

## Devon Direct Payments Scheme (October 2011)

### Principles & Practical Guidance on the use of Direct Payments for Community Equipment & Minor Adaptations

#### 1. Definitions Used in this Guidance Document

##### 1.1 Service User

This is the person who has been assessed and will use the equipment and is usually the person who is the recipient of the direct payment. If the Service User is unable to manage the direct payment (due to their condition or age e.g. children) then their carer or a third party can receive and manage the direct payment on their behalf.

##### 1.2 Prescriber

This is the professional care worker who assesses the Service User for community equipment and manages the application for a direct payment on their behalf.

##### 1.3 Community Equipment

This is equipment including minor adaptations which would normally be directly provided by the Community Equipment Service or a retail prescription. This may be core equipment issued from stock or a special item of equipment or a prescription tariff item. The range of equipment considered for a direct payment must be for an assessed social care need only. Fair Access to Care Services criteria must be applied equitably for adults, irrespective of whether the service is to be secured by direct provision or direct payment. A direct payment can be provided instead of a prescription tariff item at the retail tariff price. A retail model equipment prescription is considered to be equal to a direct payment.

##### 1.4 Standard Direct Payments Agreement

This is the SS20(B) Direct Payment Agreement form specifically for community equipment direct payments. This is a binding agreement signed by both the Service User and Devon County Council

#### 2. Overall Principles:

2.1 Any person of any age (including children under 18 years old) who has an assessed eligible social care need (other than permanent residential or nursing care), can request to have this need met by a direct payments route. This right extends to the purchase of equipment where it is required to meet an eligible assessed social care need. If a Service User requests a direct payment to meet social care needs, the Local Authority has a duty to make a reasonable direct payment offer, adequate to meet that need.

2.2 Devon County Council acknowledges its statutory duty to offer a direct payment to any Service User who makes a request for their needs to be met in this way. It is good practice to offer a direct payment up front, but not a mandatory requirement until requested. The Prescriber will therefore offer a direct payment for equipment in response to any Service User request, even if it is our perception that there is little potential benefit in pursuing this route. Direct payments can be particularly enabling if the Service User wishes to purchase an item of equipment which is in some way different or better than that which would be issued by the normal Community Equipment Service process. In such cases, a direct payment will be offered, and if necessary, the Service User may top up the amount offered in order to purchase their choice of equipment.

#### 3. Assessment:

3.1 The assessment of need must be carried out following standard care management processes and documentation. Fair Access to Care Services criteria must be applied equitably for adults, irrespective of whether the service is to be secured by direct provision or direct payment.

The assessment of need and initiation of a direct payment for an adult (18 years+) can only be undertaken by Devon County Council staff.

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The assessment of need and initiation of a direct payment for a child (under 18 years) can be undertaken by any Occupational Therapist within Integrated Children's Services.

- 3.2 Direct payments for equipment must therefore be offered if all of the following are satisfied:
- The assessment results in an eligible social care need for equipment
  - The Service User requests this need to be met via a direct payment
  - The Service User is "willing and able" to manage the direct payment with or without assistance.

#### 4 Calculating the Direct Payment Offer

- 4.1 The direct payment offer will be equivalent to the normal purchase cost by Devon County Council of the equipment which would have been supplied direct from the Community Equipment Service or the Devon retail tariff list if the Service User had accepted direct provision. This includes any direct costs in respect of postage & packing, delivery, installation and demonstration of the equipment by the supplier and also ongoing maintenance and warranty if required. If a 'special' non-standard piece of equipment is required to meet the Service Users needs and that piece of equipment is available from recycled stock, then the direct payment should reflect the valuation of the recycled item in stock which may be less than the normal purchase cost of a new item of equipment. The Prescriber should obtain a quotation from the Service Manager, PLUSS Community Equipment Service (Devon) as a basis for the direct payment offer. Best Value and cost effectiveness must be considerations when making a Direct Payment offer to the Service User, but these criteria can not be used to refuse a direct payment.
- 4.2 The Prescriber should ascertain whether the service user is eligible for Value Added Tax exemption; if exempt, the direct payment offer will be made excluding VAT, otherwise VAT must be added to all VAT-rated elements of the offer.
- 4.3 Before making a formal direct payment offer in writing, the Prescriber will require the correct authorisation in just the same way as if a Community Equipment Service order was being authorised for direct provision of equipment.
- 4.4 Although the Service User can top up the direct payment to buy a more expensive item if they wish, where the equipment costs less than the amount of the direct payment, the Service User must repay the under spend – it is important that unused money goes back to Devon County Council for future direct payments.

#### 5 Installation, Maintenance and Insurance

- 5.1 Set-up, installation & demonstration shall be the sole responsibility of the equipment supplier and should include guarantee, extended warranty and any after-sales support which may be needed. Any associated costs for these should be included within the overall direct payment but be clearly identifiable.
- 5.2 Ongoing maintenance costs, where required will be included in the direct payments calculation, offer and agreement. The Service User will have the option to choose whether to receive a maintenance service from the Community Equipment Service, or to receive a cash equivalent within the direct payment to contract with the external equipment provider. The Service Manager, Community Equipment Store (Devon) will provide an estimate of the maintenance cost for this purpose based on the maintenance cost provided by the Community Equipment Service.

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If the Service User chooses to contract with an external provider for maintenance, (see above) the prescriber must strongly recommend that an extended warranty to cover replacement parts costs is taken out. The Service User would meet the cost of this.

- 5.3 The Prescriber must advise the Service User to take out insurance to provide cover for:
- Any accident or personal injury e.g. to care assistant, or any third party.
  - Fire and theft
- The cost of such insurance must be borne by the Service User.

