



A parent's guide to Direct Payments

What are direct payments?

A direct payment is money from your local authority to allow you to buy the care your child needs instead of having services organised by us. Direct payments can be used by a whole range of people, but this guide specifically looks at using direct payments to support families looking after a disabled child.

Who can have direct payments?

Any family where a child has an Education, Health and Care Plan can request assessment for a personal budget and the local authority have a duty to assess this request. RMBC will only issue a personal budget if services available in the area cannot meet the needs of the child or young person with SEND.

The law excludes certain people from receiving a direct payment, these include:

- a person who is subject to a drug rehabilitation order
- a person who is subject to an alcohol treatment order
- a person who is subject to a youth rehabilitation order
- a parent whose child is in care. If in long term foster care the foster parents may access a personal budget if there is agreement as part of the plan
- a child who has a safeguarding plan. Any use of a personal budget would have to be a part of the agreed plan.

Control and flexibility

Parents using direct payments often find they have more control over the services they receive, with care being provided in a more convenient and flexible way.

Using direct payments means you should be able to:

- decide who is going to provide services
- arrange how and when any service is provided.

What happens as my child gets older?

If you have parental responsibility for a child, you can manage direct payments for them so long as they are under 16 years of age. However, as far as possible, you will be expected to take into account the views of your child in decisions affecting them.

Once a young person reaches 16, it is possible for payments to be made to them, so long as the local authority believes that they have the ability to manage direct payments with help. This is regardless of whether that help comes from parents, a user controlled trust or a local support service. This allows 16 and 17 year olds to choose if they want to take control of part or all of their direct payments. Alternatively parents can continue to receive direct payments on their behalf.

Using direct payments

You can use direct payments to buy services from an organisation that provides care, such as a private agency, a voluntary organisation or a nursery. Alternatively you can employ someone yourself. However, you can't use your direct payments to buy services from a local authority.

In this guide we refer to an organisation which provides care as a 'service provider' and to someone you employ directly as a 'personal assistant' (PA).

Using direct payments can mean extra responsibilities for you, as you will be more involved in arranging services. This is particularly true if you employ a PA to help meet your child's needs.

Direct payments are not for everyone and you are under no obligation to use them if you don't want to. However, if you like the idea of having more control over services for your family, then direct payments are an option worth exploring.

How can I get direct payments?

If you are a parent of a child or young person with an Education, Health and Care Plan you can request an assessment for a personal budget at any time and the local authority has a duty to undertake an assessment of your child or young person's needs .

In Rotherham, this assessment will be undertaken by the Clinical Commissioning Group (CCG) if it is for a personal health budget, by your Education, Health and Care Plan co-ordinator if it is to meet education needs or by a member of Rotherham's Children with Disabilities Team if it is to meet a social care need.

If you are requesting a personal budget to meet a care need your worker will assess what outcomes you and your child want to achieve and what resources are required.

For example your child might want to make local friends in your community. A solution might be to attend a local Brownie pack but need this will require a P.A. to attend to support with personal care or moving and handling. Your worker will look at the time and skills required to do this and help calculate an allowance to support this. You will then have the option of:

- asking the local authority to provide the care needed or,
- asking for direct payments so that you can arrange a PA yourself or,
- opting for a 'mixed package', where the local authority provides some of the care and you use direct payments to buy the rest

Are there any restrictions on how I use my direct payments?

The general rule is that you cannot use direct payments to employ a close relative who shares your household. However, the rules do not prevent you from using direct payments to buy care from a close relative who lives elsewhere.

Anyone who is paid to look after a child under eight years of age in their home, for more than two hours a day, must be registered as a childminder with OFSTED. You should bear this in mind if you pay someone (other than a relative) to look after your child in that person's home. This does not apply where you pay someone to look after your child in your own home.

Direct payments cannot be used to pay for permanent residential accommodation, other than limited amounts of short breaks.

All adults working with a child or young people should have a DBS check.

How much money do I get in direct payments?

The amount of direct payments you receive should be enough to cover the costs of buying a service of the same quality and quantity as the local authority would otherwise have provided.

What can I use direct payments for?

Some of the ways direct payments can be used include:

- employing a personal assistant
- employing an agency to care for your child in your own home
- an activity club session

- booking short breaks
- buying equipment

This list is not exhaustive. Direct payments can be used flexibly providing they are used to meet the assessed need and agreed outcomes for your child.

Paying a personal assistant

There is no national set rate of hourly pay for personal assistants (PA) although you must at least pay the national minimum wage. The rate of pay should also take into account the range of different hourly rates that would need to be paid for, such as day, night, weekends, bank and local holidays as well as emergency cover.

