

OXFORDSHIRE COUNTY COUNCIL

SOCIAL & COMMUNITY SERVICES



Self Directed Support in Oxfordshire

How DIRECT PAYMENTS work

June 2011

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Direct Payments for Community Care Services, Services for Carers and Children's Services

With the introduction of Self Directed Support everyone who is eligible for social and community services from their Local Authority will receive a Personal Budget. This is the amount of money that the Council believes is reasonable to buy services to meet those eligible needs. The person who requires the support then can choose how that budget is spent to meet the needs. They can request that the council makes all the arrangements for meeting the needs and therefore manages the budget on their behalf; or, they can ask for a Direct Payment (to themselves or to a nominated person or other 3rd party), which is the mechanism the Council uses to give the person the budget directly to spend in a way in which they can exercise choice and control over who by, when and how their support is provided.

The Aim of this Guidance

The aim of this guidance is to assist Social & Community Services (S&CS) in making Direct Payments and implement the major changes introduced by the new Direct Payments Regulations in 2009 (The Regulations) which are:

- Local Councils have a **duty to provide Direct Payments** rather than the power to offer Direct Payments.
- Direct Payments **must be made to all individuals who are eligible to receive them and who want them**. All people who are eligible to / or receive services from S&CS and who are eligible and request a Direct Payment cannot be refused. The Council cannot however force someone to have a direct payment against their will.
- A Direct Payment can be paid to relatives who do not live in the same household and in exceptional circumstances to relatives who live in the same household.
- The person in receipt of the Direct Payment does not have to manage the Direct Payment themselves either the financial aspects or the organisation of the service – this can be undertaken by a third party – an individual, a formal network or a trust.
- The Health and Social Care Act 2008 amended the Health and Social Care Act 2001 to extend the scope of direct payments to include adults lacking capacity to consent to their receipt. A number of exclusions previously placed upon individuals subject to mental health legislation and to provisions of criminal justice legislation relating to mental disorder have also been lifted.

What are Direct Payments?

Direct payments are a way of receiving a personal budget. The council cannot compel anyone to accept them but can encourage and support as many people as possible to take control over their own care support by use of a direct payment. If individuals wish, councils can arrange mixed packages with some directly provided services and direct payments for other needs. This can, for example, give somebody the opportunity to familiarise themselves with managing direct payments before taking on responsibility for arranging support to meet all their needs

- Day-to-day control of the money and care services passes to the person or the persons agent who has the strongest incentive to ensure that it is spent properly on the necessary services, and who is best placed to judge how to match available resources to needs.
- The person then uses the payment to secure for him or herself/or the person they are representing the relevant services. In the case of disabled children, a person with parental responsibility for a disabled child secures services to meet the needs of their child or the child's family.
- As a general principle we should aim to leave choice in the hands of the person by allowing people to address their own needs as they consider best, whilst satisfying themselves that the agreed outcomes are being achieved. Where a child is assessed as needing services under section 17 of the Children Act 1989, S&CS have to be satisfied that the Direct Payment will 'safeguard and promote' the welfare of the child for whom the service is needed.
- Where a local council makes a Direct Payment, it retains its functions with respect to overall provision of the service under the applicable social services legislation. However, so long as S&CS is satisfied that the person's needs for a particular service will be met through the arrangements he or she makes using the Direct Payment, the council is not obliged to provide or arrange those services for that person.
- From 9 November 2009 the broad effect of the 2001 Act and the Regulations ('the direct payments legislation') is to extend the current system of direct payments to include people who lack the capacity within the meaning of the Mental Capacity Act 2005 ('capacity') to consent to the making of direct payments and to remove the exclusions which currently apply to people who are subject to various provisions of mental health legislation, particularly the Mental Health Act 1983 ('the 1983 Act'), and to provisions of criminal justice legislation relating to mental disorder.

The Regulations provide that the duty to make Direct Payments applies to:

- a social and community care service within the meaning of section 46 of the National Health Service and Community Care Act 1990; or
- a service under section 2 of the Carers and Disabled Children Act 2000; or a service which local councils may provide under section 17 of the Children Act 1989 (provision of services for children in need, their families and others).
- Wherever a person is assessed as needing social care services, a council should check whether there is a duty to make a Direct Payment in respect of that service.
- Housing Authorities are not authorised to make Direct Payments. However, Direct Payments are now, in some circumstances, allowed to be used to purchase health services, under the new Personal Health Budgets pilots EG continuing care services.

Who can receive Direct Payments?

Direct payments **must** be made to all individuals who are eligible to receive them and who want them. This might include those people in the groups listed below who have been assessed as needing relevant services:

- **Older people and disabled people aged 16 and over**
This includes in particular older people who, despite being the largest single group of people using community care services, have been the least likely to access direct payments. This may also include disabled adults and disabled young people aged 16 or 17.
- **A person with parental responsibility for a child**
This may include a parent or others, such as a grandparent, with parental responsibility for a disabled child. Not all parents have parental responsibility for their children. Conversely, a carer may acquire parental responsibility for a child, usually as a result of a court order, even if they are not one of the child's parents. This definition may also include a disabled person with parental responsibility for a child.
- **Carers aged 16 and over**
A council may decide that a person requires services because they provide, or intend to provide, a substantial amount of care on a regular basis for someone aged 18 or over. Carers (but not employees, persons working under contract or volunteers for a voluntary organisation) may obtain direct payments in respect of their own needs for services as carers.
- **An appointed 'suitable person'**
This means a person appointed to receive and manage direct payments on behalf of someone who lacks capacity to consent to the making of the direct payments. The suitable person will often, but not always, have been given a lasting power of attorney or have been appointed by the Court of Protection as a deputy under the Mental Capacity Act 2005. Usually the suitable person will be a family member or friend who may previously have been involved in the care of the person eligible for services.

There are some exceptions in respect of certain people subject to mental health legislation or aspects of criminal justice legislation relating to mental disorder, where councils may have a power rather than a duty to make direct payments.

- **Direct payments to people subject to mental health legislation**
Previously, many people with mental disorders who were subject to compulsory measures under the Mental Health Act 1983 (and similar legislation) were excluded from receiving direct payments. The new Regulations remove most of those exclusions, with the result that local authorities will now also be able to make direct payments to people who are subject to such mental health legislation, therefore enabling people previously excluded to benefit from greater choice and control over their support.

It is expected that, in most cases, people subject to mental health legislation will now enjoy exactly the same rights to direct payments as anyone else.

