



**Version 1.2**

# **CHILDREN, FAMILIES AND EDUCATION**

## **CHILDREN'S SOCIAL SERVICES**

### **DISABLED CHILDREN – DIRECT PAYMENTS PROCEDURE**

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# CHILDREN, FAMILIES AND EDUCATION DIRECTORATE CHILDREN'S SOCIAL SERVICES DIRECT PAYMENTS PROCEDURE

## Introduction

Meeting the needs of vulnerable children can be complicated and the procedure contained in this document has been developed to address issues that are specific to Children's Social Services and provides guidance for practitioners when working with families or young people who take up Direct Payments to meet assessed needs. It is supported by a flow chart outlined in appendix 1.

Direct Payments policy is set out in the multi-disciplinary document [Direct Payments Policy and Practice Guidance](#), which should be read in conjunction with this procedure.

## Children and Families Direct Payments Support Service

The Children, Families and Education Directorate has commissioned a dedicated Direct Payment Support Service which will be delivered by the Parent's Consortium.

## Eligibility for a Direct Payment

To be eligible for a Direct Payment a child must meet the criteria as a Child in Need for either the Children's Social Services ([Children in Need Matrix](#)) or the specialist Disabled Children's Service (DCS) (see [Disabled Children - Policy, Procedure and Practice Guidance](#)).

## Core Assessment and Child in Need Plan

A Direct Payment can only be made once a social worker has completed a core assessment, and a Child in Need Plan. The Child in Need Plan should identify the child's assessed needs and how these needs are to be met.

In considering how to meet the assessed needs, the social worker should always offer a Direct Payment, whilst ensuring that this will be in the best interests of the child.

The option and appropriateness of a Direct Payment should be discussed with the family. Where the young person/parent/carer is unable to manage a direct payment (but wish to make use of this option), the social worker should seek advice from the Children & Families Direct Payment Support Service (CFDPSS), and consideration should be given to the use of an Independent Living Trust. The family should be provided with a copy of CFDPSS leaflet, which gives information about Direct Payments. The family should be advised that they can obtain further information from the CFDPSS

Should the young person/parent/carer want to explore the option of Direct Payments, the social worker will then need to make a referral to the CFDPSS. A referral form can be obtained from the CFDPSS. It will be important to work alongside the Support Worker and the family to achieve the best outcomes for child.

The social worker needs to establish the cost of the equivalent service provided by the local authority and to obtain agreement to the funding of the care package from their manager/supervisor, ensuring that it does not exceed this cost.

Where a Direct Payment is going to be made, the following should be included in the Child in Need Plan:

- The child's identified needs. This includes Young Carers aged 16-17 years who have chosen to undertake a suitable caring role for a disabled adult for a short period of time.
- The level of services required to meet the assessed needs.
- The needs that will be met through Direct Payments.
- Those services that will be provided by some other means.

### **Needs that can be met via the use of Direct Payments**

- Personal care and support for the child within the child's own home;
- Personal care and support to facilitate a child to access leisure, cultural and sporting activities within the local community;
- Personal care and support necessary to access out of school and holiday activities;
- Equipment following an assessment by the Children's Occupational Therapist;
- Overnight Short Break provided by a Personal Assistant in the child own home;
- Overnight Short Break in the child's own home provided by an Independent Agency registered with the Care Quality Commission;
- Overnight Short Break provided by an Independent Residential Unit registered with the Care Quality Commission.

To be eligible for a Direct Payment to meet the cost of an overnight short break a child/young person must meet the agreed Overnight Short Break Criteria (see [Disabled Children – Policy, Procedures and Practice Guidance](#) (Overnight Short Breaks). Please refer to the table attached as appendix 2 for a detailed breakdown of the costings associated with overnight short breaks.

### **Services that may not be purchased via the use of Direct Payments**

- Where there are concerns that Direct Payments may pose a risk to the safety of the child or young person;
- Purchase of any service from the local authority, e.g. Kent's residential or fostering short break services; Care within a residential school;
- Purchase of care away from the child's home, including foster care, in excess of 28 days for any single period or 120 days in any twelve-month period;
- Purchase of any care that contravenes the law or government regulations;
- Purchase of services that would usually be the responsibility of another agency, e.g. physiotherapy, speech therapy, home tuition, portage services. It may be possible to reach agreement with the other agencies for them to directly fund such provision.

It is important to note that the Direct Payment relates to the child's needs and cannot, therefore, be used to fund a parent who wishes to go out to work.

