10 hours of support a week (two sessions)  
My husband received carers allowance until he  
became 65 (September 2011) and was eligible for the  
old age pension  
He cares for me 24/7 for the last 9 years and  
has not had a day off, he gets nothing for his  
efforts  
I honestly don't know what the answer is  
we are strong supporters of the SNP government  
but it all seems very unfair.

## Rule 12: You cannot use a direct payment for some services

The local council does not have to give someone a direct payment if the person needs support because they:

- are homeless
- need to get away from being abused at home by a family member
- need help to stop taking drugs or alcohol

### Question 4: What do you think?

Tell us what you think about not giving direct payments to people who:

- Are homeless
- Are getting away from abuse at home
- Need help to stop taking drugs and alcohol.

People should not get direct payments if they have no fixed abode because they would have no access to banking facilities and it would be difficult to put a proper care plan into place.

For example care organisations also need to have a routine it would also be difficult to comply to provide the quarterly report showing the earnings and workings of the money all this would result in an admin nightmare and potential fraud.

Direct payments can be given to children and families for care and support services for a child. But the council can say "No" if it thinks a direct payment will not help to keep the child safe and healthy.

## Question 6: What do you think?

The rules do not say exactly when and why the council can say No to children and families if they want to use direct payments for care and support. Do you think the rules should be more specific?

*not sure*

## Have your say

What do you think of this Guidance?

Too Difficult for me after having had a stroke.

Was it clear and easy to understand? No

Was it useful? No

Use the next page too.