

Information on how to request an increase to your Direct Payments

About this factsheet and how to find out more information

We have drafted this factsheet to provide you with more information on how you can request an increase to your direct payment. The advice contained within this factsheet applies to people receiving a direct payment and people authorised to manage the direct payments of an individual who lacks the capacity to manage the direct payments for themselves.

What is a direct payment?

Your direct payment is a sum of money, which is given to you so that you can buy services to meet your social care needs. When you receive a direct payment instead of a service direct from your local authority, you have choice and control over who provides your social care.

How were your direct payments calculated?

Before you started to receive your direct payments, your local authority assessed your needs and decided that they are under a duty to meet some or all of your social care needs. Your local authority then prepared a care plan and a personal budget for you. The personal budget tells you how much it will cost to meet your needs. You then chose to receive your personal budget as a direct payment. The sum of money you receive as a direct payment stems from the personal budget calculation and must be sufficient to meet the eligible needs that your local authority has assessed you as having. The personal budget calculation must also take into account any reasonable preferences to meet needs as detailed in the care and support plan.

Local authorities use different ways to calculate a personal budget. Most local authorities use a set rate to calculate the cost of the different parts of your care package - for example, some local authorities will set a rate of £14 per hour for a personal assistant.



Local authorities are allowed to start by calculating the cost of your care using a set rate, but the law says that if the personal budget calculated using the set rate is not enough to meet the real cost of care, then the personal budget amount must be changed.

Example:

Billy needs 10 hours of support from a personal assistant. The local authority calculates the amount in the personal budget using a set personal assistant rate of £14 per hour:

The local authority calculates $10 \text{ hours} \times £14 \text{ per hour} =$ a personal budget of £140

The real cost of a personal assistant in Billy's local area is £15 per hour because the local providers have increased their prices. The local authority must change the calculation of Billy's personal budget and increase the amount of money that Billy receives as a direct payment. The local authority must increase the payments as follows:

$10 \text{ hours} \times £15 \text{ per hour} =$ a personal budget of £150

Am I entitled to an increase in my direct payments?

The amount of money you receive as a direct payment should always be enough for you to purchase the service you have been assessed as needing. If the cost of buying a service increases, and you are no longer able to afford the service, then you have a right to an increase in your direct payment, so long as you can show that you cannot purchase a cheaper service elsewhere

How can I prove that the cost of my service has increased and that no-one else could meet my needs?

Local authorities must encourage a variety of different providers and different types of services so that people have a genuine choice over the type of service that they receive.

Your local authority might tell you that there are other providers in your local area and that you need to shop around to see whether you can still buy your care from another provider for a lower cost. This is important to understand because if the amount of money you receive is to be sufficient to purchase the service you require, and the cost of this service is rising amongst all social care providers then your direct payment should increase too.

It is also important to stress that the decision to increase a direct payment should be based on outcomes and value for money, rather than being purely financially motivated. For example, it may be that increasing the personal budget to allow a direct payment from a particular provider, it is expected to deliver much better outcomes than local authority delivered care and support, or the preferred option may reduce the need for travel costs, or out of hours care.

How do I secure an increase?

You should request a financial review of your direct payment. If you are satisfied that your needs have been appropriately assessed and that the package of support in place for you is meeting your needs, then you do not need a new assessment of your care and support needs.

You also do not need a full review of your direct payment which would look at the suitability of the direct payment and whether they should continue. You simply need the local authority to review the amount of money being paid to you. We have drafted a letter that you may wish to use as a template when making this request.

What if my local authority won't agree to an increase?

If your local authority does not agree to an increase or does not respond to your request for one, you should get back in touch with us straight away or seek alternative independent legal advice.

It is important that you act as quickly as you can and seek assurances from your local authority that an increase in payment will be made in the interim, until all issues are resolved.