It must be remembered that the NHS cannot make any contribution to a support package through a Direct Payment.

## **Determining the cost of a Direct Payment**

The amount of a Direct Payment must be related to the cost of the service that would have otherwise been provided to meet the assessed needs, and should not therefore exceed that of the Kent County Council. This cost should be conveyed to the Direct Payment Support Worker to guide them in formulating the Direct Payment.

The actual costing of a Direct Payment to meet the needs identified in the Care Plan is undertaken by the Support Worker, with the family. The Direct Payment must be sufficient for the recipient to fulfil his/her duty as a responsible employer e.g. to cover holiday entitlement; National Insurance; training; contingency for sickness cover, payroll costs, etc. The Support Worker will ensure this does not exceed the cost of the equivalent service provided by the local authority. The social worker will need to advise the support worker what this amount would be. The agreed maximum notional rate for one to one support has been set at £12.80 for social hours and £14.80 for unsociable hours across the County. This is on the basis that the council has to purchase to the standard and cost of the service it would provide if the need was not met through a direct payment. This represents the best value cost of agencies across the county. This cost (set in April 2008) will be subject to ongoing review.

When considering the potential training needs of the Personal Assistant, a training plan should be drawn up at the beginning of a direct payment and reviewed on an annual basis, so that appropriate costings can be included in the direct payment.

Information on costing a Direct Payment can be obtained from the Direct Payment Support Worker. Once completed, the proposed costing will be sent to the Social Worker who should advise their manager/supervisor of the total cost of the care package to the local authority.

In cases where it is difficult to provide a service through a Direct Payment the social worker should consult further with their supervisor/manager and the Direct Payment Support Worker, who will have to consider whether it is appropriate to continue to offer a Direct Payment or whether the child/families needs can be met in some other way.

## **Setting up the Direct Payment**

When funding has been agreed, the parent will need to set up a separate bank account for the Direct Payment. This is not necessary where the Direct Payment is for a single payment e.g. for a short break or a piece of equipment. The Direct Payment Support Worker will assist the parent/carer in setting up the account. When the account has been set up, the Social Worker needs to ensure that Kent County Councils Direct Payment Agreement is signed by the parent/carer. This Agreement sets out the terms and conditions of using the Direct Payment.

If the young person/parent/carer is unable to manage a Direct Payment but wishes to make use of this option, the social worker should explore the use of an Independent Living Trust in consultation with the Direct Payment Support Worker.

The Social Worker should send the DP1 (Finance Form – available from CFPSS) to the Finance Department 10 days before the Payment is due to start.

## **Reviewing the Direct Payment**

The Direct Payment Support Worker will review how the parent/carer is managing the Direct Payment 4 weeks after the Payment has commenced.

The Child in Need Plan will be reviewed at six monthly intervals. Authority to continue payments will need to be given by the budget manager. The review should consider any changes in the assessed need, the services that are required to meet the need, and which services will be provided via Direct Payments.

It should be noted that Personal Assistants are the employees of the parent/carer or the young person themselves and should only be present at the review by the specific invitation of the parent/carer or young person.

The Children and Families Direct Payment Support Worker will visit the family every 6 months to provide ongoing review of the management of the Direct Payment. They will complete the DP4 Form and send it to the social worker. Upon receipt of the DP4 Form, the social worker will take steps to recover any unspent money, or review payments if required. To recover Payments, the completed and signed last section of the DP4 should be forwarded to finance.

## **Safe Recruitment Practices**

The Protection of Children Act 1999 enables a person considering employing someone to care for their children, or a disabled 16 or 17-year old who is considering employing someone themselves, to ask the Local Authority to carry out a Criminal Records Bureau (CRB) check when setting up a Direct Payment service. When a person with parental responsibility, or the young person, requests such a check, the Local Authority has a duty to comply.

The cost of the check plus a small administrative fee for a person or persons employed to provide care under a Direct Payment is paid for out of a separate budget. The cost for holiday relief needs to be included in the package.

Kent Children's Social Services Directorate's policy is that everyone working with children should have a current CRB check. Parents/carers/young people should be advised that a CRB check should be carried out in respect of the person they plan to recruit to care for the child/young person, as without this the Direct Payment may not be agreed. It is preferable if the employment of a Personal Assistant can wait until CRB clearance is received (providing this is appropriate), as it avoids actions being taken to terminate employment if the CRB check is unsatisfactory.