#### 6 Re-Use of Equipment & Ownership:

- 6.1 The equipment purchased by the direct payment shall be the property of the Service User for as long as it is required by the Service User to meet their assessed need. The direct payment shall be deemed as 'gifted' to the Service User.
- 6.2 The Service User is contractually required to notify Devon County Council of any material change in circumstance. (In practice this would be any change of circumstance which means the equipment no longer meets the Service User's needs, is no longer needed at all, or any permanent change of address.)
- 6.3 When the equipment is no longer needed by the Service User, the Community Equipment Service request first refusal to collect the equipment for recycling and re-issue.

#### 7 Topping Up & Purchase Options

- 7.1 The Service User may top up the direct payment to purchase a more expensive item of equipment, providing the equipment is appropriate to meet the assessed need. This must be supported by advice from the Prescriber who must check that the equipment is appropriate whilst confirming that the money has been spent appropriately. The Prescriber will be required to input the Direct Payment details onto Care First and to check the Client's bank statement as evidence the money has been spent appropriately.
- 7.2 Leasing of equipment may be considered and is acceptable under direct payment legislation as long as the Prescriber accepts that it is a cost effective way of meeting need. Leasing would probably be an ongoing direct payment rather than a single direct payment for a purchase.
- 7.3 When the equipment is no longer needed by the Service User and is collected by the Community Equipment Service, the amount of money provided as a direct payment and any money the Service User contributed to top up their purchase of a specific upgraded piece of equipment will NOT be reimbursed to the Service User.
- 7.4 A direct payment may not be used to purchase services directly from Devon County Council.

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- 7.5 It is suggested that the Service User purchases equipment from reputable traders which are members of the BHTA (The British Healthcare Trades Association) who trade in accordance with the BHTA Code of Practice.

BHTA  
New Loom House  
Suite 4.06  
101 Back Church Lane  
London E1 1LU  
Tel: 020 7702 2141  
Fax: 020 7680 4048  
Email: [bhta@bhta.com](mailto:bhta@bhta.com)  
Website: [www.bhta.com](http://www.bhta.com)

- 7.6 For independent advice and information about purchasing options, Service Users can also contact The Independent Living Centre :

The Independent Living Centre  
ISCA House  
Haven Road  
Exeter  
Devon  
EX2 8DS  
Tel: 01392 687276  
Fax: 01392 687277  
Email: [ilc-exeter@devon.gov.uk](mailto:ilc-exeter@devon.gov.uk)

## 8 Mistakes & Changing Needs

- 8.1 Devon County Council will seek repayment of some or all funds where it is evident that the direct payment has not been used to meet the assessed need. Where deliberate fraud is suspected we may also contact the police.
- 8.2 If an inappropriate item of equipment is purchased as a directly attributable result of an error in the assessment process, Devon County Council will repeat the assessment and rectify the error with a new direct payment agreement.
- 8.3 It is possible for the item of equipment purchased to become inappropriate due to changing need. Prescribers are particularly asked to take this into account when assessing Service Users with fluctuating or degenerating conditions, as anticipating changing need at the first assessment may avoid the need for expensive re-prescription later on.
- 8.4 The Prescriber will review, as soon as possible after purchase of the equipment, the appropriate installation and use of the equipment and the satisfactory completion of the direct payment arrangements. The results of this review will be recorded on the case file.

## 9 Health, Safety and Liability

- 9.1 The Prescriber must share with the Service User the results of any health and safety assessments it undertakes as part of the assessment of need, and the Prescriber must advise the Service User on the health and safety aspects of any prescribed equipment.
- 9.2 The Service User accepts responsibility through the direct payment agreement, for all aspects of their own Health & Safety, and that of persons employed by them to provide care including the use of equipment.

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- 9.3 The Service User has responsibility to ensure all statutory equipment checks and maintenance are undertaken in compliance with the requirements of health and safety legislation (e.g. Provision and Use of Work Equipment Regulations 1998 (PUWER) and The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) ) See section 5.2 of this document regarding provision for the cost of these checks.

#### **10 Administration of Direct Payments for Equipment – Specific Arrangements:**

- 10.1 Ongoing direct payments are normally required to be paid into a separate bank account opened specifically for this purpose. If however it is clear that the package will be dealt with through a single payment, and an easy 'audit trail' will be available, it may be paid through a Service User's existing current bank account. In such cases, it will be sufficient for the Service User to provide copy bank statements and invoices to evidence receipt and proper disbursement of the direct payment funds. These will be checked by the Prescriber.
- 10.2 The direct payments agreement form SS20(B) between the Service User and Devon County Council will be used as the contractual document for direct payments for community equipment and minor adaptations.
- 10.3 Direct payments in lieu of personal care services, respite etc for adults, are normally processed by locality finance clerks. In the case of direct payments for equipment however, these should be submitted for processing to :-

For Adult Service Users Aged 18 years and over are submitted for processing to :-

Direct Payments Team,  
The Annexe,  
County Hall,  
Topsham Road,  
Exeter,  
EX2 4QR  
Tel: 01392 383126  
E-mail: [direct.payments@devon.gov.uk](mailto:direct.payments@devon.gov.uk)

- 10.4 For Children Service Users (under 18 years old) all money tracker returns are submitted for processing to:-

Direct Payment Money Trackers  
Children & Young People's Services  
Room 120  
County Hall  
Topsham Road  
Exeter  
EX2 4QG  
Tel: 01392 38 3609  
E-Mail: [trackers@devon.gov.uk](mailto:trackers@devon.gov.uk)

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