PA's expenses

When your worker calculates the amount of your direct payments, you should discuss how you will cover your PA's expenses if they take your child out. For example, admission fees , food and refreshments when they are out with your child.

Should I use a service provider or employ a PA?

Deciding whether to use a service provider or employ a PA is not always clear cut and there are a number of issues you will have to weigh up.

Using a service provider

- You will have no responsibility for employment issues as staff will be employees of the service provider
- You may have less say in who works with your child
- It may be more expensive than employing someone directly

Employing a personal assistant

- You will have all the responsibilities of an employer
- You will have more control over who provides care to your child and how this care is provided
- You may be able to employ someone who knows your child already

It is possible to use a service provider to meet some of your child's needs and to employ a PA to meet the rest.

Support with becoming an employer

The local authority has an agreement with organisations to provide support for families in receipt of a direct payment who are looking to employ a PA.

These organisations can support with recruitment and selection, such as:

- advertisements
- application forms and person specification
- arranging interviews
- setting up employer contracts and providing employment advice including legal advice if required
- undertaking DBS checks

These services can also provide a management service should you feel that you are not able to manage the direct payment yourself. This means that they will manage the payments for PA's or services on your behalf.

If you wish for your direct payment to be managed on your behalf then you should discuss this with the worker who is completing your assessment.

There are also services available to help with all you payroll support including:

- setting up your employee as a new starter and provide a payroll account for you
- process the timesheets you provide to them
- provide you with documents regarding tax and national insurance payments
- ensure you comply with current legislation
- explain how to make payments to HMRC

Using direct payments to buy equipment

If your child's assessment identifies a need for equipment or temporary adaptations to your home, you can have the option of buying this with direct payments. When deciding how much money is needed, the local authority will bear in mind the expertise needed to ensure the equipment is safe and appropriate, and whether extra funds are needed to provide training in its use.

Costs of maintaining equipment

You will need to be clear whether ownership of the equipment will lie with you or the local authority. If you own the equipment, then you will also be responsible for its service and repair, costs that should be included in the direct payments. Alternatively, the local authority can arrange for the maintenance of the equipment.

Choosing more expensive equipment

You can top up your direct payments in order to buy a more expensive piece of equipment, so long as it still meets your child's needs.

Funding permanent adaptations

Direct payments can only fund equipment and temporary adaptations that would be otherwise provided by the local authority. They don't fund permanent adaptations to your property.

Using direct payments to buy Short Breaks

Direct payments can be used to buy Short Breaks. This can include a child going into a residential unit, or more flexible breaks, like a child going to stay with a care worker, or a PA accompanying a child on holiday.

What to do if you start receiving direct payments



Keep a record of how your direct payments have been spent

Before direct payments start, you will be asked to sign an agreement stating that you will only use the money provided to meet your child's assessed needs. After this you will be asked to provide information about how you have spent your direct payments. This means you will be expected to keep receipts for anything you use the direct payments for.

DBS checks

You must ensure anyone working with your child has a recent DBS check. The local authority can support you with organising this.

Insurance

As an employer, you are required to take out a suitable employer's liability insurance policy. Although the local authority cannot recommend individual companies, we can provide you with a list of companies who provide such cover. It would then be for you to identify the most suitable cover required. The cost of this cover will be met by the local authority.

Using a bank account to administer the payments

You will need a separate bank or building society account to keep track of how your direct payments have been spent. You can use this account to deposit the direct payments you receive and to pay your PA or service provider. You will be asked to keep these bank statements and to show them to RMBC quarterly and any underspend will need to be reimbursed to the Council.

Keeping the local authority informed

If the local authority is unhappy about how you have spent your direct payments, for instance, if it wasn't used to meet the needs they agreed to, they can ask for the money to be repaid. Given this, you should make sure you always let the local authority know if you intend to make any changes to the services you buy. The direct payments agreement will allow for some small changes to be made without notifying them. However, substantial changes should always be discussed with your worker first.

Dealing with emergencies

There may be times when the care arrangements funded by your direct payments break down, for example, if your PA is ill. When you first set up your direct payments, you should speak to your worker about what will happen if you need emergency cover.

Reviewing Your Direct Payments

The local authority is still responsible for reviewing the services purchased with the direct payments. This is to check that needs in the care plan are still being met and that the quality of the service is adequate. The local authority will arrange for regular reviews to take place but you can request a review if circumstances change suddenly.

Following a review, the amount of direct payments may need to be increased or reduced. The local authority will review your direct payment initially after the first three months to ensure everything is working smoothly, then every six months with one of these reviews being your child's Education, Health and Care Plan review.

