Introduction to Direct Payments for Parents and Carers of Children and Young People with SEND in Royal Borough of Greenwich

Local Authorities have a duty to offer direct payments as an alternative to services that they would otherwise have provided to a parent or carer of a disabled child or to a young disabled person over 16, or where the Local Authority has agreed to a Personal Budget as part of an Education, Health and Care plan. This is intended to allow them to have greater choice and control over how they receive services.

What are Direct Payments?
Direct Payments are cash (or equivalent) payments made as an alternative to services provided directly by the Local Authority. With Direct Payments, you are responsible for arranging services to meet the assessed needs of your child and yourself. You pay for those services with the money provided as a Direct Payment. This allows you to choose who provides care or support for you or your child, when that support is provided and in what form it is delivered.

Direct Payments are not considered as income when you are assessed for welfare benefits. Direct Payments will therefore be ignored in the calculation of income related welfare benefits. The Inland Revenue will not regard Direct Payments as forming part of your taxable income.

What are the benefits of Direct Payments for me?
Direct Payments allow you to have more control and choice about how you receive services. You can organize your support to be delivered in the ways you want and at the times you choose.

Who is eligible for Direct Payments?
Within Children’s Services:

- Parents or people with parental responsibility for a disabled child.
- Disabled young people aged 16-17 can manage Direct Payments themselves if they want to and have the capacity to do so. They should at least have choice over who is employed, when they want to have the care, and how they want to use it. Even doing a small part of this for themselves can help them get used to being independent. If this is
not appropriate, you can continue receiving Direct Payments for your child until they are 18.

- Anyone who has a Personal Budget as part of an Education, Health and Care Plan.

However you must have been assessed as having a need, and be willing and able to manage the direct payment yourself or with support.

### What is the difference between Direct Payments and a Personal Budget?

A personal budget is an amount of money or resources that is available to meet the need of your child to meet the outcomes or goals agreed in the plan. You can then choose to have the personal budget as a direct payment or provided directly by RBG.

### How do I get Direct Payments?

**Social Care**

An assessment will be undertaken by a social worker, usually from the Children with Disabilities team (CwDT) and will consider:

- all elements of your child’s needs
- your needs as a parent or carer,
- what supports and services are already available – in the family, community or already provided by RBG or Oxleas to meet these needs.

This is called a Child and Family Assessment.

As a result of the assessment, there may be a decision that services already available are enough to meet the needs and outcomes identified.

If, however, there is agreement that additional services are needed, the social worker will discuss what the outcomes of the service should be and what may be the best way to meet those needs.

If other services or actions are required to meet the needs and outcomes, the social worker may prepare a Child in Need plan with you and the other agencies or services involved.

If the only need is for short breaks, the social worker will make a request to the care package panel who will decide on the amount of support to be provided.

### See separate leaflet on care package panel
They will also discuss with you whether or not you wish the services to be provided directly by RBG or if you would prefer to have a direct payment to organize the support yourself.

Once the amount of support has been agreed, and you are interested in using Direct Payments, the CwDT will send a referral to the Brokerage and Direct Payment Team to ask them to arrange to meet you to discuss the type of Direct Payment that would be best for you, and what your responsibilities will be.

The social worker will prepare a support plan with you that will say what the level of support will be and the aim of the support, and how you intend to use your direct payments. This will need to be agreed by the Team Leader.

The Direct Payments will not be set up until you have a carer or personal assistant in place or activities arranged to use them. This may take some time and if you will need other support in place until you have this arranged, you will need to discuss this with your social worker.

**Education Direct Payments**

If it is agreed that you or your child can have a Personal Budget for Education the SEN team will send a referral to the Brokerage and Direct Payment Team to ask them to meet you to discuss the type of Direct Payment that would be best for you, and what your responsibilities will be.

The EHC plan will set out what the amount will be and the outcomes to be achieved, and how you intend to use your direct payments. This will need to be agreed by the SEN Team Leader.

