

# Policy

## Short Breaks Direct Payments (User Friendly)

### Policy Summary

Information about direct payments for those individuals not entitled to an Education, Health & Care Plan (EHCP). Providing details of what a direct payment is, who can request one, what it can and can't be spent on, and the review process.

### Statutory Basis for the Guidance

The Special Educational Needs (Personal Budgets and Direct Payments) Regulations 2014.



<b><u>Version History</u></b>				
<b>Version Number</b>	<b>Summary Of Change</b>	<b>Approved By</b>	<b>Author Initials</b>	<b>Date</b>
1.0	Final version agreed	SMT/0-25 Board/CCG	CM/AW	28.04.16
1.0	Updated contact details in decisions and appeals section.	CL/JW	AW	02.06.16
1.0	Section 7 updated link to SMBC local offer page.	CL/JW	AW	08.09.16
1.0	Contacts section updated for Short Breaks/Disability team.	JW	AW	15.09.16
2.0	Section 6.1 - updated contacts details for IASS for KIDs.	CL	AW	17.05.17
2.0	Section 7 - took out web link for Children & Young People (inc. Education and Social Care) SMBC.	CL	AW	17.05.17

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## **1. Introduction**

This policy is aimed at individuals who are entitled to receive a Direct Payment from the Local Authority for social care funding and are not entitled to an Education, Health and Care plan or Personal Budget. If an individual is receiving a Direct Payment through a Personal Budget then please refer to the Personal Budget policy.

## **2. What is a Direct Payment**

A Direct Payment is funding which is paid direct to you from the Local Authority to buy services as agreed in your support plan.

## **3. Who can request a Direct Payment**

A child's parent, young person (over 16) or person nominated in writing by you to act on your behalf may request a Direct Payment if the child or young person is in receipt of social care funding made available through disabled children social care short breaks budgets.

## **4. What it can and can't be spent on**

It is important you are clear with what the money can and can't be spent on. As long as you are spending as agreed in your support plan there should be no issues at review.

### **4.1 What it can be spent on**

A Direct Payment can be spent on anything agreed in the Support Plan which may include:

- Access to local community and groups
- Access to a variety of short breaks
- Personal Care
- Day Trips/activities
- Personal Assistants

### **4.2 What it can't be spent on**

The Support Plan details how a Direct Payment will be spent. It cannot be spent on anything other than goods or services which reinforce the outcomes of the plan including:

- anything which does not benefit the child or young person it is meant for.
- anything illegal or adult activities such as alcohol and gambling.
- to pay household bills or purchase household items.
- to fund activities or services for anyone else.
- any person providing support who lives in the same household as the child or young person.
- LAC placements or long term residential or nursing care.

You must always discuss a change in your/your child's support needs with your designated support officer before making any decisions to reallocate funds.

## **5. Monitoring and Review of Direct Payments**

All cases will be reviewed after the first 3 months by a designated support worker. Further reviews will then be carried out every 12 months, unless there are substantial changes. The reviews are to ensure the plan is working for you and your family and to highlight any changes that are needed to improve it.

Changes to a plan can be made via your support worker who will present to the relevant decision maker on your behalf. Updates to a plan will only be considered if there has been a significant change in the child or young person's needs.

The payments team will conduct a spending audit every 4 months of all direct payments to ensure funds are spent appropriately.

When your case is reviewed/audited you will be asked to provide some additional evidence.

### **5.1 What evidence is required?**

- Support Plan.
- Spending Records.
- Bank statements – a separate bank account must be opened in which only the Direct Payment can be used (one individual bank account is required for each child or young person in a household who receives a Direct Payment). The LA will require full statements with details/evidence of all activity.
- Receipts for all expenditure.
- Wage slip, Inland Revenue payment details, employee liability insurance, payroll invoices.
- Up-to-date CRB/DBS checks for any employee, such as a personal assistant or support worker, paid by a Direct Payment. (A Direct Payment cannot be paid or may be suspended if a valid CRB/DBS is in place, evidence of this will be required).
- Agency invoices if paid by a Direct Payment.

All quarterly monitoring information should be sent to the LAs choosing and purchasing team.

Failure to provide the requested information for review within the specified time may result in suspension of the direct payment.

## **5.2 Contingency and Rolling Funds Forward**

If a direct payment is issued it is recommended that between 5-10% is held back as a contingency to allow for any changes in support needs which may occur throughout the year. If the contingency is not utilised it can then be spent in the latter part of the year. If there are any surplus funds at the financial year end the LA will request these funds are paid back. In exceptional circumstances the LA may allow a small percentage to be carried forward.

## **5.3 Repayment and Recovery**

If after the review it is evident that there has been a change in the child or young person's circumstances which would reduce entitlement, or funds have been held back, or not spent as agreed in the support plan, or have been used in connection with theft, fraud or any other offence the LA may require the recipient to pay all or part of the direct payment. If this is the case the LA must inform the recipient in writing with reasons for the decision and offer a reasonable timescale for the amount to be repaid.

