

Direct Payments

A guide to direct payments for parents and carers of disabled children and young people

Hertfordshire County Council
Children's Services

Telephone: 0300 123 4043

www.hertfordshire.gov.uk/childrensdirectpayments



What are Direct Payments?

Direct Payments are funds paid to the parent or carer of a disabled child or young person, or to young people aged 16 or older in their own right, so that they can purchase the support that they have been assessed as needing instead of the Council arranging services on their behalf.

Direct payments do not count as income for the recipient so they do not affect tax or benefits.

Who can get Direct Payments?

This leaflet is written for parents/carers and children/ young people aged 0-18 years. In order to qualify for a service from the 0-25 Together Team a child /young person must be living in Hertfordshire and have a disability as defined by the Children Act. If you think your child qualifies, you can request an assessment from us.

The decision about whether a child is disabled within Hertfordshire's agreed definition is always based on a consideration of the impact of the child's condition on their needs when compared to other children of the same age, and not purely on the basis of whether the child has or does not have a particular diagnosis.

Hertfordshire recognises that not all families with a disabled child require social care support and there are a range of universal services available to disabled children and their families including information, guidance, play and leisure activities and support groups. If your child's support needs exceed the services offered through universal and targeted services, the family may need specialist support to promote your child's quality of life.

Following an assessment by the 0-25 Together Team if a package of care is agreed to meet a child's specific needs, the family has choices

as to how these needs can be met with one option being Direct Payments.

Direct payments may be used to purchase provision to meet a child/young person's needs or outcomes identified in an Education, Health and Care Plan with the agreement of the Council. This is in exceptional circumstances where releasing a personal budget will not be detrimental to other children, and only with the approval of the head teacher or principal of the education setting.

The person who receives the Direct Payment is either:

1. The person with parental responsibility for a disabled child/young person;
2. A disabled young person aged 16 plus, following a Mental Capacity Assessment;
3. A nominee or representative.

Why choose Direct Payments?

Direct Payments offers the family greater choice, flexibility and control over the support they receive. Your child receives the assistance when they need it, and from the person or service / organisation chosen by you to provide it.

How can you use Direct Payments?

Direct payments are used to pay for goods and services which meet the outcomes of the child / young person set out in the Plan, often through the employment of a Personal Assistant (PA) to provide support such as:

- personal care
- support in the community which is enabling and promotes inclusion
- support which is focused on developing independence such as travel training, practice using money, using local services such as libraries, community centres, leisure centres, shopping centres, meal planning and cooking,
- support focussed on developing social skills and positive peer relationships which may include social activities, cultural and faith based activities, behaviour support, overnight breaks

The disabled child's sibling(s) may participate in the activity with the disabled child if safe, beneficial and appropriate.

If your child's need or family circumstance changes you can alter the way you use your direct payments if your allocated worker agrees the changes. There are many ways to use Direct Payments and the Children & Young People's SEND Brokerage Team can advise you and provide more information.

What Direct Payments cannot be used for:

Direct payments cannot be used to purchase any of the following:

- Services directly from Hertfordshire County Council (e.g. Shared Care)
- Services already provided by the Council or statutory agencies (such as NHS, DWP, School or College places). However direct

payments can be used to purchase additional services, outside Council contracts such as after school clubs

- Residential accommodation for the child
- Any activities or purchases that are illegal
- Any form of gambling such as horse racing, lottery or bingo
- Everyday costs such as bills, rent/mortgage, council tax, or to repay debts
- Alcohol, drugs or cigarettes
- Employing relatives who normally live with the individual, except where the County Council is satisfied that securing the service from such a person is necessary for promoting the welfare of the child.
- Fuel cannot be purchased, mileage or travel expenses can be reimbursed

If you are in doubt please contact the Children & Young People's SEND Brokerage Team or allocated worker for advice.

What support can I get to set up and manage the Direct Payment?

The **Children & Young People's SEND Brokerage Team** is a dedicated Hertfordshire County Council team responsible for securing, setting up and monitoring packages of care agreed by the 0-25 Together Service. When your package is agreed a Service Provision Officer will assist you with/by:

- sending you an introduction letter and the paperwork you need to complete and send back
- checking how you are getting on by contacting you regularly until the direct payment has been set up.
- Once set up, you will be contacted after 7 weeks to make sure everything is working well
- helping you to explore other services and options available to your child/young person in the local community

Purple, is an independent organisation working in partnership with Hertfordshire County Council and offers free advice and support to people in receipt of Direct Payments. Purple can explain Direct Payments in more detail prior to any decisions made, and will provide you with further information to help you make the decision as to whether Direct Payments would meet your child's assessed need. Purple can also support you with issues such as:

- How to recruit a Personal Assistant
- Advertising and taking up references
- Interviewing
- Job descriptions and contracts
- What and how to pay your employees including options for using payroll services
- Employers Liability Insurance
- Undertaking the DBS check and assistance in verifying documents for your Personal Assistant
- Offering a workplace pension scheme where this applies.