The Direct Payments may not be set up until you have a carer or personal assistant in place or activities arranged to use them. This may take some time and if you will need other support in place until you have this arranged, you will need to discuss this with your SEN officer.

**What can I do with my Direct Payments?**

**Social Care**

You can decide how to spend your Direct Payments. However, they can only be used in order to help you achieve the goals for your child (also called ‘outcomes’) expressed in your Child in Need or Support plan. Once this Plan is agreed, you must only use the money to pay for things that are in it.

These are a few examples of how you could spend your Direct Payments:

- Employing a Personal Assistant to:
- Provide personal care for your child at home (e.g. help with bathing and getting dressed)
- Helping your child to get involved in social or leisure activities (e.g. swimming or horse-riding)

- Specialist activities that would be over and above what a parent would be expected to pay for themselves
- A childminder
- Buying additional days at a nursery

There are some things you cannot spend your Direct Payments on. These include:

- Buying services from the council or the Health Service
- Paying for overnight care away from the home for more than 17 nights in one stretch, or more than 75 nights a year.
- Employing anyone who lives with you as a Personal Assistant, such as your husband, wife, partner, or a close relative. In some very unusual situations, this may be agreed but will need to be agreed in advance.
- A family holiday unless there are exceptional circumstances
- Drugs, alcohol or gambling

**Are there any other restrictions?**

Most parents choose to use the direct payment to pay someone to look after their child at home or to take them to community activities.

- You will usually get an amount of money every 4 weeks – some parents will choose to save some of this to pay for additional support in school holidays or for a special occasion. This should be agreed in the plan.
- You are allowed to hold up to the equivalent of 8 weeks DP in your account for this purpose.
- If you want to use the money in a way that is not in the plan, this must be agreed in advance.
- You can never pay anyone ‘cash in hand’ – you can only pay someone who has been set up legally as a carer with the right contract and insurance in place.
• If your child is under 8 and you employ someone to look after them in the carer’s home – they should be registered as a childminder.

If you want your child to stay at a carer’s home overnight this should be agreed in the support plan and:

• All adults in the house should have a DBS check
• You will have to confirm that you have visited the house and that the accommodation is suitable to meet your child’s needs and to keep them safe
• You will have to draw up a care plan with the carer to agree on day to day needs and who is responsible

**How much money will I receive?**

• A care package panel within will decide the level of support you should receive. This is usually in the form of a number of hours weekly or as a block. If you choose to have a direct payment you will receive the hourly rate for that number of hours.
• This will allow you to pay a reasonable hourly rate to the carer and to pay for any tax, insurance or other liabilities. If you want to pay your carer more than this – you will need to pay the extra yourself.
• You cannot use the money to pay for meals or transport. You will be expected to pay for any of these expenses and entrance fees yourself. Many leisure providers allow the person caring for your child free entry.
• If it is agreed that your child can stay at the carer’s house overnight – the rate will depend on whether the carer needs to be awake or not. If not they will receive an overnight rate covering 8 hours and then the normal hourly rate for the rest of the time your child is there.

**Employing a close family member as a support worker**

Direct Payments are not intended to replace existing support networks within families and communities. However, there may be occasions when it is appropriate to employ a member of their family who may or may not live in the same household.

There is no general restriction on the employment of a family member who does not live in the same household, but this will be in agreement with the Team Leader and you may want to consider this carefully

**Some things to think about if you are considering employing a family member:**

• You will be their employer and will need to ensure that they are following the plan that is agreed – would you feel confident in telling your mother or mother in law how they need to care for your child?
- If the plan is for your child to go to community activities such as a youth club – is it appropriate for an older person to be going with them? Will they feel uncomfortable?

However, you will need special permission to employ a family member living in the same household – this may be appropriate when:

- an older brother or sister is able to take your child to activities and is doing this instead of getting a paid job elsewhere, or where your child feels more comfortable with this.
- A family member is able to communicate with your child in a way that other carers may not – e.g. specific language issues.

Employing the child’s father or mother even if they are not living with the family will not be agreed.