However, in a few cases, councils will have a power (but not a duty) to make direct payments to such people.

Under the Regulations, councils now have a power (although not a duty) to make direct payments to people ('restricted patients') who are conditionally discharged under the 1983 Act (or the equivalent Scottish legislation). By definition, conditionally discharged restricted patients are offenders who have been detained in hospital under the 1983 Act (or the equivalent Scottish legislation) and who remain liable to recall to hospital if necessary for their own health and safety or the protection of others.

Councils also have a power, rather than a duty, to make direct payments in respect of services which the person in question is under an obligation to accept as a result of any of the provisions of the 1983 Act, the Criminal Procedure (Insanity) Act 1964, the 1991 and 2003 Criminal Justice Acts, the Powers of Criminal Courts (Sentencing) Act 2000 and similar Scottish legislation.

For example, if it is a condition of a person's community treatment order under the Mental Health Act 1983 that they accept a particular type of community care service, then the council would have a power, but not a duty, to make direct payments in respect of that service (provided, of course, all the other criteria for making direct payments are met). The provision of a discretionary power is intended to give councils greater flexibility in cases where they are concerned that there may be risks in making direct payments in respect of services which the person concerned may prefer not to receive. The person concerned might not, for example, be as committed to making a success of the service as would normally be the case where people use direct payments to arrange their own care.

Even where these provisions apply, local authorities still have a duty to make direct payments in respect of any service not covered by a specific condition, in the same way as they do for any other eligible person. Therefore the situation may arise where a council has a duty with regard to some services and a power with regard to others, when making direct payments to someone subject to legislation below.

Although the Regulations allow councils to exercise discretion in making direct payments to people subject to conditions relating to mental disorder, councils should be flexible in their approach and prepared to support individuals to take up direct payments wherever possible. Councils will wish to consider what support is available to the service user and where this support can be strengthened by access to support services, information and advice, brokerage and, where appropriate, independent advocacy. It is important to have in place a comprehensive risk management strategy within the support plan, agreed between the service user and the council, including what arrangements will be put in place for proportionate monitoring and review.

Where councils decide that it is not appropriate to make direct payments, they should put the reasons for the decision in writing, and make a written record available to the individual. They should also inform the individual

about how to access complaints procedures if they are not satisfied with the decision of the council.

People who have been placed under certain conditions or requirements by the courts in relation to drug and/or alcohol dependencies are excluded from receiving direct payments. In such cases, the council still has a duty to provide services to meet the eligible needs of the service user, although direct payments cannot be made in respect of such needs.

Exclusions to direct payments

Direct payments may not be made in respect of certain people who have been placed under certain conditions or requirements by the courts in relation to drug and/or alcohol dependencies, as listed below:

- offenders on a community order, or serving a suspended prison sentence, • under the Criminal Justice Act 2003, which includes a requirement to accept treatment for drug or alcohol dependency;
- an offender on a community rehabilitation order or a community punishment • and rehabilitation order under the Powers of Criminal Courts (Sentencing) Act 2000, which includes a requirement to accept treatment for drug or alcohol dependency;
- offenders released from prison on licence under the Criminal Justice Act 1991, • the Criminal Justice Act 2003 or the Crime (Sentences) Act 1997 subject to an additional requirement to undergo treatment for drug or alcohol dependency; and
- people subject to equivalent provisions under Scottish criminal justice • legislation.

Reference should be made to the Regulations for full details of people excluded from direct payments. See the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 – Regulations 2(c) and 4(c) and Schedule 1.

Direct Payments in Oxfordshire

The offer of a social care package via a personal budget will depend on eligibility for services. Direct Payments are one way of supporting clients with eligible critical or substantial needs; they should not be offered where the person would be left vulnerable to decisions made on their behalf, or where the person is not central to the process. S&CS and the Oxfordshire Brokerage Network will work together to enable all eligible persons to consider Direct Payments as one way to meet their eligible needs.

Personal budgets offer a person choice and control; however their support plan must clearly show how the person will be spending their personal budget to meet their social care and support needs as agreed in their original assessment. S&CS will want to be satisfied that the person's assessed needs can and will be met, and that the money is being spent

appropriately in securing services to meet those needs

- In order to ensure that the person's assessed needs for the relevant service can be met by means of a Direct Payment, S&CS should consider the person's needs and also discuss with anyone to whom it proposes to offer Direct Payments how he or she intends to secure the services.
- S&CS may set reasonable conditions on the Direct Payment, but need to bear in mind when doing so that the aim of Direct Payments is to give people more choice and control over the services they are assessed as needing. For example, individual choice and control would not be delivered were a condition set that someone who receives Direct Payments may only use certain providers. Conditions should be proportionate and no more extensive, in terms or number, than is reasonably necessary.

Direct Payments for Carers

- Direct Payments allow carers to purchase the services they are assessed as needing *as carers* to support them in their caring role and to maintain their own health and wellbeing. Carers (other than those with parental responsibility caring for children) may not receive a Direct Payment to purchase services to meet the assessed needs of the person they care for.
- This facility is available to allow for flexibility in the *small* number of circumstances where a 16- or 17-year-old is choosing to undertake a substantial caring role for a disabled adult for a period and where the local council supports that decision. It could in some circumstances be more helpful to the young carer to receive a Direct Payment, for example, to allow them to arrange for carer services to be delivered in such a way as to minimise any disruption to their education that would result from their decision to care.

Direct payments for adults lacking mental capacity to consent

- The Health and Social Care Act 2008 made amendments to the Health and Social Care Act 2001 to extend the possibility of direct payments to adults who lack the capacity to consent to receive them, where it is in their best interests, enabling them to benefit from the flexibilities that direct payments offer. Direct payments can now be made to a suitable person who receives and manages the payments on behalf of the person who lacks capacity. With certain exceptions, councils now have a duty to make direct payments in respect of a person lacking capacity, provided that there is a willing suitable person who meets all the conditions set out in the Regulations.
- Groups benefiting from this extension of the direct payment scheme may include some adults with head injuries and some people with dementia. In addition, severely disabled children moving into adulthood, who would previously have lost the direct payments they received as a child, can now continue to receive them on reaching the age of 18.

