Sarah Wollaston (Totnes, Conservative)

During his speech, the right hon. Member for Sutton and Cheam raised the issue of what would happen for someone who held a personal budget—in other words, money that was provided by the state but was entirely handled by an individual. It would not be a local authority direct payment, but a personal budget. The point is that this is a legal uncertainty and it would be really helpful to have that point clarified.

Norman Lamb (The Minister of State, Department of Health; North Norfolk, Liberal Democrat)

If a citizen benefits from a direct payment from the local authority, in other words, where the local authority hands over the money to the citizen, and the citizen arranges their care with a care provider—I think that is the circumstance which my hon. Friend describes—

Sarah Wollaston (Totnes, Conservative)

A personal budget.

Norman Lamb (The Minister of State, Department of Health; North Norfolk, Liberal Democrat)

Well, let us be clear about the terminology here. A personal budget in this legislation will be the budget that sets out where the costs are and what care is needed for that individual to meet their needs. The direct payment is where the funding is given to the individual in order to arrange their own care. Where that happens, where the money is in the hands of the individual, they then enter a contract with a care provider—it might be a domiciliary care provider or any other sort of contract, it might be with someone to do their shopping for them. In that circumstance, I think my hon. Friend would agree that the person doing the individual's shopping should not be a public body subject to the Human Rights Act. The recipient of a direct payment who arranges the care for themselves would not be covered by the Human Rights Act. It does not come within the existing change that was introduced by the previous Government that relates directly to people in publicly arranged care in care homes. I hope that is clear.