It would also be rare to agree to a sibling under the age of 16 being employed as a Personal Assistant, as they may not be mature enough to manage the responsibilities of caring.

**Education**

A Direct Payment can only be used as agreed in the EHC plan.

The headteacher of your child’s school must agree to any staff working in their school who may be employed by a parent either directly or through a direct payment.

There are some things you cannot spend your Direct Payments on. These include:

- Buying services from the council or the Health Service
- Paying for overnight care away from the home for more than 17 nights in one stretch, or more than 75 nights a year.
- Employing anyone who lives with you as a Personal Assistant, such as your husband, wife, partner, or a close relative. In some very unusual situations, this may be agreed but will need to be agreed in advance.
- A family holiday unless there are exceptional circumstances
- Drugs, alcohol or gambling

For further information on Personal Budgets as part of an EHC plan please see – ‘An Offer of Personal Budgets in Greenwich April 2016’ [hyperlink](#)
**How are they set up?**

Direct Payments will be paid into a bank account. As the amount comes in regular amounts every four weeks, you will need to budget effectively to make sure you have money for more expensive times of the year, such as school holidays.

Your social care support plan will be reviewed regularly. These reviews will consider whether your child’s or your needs have changed, whether the Direct Payment is still meeting your needs, and whether the amount of the Direct Payment should be changed.

Similarly an EHC plan will be reviewed annually and this is the opportunity to discuss whether or not the Direct Payment remains the best way to meet the outcomes in the plan.

**What responsibilities will I have?**

There are several responsibilities associated with organising Direct Payments these include:

- Opening a separate bank or building society account (where necessary)
- Recruiting and employing workers
- Organising and managing your own workers
- Making sure that relatives who live in the same household are not employed as personal assistants (except in exceptional circumstances)
- Keeping financial records and submitting returns to the council for monitoring purposes
- Making sure that you are using your Direct Payments to pay only for the services you have been assessed

You will need to sign a contract with the Royal Borough of Greenwich to agree the conditions of the Direct Payment before you receive any money. When you begin receiving Direct Payments, you will need to keep records of how you spend the money (e.g. receipts, payslips or bank statements) to show that you have only spent the money on meeting your child’s or your assessed needs.

If you are going to employ a Personal Assistant, you will also have all of the responsibilities of an employer. This means you will be responsible for correctly paying tax and national insurance contributions. You will also have a duty of care towards your employee.

**What help is available to organise Direct Payments?**

The Council can provide a range of support, advice and assistance to people considering using Direct Payments through the Brokerage and Direct Payments team. This includes ongoing assistance with:

- Recruitment e.g. job adverts, interviews etc
- Employment of workers e.g. job descriptions, contracts
- Payroll and financial management
- General advice and information

Your Social Worker or SEN officer can provide further information about this service.
Contact a Family has also produced a useful guide for parents who wish to use direct payments available on

www.cafamily.org.uk/know-your-rights/disabled-childrens-services/direct-payments/

In Greenwich – you can choose to have RBG manage the financial payment for you so that you only have to send the timesheets in for your carer, or you can have the money paid into a bank account that you set up for this – and manage all the payments yourself.

They will provide you with information about these different ways of having a DP and what your responsibilities will be.

What other responsibilities are there?

If you choose to have a DP to employ a carer for your child you will have legal responsibilities as an employee which will include:

- You will need the correct insurance
- You will need to arrange to pay the employee
- You will need to ensure that you pay the right tax and insurance and sick pay where appropriate
- You will need to make sure that they follow care plans and health care plans where your child has complex needs.

The team will explain this to you to help you decide whether you want to go ahead and which type of account you will choose.

How can Direct Payments be stopped?