Before making direct payments for someone lacking capacity, the council must first obtain the consent of the suitable person who will receive direct payments on behalf of the person

lacking capacity. In addition, where there is a surrogate of the person lacking capacity, the council must obtain the consent of that surrogate to make direct payments. Under the 2001 Act and the Regulations, a surrogate of a person is a donee of a lasting power of attorney created by that person or a deputy appointed by the Court of Protection who has been given powers relating to decisions about securing community care services to meet that person's needs.

Appointing a suitable person and issues connected to people lacking capacity to consent to Direct Payments

See Annex 1

What Direct Payments can be used for: -

Where a person is eligible to receive services from Oxfordshire S&CS they may be eligible to receive a Direct Payment in order that they may organise their own care support either as an on-going provision or a one off direct payment for such things as respite care. The key here is about the agreement of eligible needs. Direct Payments can be used to purchase most services for persons who are **Ordinarily Resident** of Oxfordshire. For example the types of services that can be purchased can include mixed packages of care, personal care, essential household chores, meal preparation, day-care, short term breaks and associated transport, the purchasing of equipment and Community Care Services for disabled parents to assist with parenting tasks. Direct Payments should be used to promote independence and aid social inclusion by offering opportunities for rehabilitation, education, leisure and employment. Expenses associated with a Direct Payment purchased service are an allowable expense when agreed as part of the support plan.

In considering whether the person's needs for the relevant service will be met by the person's own arrangements, local councils should not be constrained by existing patterns of service provision.

- A Direct Payment can be used to pay an independent care agency (the council recommends they are registered with the Care Quality Commission (CQC)) or to employ anyone with the exception of a close relative living in the same household - except where S&CS have agreed in exceptional circumstance that this is the only way a service can be secured to meet a persons needs.

The Government has implemented a scheme of regulation in domiciliary care via CQC. Councils will be required, when making arrangements for domiciliary care under their community care responsibilities, to place contracts only with registered domiciliary care providers. Direct payments users need not restrict themselves to domiciliary care providers accredited with the Local Council, but should be aware of the scheme.

It is the role of the Support Broker to inform the person of the differences between using domiciliary care providers that are and are not accredited as domiciliary care providers with the County Council.

- Direct payments may also be used to enable people who are living in care homes to have temporary access to direct payments to try out independent living arrangements before making a commitment to moving out of their care home. Direct Payments can also be used by people living in care homes to buy a day service place or engage in an alternative daytime activity, and this can be particularly enabling for young people

at transition stage as long as it is an agreed and eligible need as identified in the support plan

- Councils may make Direct Payments to enable people to purchase for themselves equipment that would otherwise have been provided by S&CS. Direct Payments may also be made to enable people to pay for adaptations, which would otherwise have been provided or arranged by S&CS. Councils may make Direct Payments for equipment to enable carers to purchase, as a carers service, specific items of equipment that are not provided by S&CS or the NHS.
See the Councils Direct Payments for Equipment Policy and literature.

Direct Payments cannot be used to: -

- Purchase services from Oxfordshire County Council, the Health Authority or the District Councils.
- Purchase long term care in a care home.
- Direct Payments cannot be made in relation to the provision of **residential accommodation for an adult, disabled child or disabled young person for any single period in excess of four weeks, and for more than 120 days in any period of twelve months**. The time limit is imposed to avoid inappropriate use of residential accommodation.
- Direct Payments cannot be used to **purchase services or equipment for which the council is not responsible**, for example, services that the NHS provides. Direct payments are not a substitute for disabled facilities grants.
- Purchase a service for someone who is no longer an **Ordinary Resident** of Oxfordshire other than by prior agreement and confirmed in writing with Operations Manager or Head of Service for Oxfordshire S&CS and the persons funding Authority.
- Unless a council is satisfied that it is necessary to meet satisfactorily a person's needs, a council may not allow people to use Direct Payments **to secure services from a spouse (husband or wife), from a partner (the other member of an unmarried couple with whom they live), or from a close relative (or their spouse or partner) who live in the same household as the Direct Payment recipient**. This restriction is not intended to prevent people using their Direct Payments to employ a live-in personal assistant, provided that that person is not someone who would be usually excluded by the Regulations. The restriction applies where the relationship between the two people is primarily personal rather than contractual, for example, if the people concerned would be living together in any event.

Enabling People to Access Direct Payments

Where someone needs assistance to manage Direct Payments, ways can be explored of delivering this so that adequate help is available over a sustained period, not just for the set-up period. Recipients may choose to ask family or friends, or advocacy or support groups to help them in this way. They might also choose to buy in assistance, for example, with keeping records, management of day-to-day relationships with staff or using a payroll service.

In certain circumstances a trust may take on the employment of staff and the financial management of the payment. In such cases, local councils should seek to establish that there is an understanding by those appointed to manage the administration of the payment of what is involved before making Direct Payments.

Oxfordshire County Council operates a **Managed Account and Payroll service (A4e)** who will provide assistance to anyone who requires this additional support. The service will receive the Direct Payment on a person's behalf, help recruit Personal Assistants (PA's), pay the PA, and support people with all the legal responsibilities of being an employer and also provide Social and Community Services with all the financial monitoring information requested.

Developing support mechanisms is a prerequisite for a successful Direct Payment. Therefore the support available is a partnership between the person, the Department, support services, local voluntary organisations and individuals. The same quality standards and principles must be applied in assessment, identifying needs and support plan options in the same way for all people whether or not Direct Payments are to be considered. People already in receipt of a service must be given the opportunity to consider Direct Payments as a way to meet some or all of their needs.

Most recipients of Direct Payments will be able to take full and complete responsibility for the management of the services they require and others may need help to get started. Some people may need support on an ongoing basis. Support and advice can come from a variety of sources: -

- The Social Worker or Care Co-ordinator (SW/Care Co-ordinator) will be the initial source of information and advice during the assessment and support planning process. When the support plan is completed, including costings, the person must be referred to;
- The Direct Payments Information and Advice Service (A4e) or The Oxfordshire Brokerage Network to receive advice about employing people and the responsibilities of receiving a Direct Payment
- The person may need support from a person or persons who know them well or who have close links with their situation, to support, advise or help manage the Direct Payment with them. These could be a partner, relative, friend or carer.
- There may be a need for specialist assistance with employment or finance where the support required is professional.

Managing a Direct Payment

The person and/or their suitable appointed person must be able/enabled to understand the nature of the agreement they are entering into, able to keep the necessary records with support and able to control the money with support to ensure they receive the services that they need. It is a key principle of Direct Payments that the person is central to how the Direct Payment is used.