If a CRB check has been requested but has not been received by the time the Personal Assistant (PA) is required to start work, the parent/carer/young person should be advised that the PA should not be left alone with the child/young person they are providing care for, until CRB clearance is received. Consideration should be given to asking the parent/carer to enter into a written agreement to confirm that the PA will not be left alone with the child/young person until CRB clearance has been obtained. Criminal Records Bureau checks should be updated every 3 years.

If a PA has been CRB checked and cleared to work with one child and then identified to work with another child the PA will not need to be CRB checked again unless the CRB check is coming up for its 3 year renewal.

If, during their employment, concerns about the employee's performance or behaviour are raised in relation to the child/ young person's safety, it is expected that a review meeting will be held with the social worker at the earliest opportunity. All decisions from this meeting

should be recorded and shared with interested parties on a need to know basis. It is likely that the parent/carers/young people will need support from the Children and Families Direct Payment Support Scheme in these circumstances. Both should ensure that they are informed and able to advise in these situations.

Should the concerns raised be of a child protection nature, the Kent and Medway Safeguarding Children Procedures [www.kscb@kent.gov.uk](http://www.kscb@kent.gov.uk) should be followed and a referral made to the County Duty Service, and immediately to the Local Authority Designated Officer.

The following document provides more detailed information on employment issues: Direct Payments Guidance: Community Care, Services for Carers & Children's Services (Direct Payments) Guidance, England, 2003, paragraph, 104-110. In addition, further guidance on Direct Payments can be found on the DoH website at: <http://www.dh.gov.uk/Home/fs/en>

## **Positive CRB Checks**

If the Children and Families Direct Payment Scheme receives concerning information about an individual, either employed already or being considered for employment through a Direct Payment, immediate management advice should be sought from the Team Leader. Agreement will need to be reached between professionals about what information is shared and with whom. The Local Authority and the Children and Families Direct Payment Scheme are bound by the Criminal Records Bureau Code of Practice in respect of the use, handling, storage retention and disclosure of CRB checks. Further information on the CRB Code of Practice is accessible on the Criminal Records Bureau website. In addition, further information on Direct Payments is also available on the Every Child Matters website [www.everychildmatter.gov.uk](http://www.everychildmatter.gov.uk).

On receiving positive CRB information about an applicant:

- The information should be passed to the Team Leader/ Social Worker.
- The Team Leader/Social Worker should undertake a risk assessment with the applicant to decide whether the person can be employed as a Personal Assistant.
- On completion of the risk assessment should the Local Authority consider the applicant unsuitable because the use of a Direct Payment would place a child/young person at risk, the applicant should be advised by the Team Leader/Social Worker and the decision confirmed in writing. The applicant should also be informed that the family/young person will be advised not to employ them.
- In consultation with the Direct Payment Support Worker, the Local Authority should advise the parent/young person of the Local Authority's decision not to agree to the direct payment, without giving details of any offences that have come to light. The parent/young person has no right of access to CRB disclosures and it would be an offence for the Local Authority to disclose the information. The Local Authority can however share information with the parent/young person if they have the specific written consent of the prospective applicant, alternatively the applicant him/herself could voluntarily pass the disclosed information onto the parent/young person.

Should the concerns be of a Child Protection nature then the Kent and Medway Safeguarding Children Procedures must be followed and a referral made to the County Duty Service, and consultation take place immediately with the Local Authority Designated Officer.