## **5.4 Transition to Adulthood**

As an eligible young person approaches their 18th birthday they will already be known to Adult Social Care and the Transition workers located within the adult Community Learning Disability Team. Planning will have taken place to consider outcomes and an EHC plan in place to ensure a smooth move from child to adult services. The assessments undertaken prior to 18 will have highlighted if the young person is likely to be eligible for Adult Social Care financial support post 18 and in line with the Care Act eligibility framework. The direct payment paid by children services will end once the child turns 18 on the basis the EHC outcomes have been finalized. The adult approach is based upon achieving outcomes and a Resource Allocation system will have resulted in an indicative budget being generated by the time the person reaches 18. The person then uses this indicative budget to develop a Support Plan which will evidence how the eligible outcomes can be achieved. The relevant adult social care team will then continue to work with the young adult to ensure they can maximize their independence and agree a final budget based on eligibility outcomes. The person can then choose how they would like to receive their personal budget for example in the form of Direct Payment.

## 6. Decisions and Appeals

All requests for Direct Payments where a child or young person is eligible to receive one will be considered.

Once agreement is reached you will receive written confirmation of the decision. If you are not satisfied with a decision you have the right to appeal.

In the first instance you should contact your support worker to arrange for your case to be referred back to the relevant panel or decision maker with any additional supporting evidence.

If the panel or decision maker upholds their original decision and you still wish to appeal you can contact the Information, Advice and Support Service for further advice and support.

### 6.1 Information, Advice and Support Service (IASS)

These services provide neutral information and support to children and young people with SEN or disabilities and their parents about matters relating to:

- their SEN or disabilities, including matters relating to health and social care
- the take-up of and management of Personal budgets
- Local policy and practice
- The Local Offer
- Personalisation and Personal Budgets
- Law on SEN and disability, health and social care understanding and interpreting information and applying to their own situation
- Information on the local authority's processes for resolving disagreements, its complaints procedures and means of redress

Although funded by local authorities, the IASS in Stockport is provided by KIDS and can be contacted at KIDS – Woodbank Youth Centre, Turncroft Lane, Offerton, Stockport, Cheshire, SK1 4BN. Telephone 0161 480 3189, email [stockport@kids.org.uk](mailto:stockport@kids.org.uk), website [www.kids.org.uk/](http://www.kids.org.uk/).

## 7. Support for Parents and Young People

Name	Details	Contact
Parents in Partnership	Independent information and advice around education, health and social care.	Website: <a href="http://www.pipstockport.org">www.pipstockport.org</a>
National Autistic Society	Offers impartial advice and support for families and carers dealing with autism.	Helpline: 0808 800 4104  Website: <a href="http://www.autism.org.uk">www.autism.org.uk</a>
National Autistic Society Social Groups	Supporting children and young people with autism to meet up and try out activities and events in the community	NAS Manchester Social Group  <b>Contact</b> Lesley Martin National Autistic Society  Tel: 0161 945 3341  Email: <a href="mailto:lesley.martin@nas.org.uk">lesley.martin@nas.org.uk</a>
The Local Offer	A bank of information for families and young people with special education needs and disabilities.	Website: <a href="http://www.sensupportstockport.uk">www.sensupportstockport.uk</a>
Carer's Centre Flag	Provides links to social care and health services	Tel: 0161 474 1042  Website: <a href="http://www.stockportflag.org.uk">www.stockportflag.org.uk</a>

<p>Children &amp; Young People (inc. Education and Social Care) SMBC</p>	<p>Useful information and advice on children's services in Stockport as well as details of education, training and employment within the borough.</p>	<p>Tel: 0161 217 6028</p>
<p>Social Workers Short Breaks &amp; Children's Disability Team</p>	<p>For advice and support regarding social care for children and groups/individual short breaks available.</p>	<p>Tel: 0161 474 2599  Email: <a href="mailto:cyp.dissocialcare@stockport.gov.uk">cyp.dissocialcare@stockport.gov.uk</a></p>
<p>Think Local Act Personal (TLAP)</p>	<p>Useful resources hub for professionals regarding personalisation and community based support in the health and care sector</p>	<p>Website: <a href="http://www.thinklocalactpersonal.org.uk">www.thinklocalactpersonal.org.uk</a></p>
<p>KIDS</p>	<p>The resources section provides support for providers and families on personal budgets and direct payments.</p>	<p>Website: <a href="http://www.kids.org.uk/mip2">www.kids.org.uk/mip2</a></p>
<p>SEN Direct</p>	<p>Personalisation service helping families and</p>	<p>Website: <a href="http://www.sendirect.org.uk/">www.sendirect.org.uk/</a></p>

	professionals access different support services	
SMBC Choosing and Purchasing Team	Choosing and purchasing provide support planning, advice and guidance on Direct Payments	Tel: 0161 218 1953 Email: <a href="mailto:choosing&amp;purchasing@stockport.gov.uk">choosing&amp;purchasing@stockport.gov.uk</a>
Stockport Direct Contact Centre	Provides general information and advice.	Email: <a href="mailto:stockportdirect@stockport.gov.uk">stockportdirect@stockport.gov.uk</a>