After discussion with the person and their supporters, the SW/Co-ordinator needs to consider whether the support plan indicates adequate and robust support systems are in place for the potential recipient to manage the Direct Payment. If those systems are not adequate, the SW/Co-ordinator needs to enable the person to adjust the support mechanisms. The SW/Co-ordinator is required to make a judgement and decide on each individual case. It is recognised that this is a difficult process and should be clearly

documented as to how the decision was made. However it is one that can be used to manage the risk of providing a Direct Payment, rather than as a reason to exclude. The Oxfordshire Brokerage Network; A4e or the Direct Payment Development Officer is available to offer support to set up these systems.

With regard to the person's ability to manage the Direct Payment, ensuring that the person is central to the decision-making around the payments is more effective than focusing on the person's ability to manage financial systems. Advice and support for managing the financial paperwork can be provided via The Oxfordshire Brokerage Network and A4E

Many people with an episodic condition can manage direct payments very adequately. Nevertheless, some people may be better able to cope with Direct Payments if a friend, relative or some other suitable appointed person is willing to provide greater assistance when their condition worsens. Advance statements/directives should be used as part of the process of managing a fluctuating condition.

Where it is known that a person is likely to lose the ability to manage a Direct Payment in the future provided it appears to the council that a person is currently capable of managing a Direct Payment, or managing the payment with help, S&CS can support a person to continue to receive a Direct Payment when this occurs. Alternative care arrangements should be made if the appropriate support cannot be arranged to enable people to continue to manage a Direct Payment or a suitable appointed person can be provided. People whose condition is likely to fluctuate or deteriorate permanently should be given an opportunity to explore any worries they may have about their ongoing ability to manage Direct Payments.

If there are doubts about the person's ability to manage the Direct Payment; it may be appropriate to consider offering training and /or a formal trial period. This would allow the person the opportunity to try Direct Payments and the SW/Co-ordinator the time to monitor and review the situation. Usually the SW/Co-ordinator would not become actively involved in assisting the person manage the Direct Payment.

In situations where there are serious concerns about the success of offering a Direct Payment a joint approach with the SW/Co-ordinator and person working together may help to manage risk more effectively.

The Oxfordshire Brokerage Network and A4e will be able to offer training; support and advice to the person and working in partnership with the SW/Co-ordinator enable the Direct Payment to go ahead.

It is necessary as with any new package of care to monitor and review Direct Payments closely in the first few months. If there are concerns about the stability of the care package or the ability of the person to manage their care it will be necessary to undertake a risk assessment. This will weigh the relative gains for the person and risks involved. If the reviewing and monitoring are well managed the risks should be well controlled and then it should be possible to offer Direct Payments to most people who are entitled to a service. If managing the Direct Payment is assessed as too high a risk, S&CS have the right not to offer or to withdraw the Direct Payment and manage the services on behalf of the person.

It should also be made clear that a person does not have to agree to a Direct Payment and services can be arranged by the Council on behalf of the person. It is also important to discuss with people who are to receive Direct Payments what they should do if they no longer wish to receive Direct Payments.

In the case of an emergency S&CS has a duty of care and therefore will respond to the persons needs. However the Department cannot guarantee that this may be in a way that the person would choose for themselves.

Where it is felt that Direct Payments are not to be the chosen method of service delivery the SW/Co-ordinator should arrange services that will meet the persons identified eligible needs.

Role of the SW/Co-ordinator

The SW/Co-ordinator is the professional who will assess the person in order that they may access support funded by the Local Authority. It is the SW/Co-ordinators assessment that will inform the Department of the eligibility and priority of the persons needs. The SW/Co-ordinator is required to discuss Direct Payments with the person during the assessment and review process.

Direct Payments should be an integral part of the support plan options when looking at ways of meeting the persons assessed and eligible needs. If the person is interested in Direct Payments then:

- They will receive advice and guidance on how to manage a Direct Payment from The Oxfordshire Brokerage Network or A4e.
- The SW/Co-ordinator will then confirm that the arrangements put in place by the person or their support network is appropriate to meet their needs as identified in their Support plan
- Only then will the Contract between the Direct Payment recipient and S&CS be agreed and signed

The SW/Co-ordinator needs to be clear about any potential risks to the person if Direct Payments go ahead, the Local Authority duty of care and the risk of financial difficulties need to be balanced against the long-term gains for the person.

Role of The Oxfordshire Brokerage Network and the Direct Payments Support service (A4e)

The Oxfordshire Brokerage Network is a network of support brokers funded by Oxfordshire S&CS. The Oxfordshire Brokerage Network offers independent and impartial free advice to S&CS clients who are interested in learning more about all aspects of Direct Payments as well as providing on going support and advice to Direct Payment users. They are able to work with the person and their advocates and liaise with the SW/Co-ordinator to find solutions where difficulties arise. The advice they offer is of an enabling nature, which can be practical problem solving or addressing concerns and helping the person to develop networks with other Direct Payment users. SW/Co-ordinator's will refer all persons who wish to consider Direct Payments to A4e or The Oxfordshire Brokerage Network after the support plan is agreed. The support plan forms the basis for the work of the support broker. The Oxfordshire Brokerage Network will offer advice on how the needs identified in the assessment can be met by a Direct Payment.

The Oxfordshire Brokerage Network will provide an information pack that includes **The Practical Guide to Managing a Direct Payment**.

All persons wishing to receive Direct Payments will meet with The Oxfordshire Brokerage Network support broker or A4e at least once to gain an understanding of the

legal requirements of all aspects of Direct Payments especially in relation to being an employer. The Oxfordshire Brokerage Network will also provide links to other support options available. For one off payments a referral to The Oxfordshire Brokerage Network or A4e is only required where the person is intending to employ another person with the Direct Payments funding.

The Oxfordshire Brokerage Network are also able to provide advice and support to people who are assessed as full cost clients or are purchasing their own care support for example via ILF.

Role of the Person receiving a Direct Payment

The person receiving the Direct Payment, or their support network or suitable appointed person, is entering in to a contractual agreement with S&CS. They are contracting to take over the management of their care purchased with the Direct Payment and it is important that they understand the process and the associated responsibilities. To enable them to manage the Direct Payment the Department recognises that they may need assistance. It is the role of The Oxfordshire Brokerage Network and A4e to assist the person with identifying any support they may require and the SW/Co-ordinator to formally agree the support systems if needed. Once Direct Payments have started the individual or their supporters will have to organise the care to meet the agreed needs in the support plan. This will include recruiting staff, maintaining records, managing the Direct Payment and providing evidence to the Department that the money is being used to meet their agreed needs and that the person is central to the management of the Direct Payment. The Department expects the person in receipt of the Direct Payment or their support network to have in place contingency plans to cover difficulties or emergencies in relation to the care services purchased with the Direct Payment and to meet The Oxfordshire Brokerage Network support broker or A4e at least once.