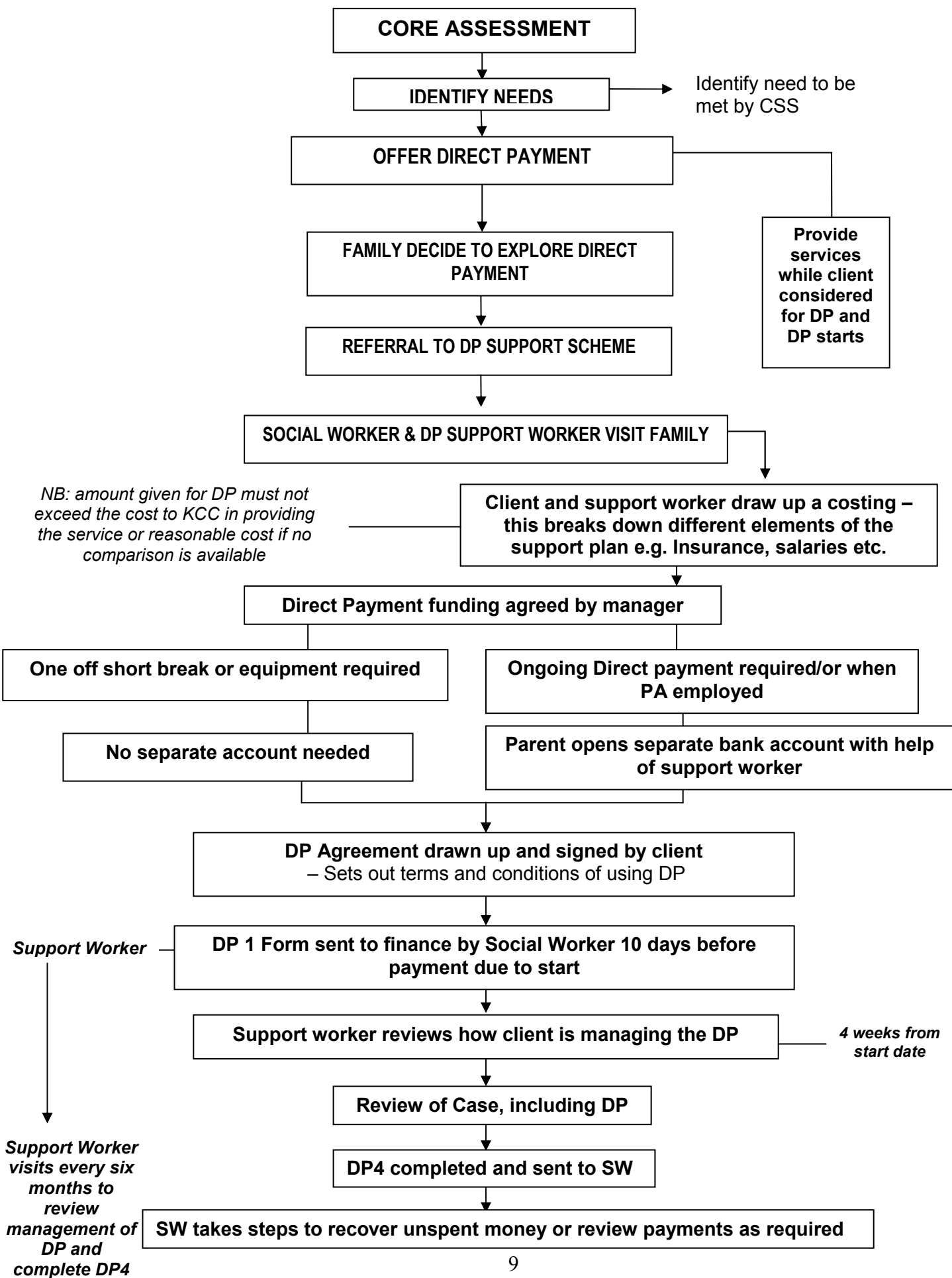
## **Contingencies**

Where a parent or carer chooses to use Direct Payments the social worker must ensure that they understand their responsibility to take all reasonable steps to arrange and organise the service to meet the assessed needs of their child. This may be achieved through additional support, such as an advocate, or by establishing Independent Living Trust etc. The arrangements must include a robust contingency plan to ensure that the assessed need of the child they care for can still be met in the event of the service they purchase is not available, e.g. the Personal Assistant being ill.



**DIRECT PAYMENT PROCESS**

**Appendix 1**



**PROVISION AND COSTINGS FOR OVERNIGHT SHORT BREAKS 2009/2010**

<b>Description of Overnight Short Break</b>	<b>Provider</b>	<b>Costs</b>
<b>Family Home</b>	<p>In the child's own home by a Personal Assistant.</p> <p>Both waking and sleeping hours for a 12 hour period</p> <p>Costs cover both weekday and weekends and Bank Holidays.</p>	<p>Based on the minimum hourly wage.</p> <p>£69.90 gross</p>
	<p>Care provided by an independent registered agency, registered with Care Quality Commission</p> <p>Based on 12 hours both waking and sleeping hours</p> <p>Covering both weekday and weekends and Bank Holidays</p>	<p>£143.00</p>
<b>Independent Sector Unit</b>	<p>Overnight care provided by an Independent Residential Unit registered with the Care Quality Commission.</p>	
	<ul style="list-style-type: none"> <li>○ Weekdays</li> <li>○ Weekends</li> <li>○ Bank Holidays</li> </ul>	<p>£317. 00</p> <p>£317. 00</p> <p>£137. 00</p>