

## **Introduction to Direct Payments for Parents and Carers of Disabled Children 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. 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 payments made as an alternative to social care 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 your child, when that care or 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.

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?***

The government introduced a law in September 2014 to say that a parent of a child who has an Education, Health and Care plan (EHC plan) can ask for a personal budget to meet the outcomes in the plan.

Personal Budgets are being introduced into Children's Services as part of the Special Educational Needs and Disability (SEND) reforms and have been tested in Greenwich.

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?***

An assessment will be undertaken by a social worker, usually from the Disabled Children Social Work Team 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.
- Is your child eligible for specialist provision under the Chronically Sick and Disabled Persons Act 1970

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 for your child will be and what may be the best way to meet those outcomes based on assessed need. A resource Allocation System (RAS) will be completed with you to help inform the level of provision needed.

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 and presented to care package panel.

The social worker will make a request to the care package panel who will decide on the amount of support to be provided.

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 Disabled Children Social Work Team will send a referral to the team to ask them to arrange to meet you to discuss how you want to have the direct payment paid, and what your responsibilities will be.

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.

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

You can decide how to spend your Direct Payments. However, they can only be used in order to help you achieve the outcomes for your child expressed in your 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 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.

### ***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 an amount of money to be used over the year and in some instances a number of hours weekly.
- If the support plan includes a weekly allocation of hours for a carer, this will be paid to you at a rate of £16.03 per hour (rate as of January 2023).
- 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 or use less hours to cover the additional cost.
- 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.

### ***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 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?

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.

### ***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 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.

### ***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 Direct Payments and Care Brokerage 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 can provide further information about this service.

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 employer 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 council in certain situations:

- If you no longer wish to use them and would like the council to arrange services for you
- If as a result of an assessment or review of the care package services, are no longer considered to be required
- If the council decide that you are not using them to ensure the safety and wellbeing of your child
- If you use the money inappropriately or fraudulently
- Your child reaches 18 and is no longer entitled to services from Children's services.

You should receive a review of your child and family's care package 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 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 Service certificate (DBS) (which used to be called a Criminal Records Bureau (CRB)) check to see if 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 Care 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.

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 Disabled Children Social Work Team.