Where there is a change in need and the support plan does not meet the current circumstances the person **must** ask for a reassessment and a new support plan. For example where a person's needs change from support at home to the need for respite breaks; this must be agreed by the SW/Co-ordinator. Purchasing services for a need that is not specified on the support plan may be considered as a breach of the Direct Payment terms and conditions and could result in the Direct Payment being withdrawn.

As well as giving users greater control and independence, a Direct Payment carries with it responsibilities. The individual is accountable to the local council for the way in which the money is spent. Users also take on responsibility for obtaining the services they need through their own arrangements, which may involve legal and employment responsibilities.

The only contracts which are binding on minors are contracts for 'necessaries', that is, contracts for necessary goods and services. Even then such a beneficial contract will not be enforceable against a minor if it is found to contain unreasonable and onerous terms. This will need to be borne in mind in deciding whether to make a Direct Payment to a disabled 16- or 17-year-old, and it is suggested that in each case legal advice be obtained.

Role of Family, Friends and Carers

Many people who receive services from S&CS will have help in their everyday living from family, friends, carers, neighbours and professionals. When looking at Direct Payments

these support systems can be informally or formally included as part of a support network in managing the Direct Payment. The principle of Direct Payments is that the payment is given to the person for them to use to purchase services to meet their agreed needs. Where the person needs ongoing support managing their Direct Payment this could be by a formal or informal support network depending on the needs of the individual person. An informal support network is where family members, friends or neighbours could support the person to manage the direct payment. A formal support network is one that is set up where the person would have difficulty or be unable to manage a direct a payment and the formal network would take over this function, usually this will be via a suitable appointed person.

Role of Formal Support Networks and Trusts in managing a direct payment

If a person is expected to experience difficulty in managing the day-to-day decisions they can delegate that responsibility to another suitable appointed person or group, this is identified as the Support Network. This group needs to be clearly defined and agreed by S&CS before Direct Payments can go ahead, unless the person intends to use the Council funded **Managed account and payroll scheme**. SW/Co-ordinator will require evidence of: -

- What are the principles of the Support Network?
 - A Statement of aims and objectives
 - Define membership and roles
 - Identify the frequency of meetings
- What is the method of working of the Support Network?
 - How is information collected?
 - Who does what, keeping minutes, collating information, calling meetings?
 - Delegation of responsibility.
 - How and which decisions are made and by whom?
- The decision making process.
 - How will the person be enabled to make decisions?
 - How will the person's views be identified?
 - How will communication of needs be managed?
 - How will needs be met?
 - Who can make decisions and at what level?
 - How will differences in opinion be resolved?

A trust may assist in the support to the individual in order that they may be able to manage a Direct Payment but only where the individual is engaged in the decision making process. The Support Network or Trust will need to provide evidence that the individual is central to managing the Direct Payment and how decisions are made.

Placing the person at the centre of the decision making process and being clear on how this process will work will enable many people to access Direct Payments who other wise would not be considered. Clarity and clear documentation at this stage will help avoid difficulties once the Direct Payments have started.

If a person lacks capacity to consent and a suitable person is willing to receive direct payments on behalf of the person lacking capacity, it is the suitable person who must be capable of managing direct payments (either on their own or with available help). Provided that the suitable person meets all conditions specified in the Regulations and

appears to the council to be able to manage direct payments, the council has a duty or a power, as appropriate, to make direct payments to that suitable person. See Annex 2

Lasting Power of Attorney

A person with legal capacity can make a Lasting Power of Attorney (LPA). He or she makes the LPA in the expectation that if they lose capacity the person appointed as attorney will lawfully be able to continue to deal with his or her property and affairs once the power is registered. If a person receives Direct Payments, then the attorney under the LPA could continue to receive payments on his or her behalf.

However, this relies on the person having previously consented to receiving Direct Payments at a time when they had the capacity to do so. An attorney acting under an enduring power cannot give consent on the person's behalf. If a person, to the knowledge of S&CS, becomes permanently incapable of managing a Direct Payment, whether alone or with help, S&CS is required to review the situation and agree that the Direct Payment can continue or that the Direct Payment may have to cease and provide or arrange for the provision of services instead. Currently, such an attorney cannot make decisions about a person's health care or personal welfare. If it becomes appropriate for the person to receive different services, such an attorney cannot consent to Direct Payments for such services. This guidance will be reviewed in light of any changes to the law made as a result of the Mental Incapacity Bill.

Exceptional circumstances – Close Relatives Living in the Same Household

Direct Payments are not designed to pay close relatives or persons living in the same house where the relationship is personal. However, in some circumstances this may be the only way that services can be adequately provided.

Where a direct payment is agreed under exceptional circumstances this has to be confirmed in writing by the relevant Service Manager to the person receiving the Direct Payment with copies of this letter sent to the Finance Officer and held on the persons file.

Training of Staff

It is essential that staff employed by a person in receipt of a Direct Payment have the necessary skills to undertake the tasks identified for them to do. This is part of the contract between the individual Direct Payment recipient and the person(s) or agency employed.

For Adults care tasks that are designated at Level 3 or 4 in the Joint Working Protocol for the Delivery of Shared Care Services for Adults Living in Their Own Homes in the Community (Shared Care Protocols) Direct Payment recipients are strongly advised to have their care staff trained to undertake the tasks that are identified. This training is free and is organised by the Health Care Professional (e.g. District Nurse).

For Care tasks that are identified as Level 5 in the Shared Care Protocols only **trained Health Care Professionals must carry out these tasks.**

Health and Safety

Councils will wish to consider the health and safety implications of direct payments, both for themselves and for recipients. As a general principle, councils should avoid laying down

health and safety policies for individual direct payment recipients. Individuals should accept that they have a responsibility for their own health and safety, including the assessment and management of risk. They should be encouraged to develop strategies on lifting and handling and other tasks, both in the home and outside it where lifting equipment, for example, may not be available.