Who can I employ as a Personal Assistant?

You can employ any suitable person, but not someone who lives in the same household, unless there are exceptional circumstances which you will need to discuss with your allocated worker.

When you recruit someone you will become an employer.

You will be required to complete an enhanced Disclosure and Barring Service (DBS) check on whoever you decide to employ to make sure your child is safeguarded. Purple Direct Payment Support Service can advise you on how to recruit a Personal Assistant; their support is available for all aspects of becoming an employer including DBS checks.

What paperwork is involved with having Direct Payments?

1. Initially, once Direct Payments are agreed:

- You will set up a separate current bank account which must be used for Direct Payments only.
- You will need to sign and return a Direct Payment Agreement and provide your Direct Payment bank details on the form provided.
- If you are employing a Personal Assistant, you will also be required to complete pre-employment checks including Disclosure and Barring Service checks (DBS), Right to Work checks and References for those you are proposing to employ, and submit Self-Declaration of Criminal Records forms before the Direct Payment can commence.

Once all the paperwork has been received and the Disclosure and Barring Service check has been cleared for the identified Personal Assistant the money will be paid into the nominated bank account within one month.

2. Once the Direct Payment is set up:

- You will be required to submit bank statements together with a cover sheet on a quarterly basis to the Brokerage Support Team.
- You should obtain and retain any paid invoices, receipts etc. for your own records as these may be needed for tax or auditing purposes – the Council will conduct random checks to monitor how direct payments are being used.

Please remember to inform the Children & Young People's SEND Brokerage Team or Leonard Cheshire if you are planning to employ a new Personal Assistant so that a new DBS check can be arranged.

Who do I need to contact if anything goes wrong?

Children & Young People's SEND Brokerage Team – The team can support you and offer information about direct payments with any issue you may have or signpost you to the right agency should this be needed.

Purple – The service can assist you in a number of ways as outlined above both in person and by phone to help you feel confident about managing Direct Payments and to deal with any problems you encounter.

Allocated worker (e.g. social worker or SEN officer) – You should contact your allocated worker if your family circumstance or your child's needs have changed and you would like to discuss your package or the way you have been using your Direct Payment.

What circumstances do I need to tell my allocated worker or the Children & Young People's SEND Brokerage Team about?

You will **need to** inform your allocated worker if any of the following happens:

- If you want to change the type of support being provided to meet a different need. For example, where your child has been assessed and requires support with their personal care and you would like the Personal Assistant to support your child undertaking a social activity.
- If your family circumstances change and you feel the level of support you require has changed
- If you are planning to move away from Hertfordshire
- If you have been unable to find a Personal Assistant and would like to discuss alternative options of support available

- You have any concerns about the welfare of your child or the suitability of the Personal Assistant or organisation providing support
- Your direct payment account is building up an amount of unspent funds which need to be returned.

You **don't need to** inform anyone if any of the following happens:

- Your PA goes on holiday but will continue to provide care on his/her return
- Your family goes on holiday and for short period of time your direct payments are building up in your account
- You've decided to change one activity your child/young person has been attending to another which still meets the same need. For example, for a social need, changing from bowling with friends to going to the cinema or for physical wellbeing, changing from swimming to attending a football club.

If you are in doubt, please check with the Children & Young People's SEND Brokerage Team who will be able to provide you with support or advice

When might direct payments be suspended or stopped?

Direct payments may be ceased or suspended, if any of the following circumstances arise:

- the Council believes that the welfare of the child is not being safeguarded through the direct payment arrangement
- the young person reaches 18 years of age, except where the direct payment relates to education provision in a current EHCP
- the child dies
- the child comes into the care of the Local Authority
- there is a significant build up of unused direct payments
- direct payments are not being used for the purpose agreed

- direct payment recipient has not maintained accurate records
- direct payment recipient wishes to cease the arrangement
- direct payment recipient has moved out of the county

The Council will consider individual circumstances and your allocated worker will contact you before any action is taken.

Useful contact details:

Children & Young People's SEND Brokerage Team

Telephone: **01438 844 254**

Opening hours: Monday to Thursday 9am – 5.30pm
Friday 9am – 5pm

Purple

Telephone: **01992 367297**

Fax:

Text or voicemail:

Opening hours: Monday to Friday 9am – 5pm

Email: info@herts-dpss.co.uk

[Purple Direct Payment Support Service](#)

SENDIASS

Email: sendiass@hertfordshire.gov.uk or

Call: **01992 555847**

Money Advice Unit

Telephone: **0300 123 4040**

Brokerage Support East:

csfeastarea.directpayments@hertfordshire.gov.uk

Brokerage Support West:

csfwestarea.directpayments@hertfordshire.gov.uk

Hertfordshire's SEND Local Offer website:

www.hertfordshire.gov.uk/childrensdirectpayments