Direct Payments can be stopped by yourself or the Local Authority in certain situations:

- If you no longer wish to use them and would like the Local Authority to arrange services for you
- If as a result of an assessment or review of the care package or EHC plan services are no longer considered to be required
- If the Local Authority decides that you are not using them to ensure the safety and wellbeing of your child, or to meet the outcomes agreed.
- If you use the money inappropriately or fraudulently

You should receive a review of your child and family’s care package, or the EHC plan at least annually and the amount of Direct Payments received will not normally be increased or reduced during this period unless there is a significant change in your or your child’s circumstances.
Direct Payments may be stopped temporarily if:

- Your child is in hospital for a lengthy period of time
- Your child is away from home for any other reason for a considerable length of time
- You have not been able to find an appropriate carer or activities and the amount in your account is over the 8 week limit
- You have failed to comply with the terms of the Direct Payment

**Safeguarding**

Although you will have choice over how you use the Direct Payments – the Local Authority still has a duty to ensure that children’s welfare is promoted and they are safe.

We strongly recommend that your carer has a Disclosure and Barring certificate (DBS) (which used to be called a Criminal Records Bureau (CRB)) check to see if there is they have any convictions that may make them unsuitable to care for your child, or if they have been barred from working with children.

The Direct Payments and Brokerage team can arrange this for you. If the carer you intend to employ tells you they already have a check – you will need to ask to see this and see if it is within a reasonable time scale – the Local Authority requires workers to have a check done every 3 years.

If you are employing a carer to go into a school or another service to support your child – they **MUST have a DBS check** and will not be able to start working until this has been done and they are considered safe to work with children.

Royal Borough of Greenwich takes this very seriously and you will be asked to sign a form to say that this has been discussed with you. If you decide not to ask for a DBS check, you will be asked to explain why, and your request for a Direct Payment may be refused if there are concerns that you are likely to employ anyone who is unsuitable. (See attached Safeguarding forms)

If you intend to ask someone to look after your child overnight in their home, this should be agreed in the plan and all adults in that household should be asked to have a DBS check before the arrangement starts.

**Using an agency or other provider**

If you decide not to employ someone yourself you may wish to approach an agency. You should choose an agency or provider that is registered with the Care Quality Commission or Ofsted.
Agencies all have different prices and sometimes have a different price depending on the level of needs of your child, and when you want the care e.g. if you want them on Sundays or in the evening.

You should also be aware that they will usually have a cancellation period and if you cancel the care at short notice you will still be expected to pay.

They will also often expect you to pay the carer for travelling to and from your home.

You should discuss all of these issues with the agency before you sign any contract with them.

If you have any concerns that an agency worker has put your child at risk you should always inform the CwDT.

If you want to appeal against any decision made as part of this process, and would like to discuss it with someone who is not your social worker or their manager, you can write to:

Children’s Services
Complaint Manager
The Woolwich Centre
3 Wellington Street
London SE18 6HQ
Email: childrens-complaints@greenwich.gov.uk
Disclosure and Barring Service checks for Direct Payments for parents and carers of disabled children

Please complete section 1 or 2 as appropriate

1

I / We………………………………………………….(parent/carer/young person) will request Royal Borough of Greenwich to undertake a Disclosure and Barring Service (DBS) check in respect of any personal assistant/carer who I /we wish to employ under the Direct Payments Scheme as a personal assistant for Name…………………………………………………..(name of child/young person)

☐ I / WE TAKE FULL RESPONSIBILITY FOR SUPERVISING THE WORKER WITH ……………………………………………….. (name of child) AND 1 / WE HAVE HAD THE POSSIBLE CONSEQUENCES OF EMPLOYING THE WORKER PENDING THE CHECK EXPLAINED TO ME/US (If applicable please have your worker read and sign page 2)

Signed……………………………………………………Date……………………….
I / We ................................................. (parent/ carer or young person) **DO NOT**

wish for Royal Borough of Greenwich check in respect of any personal assistant/carer who I /we wish to employ under the Direct Payments Scheme as a personal assistant for

Name.......................................................... (name of child or young person)

For the following reason/s

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☐ **I / WE HAVE HAD THE POSSIBLE CONSEQUENCES OF NOT TAKING UP THE CHECKS EXPLAINED TO ME/US**

Signed............................................................ Date........................................