- As part of the process of supporting informed choice, councils will wish to take appropriate steps to satisfy themselves that recipients and potential recipients are aware of the health and safety issues that affect them as individuals, anyone they employ, and anyone else affected by the manner in which their support is delivered.
- For further information, councils should refer to Health and Safety Executive (HSE) guidance on lifting and handling entitled *Handling home care* (2002). Councils should note in particular the HSE's advice that "implementation of policy and practice on lifting and handling should not place any unreasonable restrictions on the client's rights to autonomy, privacy or dignity".
- As part of this process, councils should give the recipients and potential recipients the results of any risk assessments that were carried out as part of the initial assessment or support plan. This allows the individual to share the assessment with the care agency or the employee who provides the service. They can therefore take reasonable steps to minimise the risks to the health and safety of any staff they employ. (The recipient or potential recipient has a common law duty of care towards the person they employ.)

Dealing with Emergencies/Contingency Arrangements

The Department expects each person receiving a Direct Payment to make arrangements or contingency plans to cope with emergencies. It is a condition of accepting to receive a Direct Payment that the recipient takes responsibility for and has a plan in place to deal with emergency situations. The Oxfordshire Brokerage Network or A4e will offer support and advice on how to prepare appropriate arrangements.

The duty of care rests with the Department and therefore in the event of an emergency if the individual cannot organise care as detailed in their contingency plan they should request assistance from the SW/Co-ordinator.

Appeals where Direct Payments are refused

In some situations it may not be possible for S&CS to offer Direct Payments to an individual. The reasons for the decision must be clearly documented, discussed and clearly communicated in writing to the person and where appropriate with any family or friends and they must be advised of their rights to appeal against this decision or how to use the Complaints Procedure. The appeal may take the form of a meeting of the parties involved to try to find a solution to the issues raised in the formal rejection. This could include the person and their representatives, The Oxfordshire Brokerage Network, A4e and representatives of the Department.

S&CS Complaints Procedure

This is available to all S&CS users and can be used to make a complaint about services or procedures undertaken by the Department. A person who is considering

Direct Payments may use this procedure to formally complain about the process, the decision making or the amount offered as a Direct Payment but not about the services they have purchased.

Criminal Records Bureau Checks

For adults there is currently no requirement to carry out criminal records checks. At present, where employing people via Direct Payments a CRB check is at the discretion of the person, with the exceptions of:

- a. where they are required by law for staff working with vulnerable adults
- b. or where there is a child aged 16 or less living in the household
- c. or where the care manager has assessed that a person may be vulnerable or other vulnerable people living in the household may be putting themselves at risk if a CRB check is not carried out.
- d. Where there is a suitable person appointed the Regulations specify that if the suitable person is not the spouse, civil partner, partner, close relative (or spouse or partner of a close relative) or friend involved in the provision of care of the person lacking capacity, then the council must obtain a CRB check for that suitable person, as a further protective measure for the person lacking capacity. For example, the suitable person may be an independent care broker or a solicitor acting as a professional deputy, who may not previously have been personally known to the service recipient.

For adults the CRB checks can be organised by S&CS HR and the cost of the check will be paid by the person in receipt of the Direct Payment except under a. b. c. d. above where S&CS Adult Services will fund this.

Temporary or Short Term Arrangements

Direct Payments are an effective way of enabling people to maintain their independence and avoid dependency on statutory services. Where someone is discharged from hospital and requires support through the period of recuperation, or where a regular carer is not able to offer their support for a short period and it is assessed that the person needs help at home, this could be offered via a Direct Payment. In these situations it is important to ensure that the assessment process is completed quickly to enable the Direct Payment to be offered in time for the care services to be engaged. The administrative processes that have to be completed should not be the deciding factor to whether or not a Direct Payment is offered but careful planning is needed with the person, The Oxfordshire Brokerage Networks, A4e, the SW/Co-ordinator and finance to ensure that Direct Payments are a practical option.

Supported Living

It is not possible to purchase permanent residential care with a Direct Payment, however Direct Payments can be used by people living in supported living services to purchase part or all of their care. This can pose a range of issues where the person has a tenancy in a group living arrangement and the whole group is supported by one care agency.

- Each tenant should have an individual arrangement and support plan and therefore the option to have some or all of their needs met via a Direct Payment. When setting

up supported living in a group situation it is imperative to commission each service individually.

- If one person chooses to purchase their support in a different manner what effect will this have on the other tenants?
- What mechanisms are required to ensure that each tenant can have individual rights and freedom; will the care provider be able to support the tenants individually?
- Where there are shared care arrangements or joint Direct Payments careful consideration needs to be given to ensure the person can express their own preferences and where possible each person should have their own Care Manager.
- What are the contractual arrangements should one person decide to leave?
- Who is responsible for the housing costs should someone choose to leave?

Equipment For Independence

- Direct Payments can be made for assistive equipment to support independence as assessed by trained S&CS staff and adhering to the OCC equipment guidance principles. When making a Direct Payment for the purchase of items of equipment, S&CS staff will need to be able to satisfy themselves that the person's needs will be met, the equipment will be used safely and that they are adequately supported by specialist expertise. In the case of complex items, then advice may be needed to ensure that equipment purchased is safe and appropriate.
- Where a Direct Payment is made for equipment, S&CS need to clarify with the individual at the outset (just as it should where it arranges for the provision of equipment itself) where ownership lies as well as who has responsibility for ongoing care and maintenance. As Direct Payments mean that the person will secure for themselves the equipment they are assessed as needing, S&CS will need to consider what conditions, if any, should be attached to the payment, for example, concerning what will happen to the equipment if the person no longer requires it. Equipment can be purchased as part of making a package cost effective, for example, supplying pagers or mobile phones to personal assistants.

Additional Sources of Funding

To enable people to maximise their life chances there are a range of sources of funding other than from S&CS. It is important to ensure that all individuals maximise their income through the benefit system. The Department will cost packages of care on the assumption that a person will claim all the benefits and additional sources of funding to which they are entitled. There are a number of other options available including funding from specialist support groups for specific diagnosed conditions or charitable support.

- **Primary Health Care will fund a wide range of health equipment, assistive equipment and minor adaptations e.g. grab rails as part of a package to support discharge or avoid admission to hospital. They will also consider approving joint funding arrangements where there are significant health implications e.g. continuing health care needs.**

- Maximising Housing Benefit, Supporting People Funding and Grants and Loans that are available through the Benefits Agency can enable many people to remain independent.

