

Direct Payments Factsheet – What to do when someone who is receiving a Direct Payment dies



When someone in receipt of direct payments dies, the Council needs to be informed so that they can stop the arrangements that are in place. In such circumstances please contact the Direct Payments Team.

The Officer will ask you for the name of the executor or the person who will be dealing with the affairs of the deceased (the executor will be named in the deceased's will as the person who will deal with their affairs after their death). They will also ask if there is a solicitor. If there is a solicitor involved please give their name and contact details, e.g. address and telephone number. We need this information so that we know to whom we need to send correspondence.

The Direct Payments Team will close the Direct Payment so that payments cease and will lock the card account.

The Council has a contract with an organisation called Ideal For All. They provide support to people using direct payments. They may also be involved during this time to ensure that all of the employer responsibilities are completed correctly.

The Direct Payment Card Account

Money from a Direct Payment has been provided to buy services for someone who needed social care support. It does not form part of the person's estate and cannot be used for any purpose other than direct payment contractual obligations that need to be met. It cannot be used for such things as funeral expenses.

Any money left in the direct payment card account once all of the contractual and legally required sums have been paid will be reclaimed by the Council. We will advise you on how this will be done.

If you are the executor of the will you will need to find out if there are any contractual obligations or payments that need to be made from the dedicated direct payment card account. For example, if the deceased had been employing a Personal Assistant, this person will need to be paid for the work that they had already completed and any redundancy/holiday pay that was due to them. The Council or Ideal For All can assist you to do this. The redundancy payment due to each employee under the statutory redundancy payment scheme depends on the individual's age and length of service. If the deceased had employer's liability insurance cover, the policy may have provision to fund all or part of any redundancy payment due. Please contact the Direct Payments Team for advice on this.

If you are not the executor of the will it is very important that you explain the Direct Payments Scheme to the executor. They may not know how direct payments work. They need to be made aware that the card account is a dedicated Direct Payment account and that the remaining money in it, after all contractual and legally required sums have been paid out, will be reclaimed by the Council.

If there is no will the individual is said to have died 'intestate'. Usually a close relative like a spouse, child or parent will be able to apply for the legal right to sort out the estate of the person who has died. In order to be able to administer someone's estate you (or the friend or relative) will need to apply to the Probate Registry for a 'Grant of Letters of Administration'. It is advisable that you obtain a solicitor to help you through the process. On receipt of the grant, you or the individual will become the 'administrator' of the estate. The grant provides proof to banks, building societies and other organisations that you have authority to access and distribute funds that were held in the deceased's name. Once you receive this you need to contact the Direct Payments Team so that we can authorise you to access the direct payment card account and make any payments that need to be made. Once all payments have been made, please contact the Direct Payments Team so that we can reclaim the remaining balance.

Who to contact

Adult Social Care - Tel: 01902 551199

Disabled Children and Young Person's Team - Tel: 01902 550911

Direct Payments Team - Tel: 01902 551292 or 01902 551294

Civic Centre

St Peter's Square

Wolverhampton

WV1 1RT

Email: Direct.payments@wolverhampton.gov.uk

Ideal For All - Tel: 0121 558 5555 Email: info@idealforall.co.uk