Costing the Direct Payment

It is up to S&CS to decide on the amount of a Direct Payment via the award of a Personal budget worked out by the councils Resource Allocation System (RAS). However, the Direct Payments legislation says that the amount must be equivalent to the estimate of the reasonable cost of securing the provision of the service concerned, subject to any sum paid by the recipient. This means that the Direct Payment should be sufficient to enable the recipient lawfully to secure a service of a standard that S&CS considers is reasonable to fulfil the needs for the service to which the payment relates. There is no limit on the maximum (subject to S&CS support plan capping policy) or minimum amount of a Direct Payment either in the amount of care it is intended to purchase or on the value of the Direct Payment.

- In estimating the reasonable cost of securing the provision of the service concerned associated costs that are necessarily incurred in securing provision should be included, without which the service could not be provided, or could not lawfully be provided. The particular costs involved will vary depending upon the way in which the service is secured, but such costs might include recruitment costs, National Insurance, statutory holiday pay, sick pay, maternity pay, employers' liability insurance, and public liability insurance.
- S&CS is not obliged to fund the additional costs associated with the persons preferred method of securing the service if, taking into account the persons assessed contribution, the costs exceed the council's estimate of the reasonable cost of securing the service and the service can be secured more cost effectively (but still to the required standard) in another way. S&CS is also not obliged to fund additional costs that are incurred by the person on a discretionary basis, for example, non-statutory liabilities such as an ex-gratia bonus payment.
- S&CS might decide that they are able to increase the amount nevertheless to enable the person to secure his or her preferred service if it is satisfied that the benefits of doing so outweigh the costs and that it still represents best value.
- Direct Payments recipients can use their own resources to purchase additional services if they wish to do so.
- A preventive strategy may necessitate a higher investment to achieve long-term benefits and savings. Provision of Direct Payments that allow a person to remain in their own home may represent long-term savings if that person does not then require hospital or residential care. Similarly the provision of Direct Payments to a person in need of rehabilitative care may result in a more sensitive and individualised service, which may in turn ease a person's recovery.
- Where the person requires less than 4 weeks hospitalisation or residential care the Direct Payment will not be affected. However if there is a greater than 4-week stay

away from home then Direct Payments will be suspended for that period. The person or the representative should notify care management of the change in circumstances.

- It is also possible to receive a one-off Direct Payment rather than a regular amount. This can be negotiated with the SW/Co-ordinator and the Finance Officer if agreed in the support plan. Sometimes it will be needed if the personal budget is not sufficient to meet the legal requirements of employment, i.e. to enable the person to purchase employers liability insurance.

Client Contributions

Recent changes to Oxfordshire legislation means that Direct Payments will be paid gross and people will have to pay their Fairer charging contribution directly to the council, they will be informed how to do this following the fairer charging assessment. **This needs to be indicated on the support plan.**

Charges cannot be made for:

- Services provided under section 117 of the Mental Health Act 1983 (after-care). Accordingly where Direct Payments are made instead of providing services under section 117 of the Act, S&HC may not seek payment, whether by way of reimbursement or a contribution.
- People who receive their Direct Payment in lieu of Intermediate Care Services there will be no charge for the first 6 weeks of this service.
- Carers services
- Services under section 17 of the Children's Act 1989 and payments made to the person with parental responsibility for a child aged 16 or 17.

Client Contributions may change if the level of benefits alters, if there are changes in the Governments or Oxfordshire S&CS fairer charging policy or if the person purchases respite in a registered unit. Client Finances must be notified of any change in a Direct Payment recipient's financial circumstances. They will then re-assess the client contribution.

Payments and Inflationary Increases

A separate bank or building society account must be used for a Direct Payment. This has to be in the name of the person receiving the Direct Payment or may be made to a Third Party/suitable appointed person if agreed by the person in receipt of the Direct Payment and S&CS. **This does not apply if someone uses the Councils Managed account and Payroll scheme.**

Cash payments cannot be made unless in exceptional circumstances and agreed with S&CS Finance.

People in receipt of ILF may use the Direct Payment account for their ILF monies but the same rules apply as above (except where cash payments are allowed for ILF funding).

Direct Payments will be made on an automatic credit transfer system, (BACS), into the recipients Direct Payment Account; the first payment will only be made on receipt by Finance of the **Support plan and Direct Payments Contract**. Payments may be backdated if appropriate to the start date on the signed Contract. Finance will inform The Oxfordshire Brokerage Network when the Direct Payment has started.

S&CS may award an inflationary increase to the Direct Payment annually at the rate set by the County Council. Where individuals or agencies increase their charges over and above the Departments inflation increase it will be the responsibility of the person to negotiate this with the service provider. SW/Co-ordinator and The Oxfordshire Brokerage Network may be able to offer advice and support.

The Council may also make changes to the Direct Payments at any time, giving Service Users at least 4 weeks notice in writing.

Short Term Breaks/Respite Care

The Department is required by law to charge for short-term breaks/respice care in a registered home.

A person using Direct Payments may wish to change the support they purchase, if this is a change to include short term breaks/respice, this is a change in the way an assessed need is being met and the Care Manager must be informed and a new support plan agreed. This new support plan will need to be re-costed and a new financial assessment undertaken to establish the new amount a person is expected to contribute.

Short-term breaks/respice care purchased via Direct Payments is subject to the same rules as if it were organised by S&CS; this includes the 28-day rule. Where the respice care is longer than 4 weeks or periods that accumulate to over 28 days with out a 28-day break in between will be classed as residential care and this will remove the right to Direct Payments and Disability Living Allowance/Attendance Allowance.

Record Keeping

The Department is accountable for the public money it manages. This includes Direct Payments funding. Direct Payments are part of the accounting process and as such accurate records are required to identify how this money is used to provide services to individuals.

The Finance Department will require financial records of expenditure, as well as Direct Payment Bank Account statements. Initially financial records will be required every 12 weeks. In the second year it is usual for this to be extended to every 6 months. Direct Payment recipients can refer back to The Oxfordshire Brokerage Network or A4e if they require additional support.

The finance section will check the financial records and contact the SW/Co-ordinator if the amount in the Direct Payment Account appears to be either excessive or insufficient. Finance Department can contact The Oxfordshire Brokerage Network or A4e where concerns arise and they will assist in the negotiations with the person. Finance Department will liaise with the SW/Co-ordinator in the monitoring process. Periodically S&CS or the County Auditor may ask for additional information such as invoices, PAYE returns, receipts etc.

Review and Monitoring

S&CS staff should follow existing Departmental Guidance on carrying out reviews. The fact that the Department is making Direct Payments rather than arranging services itself does not affect its responsibility to review a person's care package at regular intervals. As with all services, the projected timing of the first review should be set at the outset. The purpose of the review remains to establish whether the objectives set in the original support plan are being met. It should therefore cover whether the person's needs have changed, whether the use of Direct Payments is meeting assessed needs, and how he or she is managing Direct Payments.

The frequency of monitoring will be dictated by the length of time the person has managed a Direct Payment (either alone or with help) and their particular circumstances. Once it is confirmed that a person is managing the Direct Payment satisfactorily, reviews should be at the same intervals as for other people receiving services. For example, people with fluctuating conditions might need monitoring every few months, rather than once or twice a year.

If the Department becomes aware that someone is or will be unable to secure the services to meet his or her needs through their own arrangements, either temporarily or in the longer term, then steps will need to be taken to ensure it meets its responsibility to provide or arrange for the provision of services for that person.

If the monitoring or review process reveals that the person's needs are not being met, or they contact the Department to seek emergency assistance, the Department will need to consider what action it should take. Good communication between the different parts of the Department involved will be very important at this stage. This may mean helping people to make other arrangements, or it may mean arranging services directly until they are able to make their own arrangements once more.

At a review it is important to consider: -

- Does the person wish to continue with Direct Payments?
- Is the support plan working and are Direct Payments still the best option?
- Has the individual's needs changed.
- Where there is a change in need a new assessment and support plan is required, are they still eligible to receive the service?
- Is the amount of money reasonable to enable the person to secure the services required?
- Has all the money been spent towards achieving the outcomes identified in the support plan?
- Have services purchased by the person been effectively delivered?
- Has the money been spent in a way that relates to 'Best Value'?
- Are the services meeting The Oxfordshire Direct Payment guidelines?
- Has the person been able to provide the necessary financial records?
- Have CRB checks been undertaken where appropriate?

When reviewing a Direct Payment where the person is assisted to manage the Direct Payment by a *Support Network formally recognised by the Department* you may wish to include additional questions: -

- Is the person in control of the money?
- Are the needs of the person, according to the support plan, being met?
- Is the person central to the decision making process?
- Are decisions made by the person **or** in the best interest of the person?
- Is the support network functioning as agreed as part of the condition for the person to receive the Direct Payment?

Recovering and discontinuing Direct Payments

It may be necessary for the Department to recover funds from the person if: -

- Over a 6-month period a surplus of more than 8 weeks funding has accumulated in the Direct Payment Account due to for example the person being able to purchase the service they require at a lower cost.
- Termination of the agreement to receive Direct Payments.
- The death of the Person.
- Misuse of the Direct Payment.

The method of recovery and the amount will be decided on a case-by-case basis. If a surplus has built up the person will be asked to return the money. It is expected that a reasonable amount, up to 8 weeks payments, will be allowed to accrue to cover for example unforeseen circumstances.

There may be legitimate reasons for unspent funds that need to be taken into account when dealing with surpluses – there may outstanding legal liabilities necessitating a Direct Payment recipient to build up an apparent surplus (e.g. to pay their employees' PAYE, or to pay outstanding bills from a care agency).

When recovering payments the Department will only recover monies that relate to the Direct Payment. If one account is used for the Direct Payment and ILF recovery of funds will be undertaken on a case-by-case basis and some or the entire surplus may be due to the ILF. This needs to be discussed with the Finance Officer.

Where a Third Party is in receipt of the funding it is essential that any outstanding funding is returned as soon as possible.

Discontinuing a Direct Payment – Temporarily

Where the person is unable to use the Direct Payment for a significant period, (e.g. a hospital admission or other unforeseen circumstances) the Direct Payment may be continued, but the excess recouped, or temporarily suspended for the period. The SW/Co-ordinator will need to liaise with the person, their line manager and Finance Officer to consider the most appropriate action.

Where the Direct Payment is suspended careful consideration needs to be given to any contractual obligations that have been agreed by the person via the Direct Payment.

Discontinuing a Direct Payment – Permanently

The Direct Payment Agreement can be terminated by either party with 4 weeks notice given in writing at any time, or immediately by a fundamental breach of terms and conditions. The Direct Payments terms and conditions require the person to meet a

range of conditions. Failure to meet these conditions may lead the Department to consider terminating the Direct Payment.

Breach of the Direct Payments terms, may relate to a misunderstanding or a relatively small factor, which can be resolved by this being drawn to the attention of the person by the SW/Co-ordinator. In these cases it would be appropriate to meet with the person to resolve the situation. The S&CS Finance Officer and the relevant Service Manager will need to be aware of the situation but not necessarily involved in the meetings. The Oxfordshire Brokerage Network or A4e may be requested to assist in this process.

Where there is a severe breach of the terms and conditions, the Department may consider terminating the Direct Payment. This may be where the money has been used to purchase services outside of the support plan or money paid to a third party for their personal use. In such cases the Department can terminate the Direct Payment immediately or they can give up to 4 weeks notice. This process must be well managed, supported by Service Managers and clearly communicated to all parties. It will be necessary for the SW/Co-ordinator to organise services to meet the person's needs when the Direct Payment ceases.

Where there is clear evidence of a fundamental breach of the terms and conditions by the person the Department is entitled to end the agreement immediately. In all cases there will be an element of subjectivity whether a breach is fundamental or not and the action taken will depend on the solution available. The SW/Co-ordinator and their Unit Manager will have to consider all the factors; e.g. can support or monitoring systems be put in place to prevent a recurrence or are the risks of further breaches too high to consider the continuation of Direct Payments.

Payments shall also be stopped if the Department is not satisfied that the person's needs for the service can be met by using a Direct Payment or if the Direct Payment is not safeguarding or promoting the child's welfare where the payment relates to services under section 17 of the 1989 Act.

Other than in exceptional cases, the decision to discontinue should follow discussion with the person and support network. The Department may also need to keep in touch with the ILF and share information where appropriate (and preferably with the person's permission). If the Department does decide to withdraw Direct Payments then it will need to arrange the relevant services instead, unless the withdrawal was following a reassessment after which the Department concluded that the services were no longer needed.

For More Information on Direct Payments:

See Annex 2.