

**Haringey Council**

**Practice Guidance for Direct Payments**

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1. **INTRODUCTION**

Direct payments and personal budgets are central to implementing the government’s personalisation and self-directed support policies. These are aimed at giving social care service users more independence, choice and control over how their support needs are met.

Every service user who is assessed as being eligible for support receives an allocation of funding which we consider is sufficient to meet their needs. This is called a personal budget. It is means tested so the service user may have to contribute towards the total amount of the personal budget.

The personal budget can be spent in one of three ways:

* We can make all arrangements for the service user’s support,
* We can pay our portion of the personal budget to the service user so that they can make their own arrangements, or
* The service user can choose to have a combination of the two – where we make some support arrangements and they make the rest.

When we pay our portion of the personal budget to the service user, this is called direct payments.

**You must be familiar with and follow the Direct Payments policy. Always consult the Direct Payments policy first. This guidance supports and expands on some areas of policy. Where applicable, procedures are included.**

If you are uncertain about what to do, need support in decision making or are dealing with something unusual, **always seek advice from The Councils Direct Payments Manager or the Direct Payments Support Team.**

If you would like training covering the councils direct payment policy, operational process and procedures, please make this request to your manager and the Direct Payments Manager.

**Direct Payments Support Team**

**Haringey Council**

**4th Floor,**

**48 Station Road,**

**Wood Green,**

**London,**

**N22 7TY**

**Phone: 020 8489 8456**

**Email:** [**PersonalBudgetSupport@haringey.gov.uk**](mailto:PersonalBudgetSupport@haringey.gov.uk)

1. **INTRODUCTION AND LEGAL CONTEXT**

Direct payments are financial payments made to individuals who request to receive all or part of their personal budget in monetary form to meet some or all of their eligible care and support needs.

Direct payments have been in use in adult care since the mid - 1990s and they remain the Government’s preferred mechanism for delivering personalised care and support. They provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs.

Direct payments, along with personal budgets and personalised care planning, mandated for the first time in the **Care Act 2014**, provide the platform with which to deliver a modern care and support system. People should be encouraged to take ownership of their care planning, and be free to choose how their needs are met, whether through local authority or third-party provision, by direct payments, or a combination of the three approaches.

In this guidance, references to care and support to meet an adult’s eligible needs include care and support provided or commissioned by a local authority to discharge its duty under **section 117 of the Mental Health Act 1983**.

The statutory duties and responsibilities around Direct Payments are set out in:

* **The Care Act, 2014 (Section 31,32,33)**
* **Care and Support Statutory Guidance 2014**
* **The Care and Support (Direct Payments) Regulations 2014**

The Care Act 2014 supersedes all previous legislation and guidance relating to direct payments.

Links to other legislation are:

* The Mental Health Act 1983 (s117)
* Mental Capacity Act 2005
* Human Rights Act 1998
* Equality Act 2010

1. **MAKING DIRECT PAYMENTS AVAILABLE**

Adult Social Care (ASC) Staff, have a key role in ensuring that people are given relevant and timely information about direct payments, so that they can decide whether to request a payment, and, if doing so, are supported to use and manage the payment appropriately. The route to a direct payment is for a person to request one, but the local authority should support the person’s right to make this request by providing information and advice.

**People must not be forced to take a direct payment against their will, but instead be informed of the choices available to them.**

* 1. **Information and guidance on direct payments**

The Care Act 2014 guidance specifies that in addition to this general information, authorities must also explain to people during the care and support planning process what needs could be met by direct payments.

Individuals need sufficient information to enable them to make an informed choice about whether a direct payment is right for them. This includes ensuring they understand what their responsibilities will be but also what support is available to them if they do choose to receive their personal budget via a direct payment.

To fulfil the council’s responsibilities set out in The Care Act 2014 the local authority needs to make information available to everyone as part of our universal offer. The required information to be given to clients and public will be the **‘A Short Guide to Direct Payments’.** Anyone wishing to explore direct payments further should be directed to: **‘Direct Payment Fact Sheet’**.

Both these can be found on the Councils website:

<https://www.haringey.gov.uk/social-care-and-health/care-costs-and-assessments/paying-care/direct-payments>

Anyone with access to the internet can also be signposted to this page for further information.

We should also refer people to our website and provide written information. We can offer the following publications:

* A Short Guide to Direct Payments
* FACT SHEETS
* GETTING STARTED
* RECRUITING STAFF
* EMPLOYING PERSONAL ASSISTANTS
* CARERS
* MANAGING THE MONEY
* PAYROLL SERVICE
* TRAINING PERSONAL ASSISTANTS
* DIRECT PAYMENTS CARD ACCOUNTS
* USING AN AGENCY
* DIRECT PAYMENTS AUDITS
* KEEPING SAFE
* WHAT TO DO WHEN SOMEONE WHO IS RECEIVING A DIRECT PAYMENT DIES
* WHAT TO DO WHEN THINGS GO WRONG
* EQUIPMENT

1. **REQUESTS FOR A DIRECT PAYMENT**
   1. **Determining a Personal Budget as a Direct Payment**

**CUTE** – clear, upfront, transparent and enough (CUTE**)**

**Clear information**

It’s important to make information available to people about direct payments that makes clear how direct payments can be used. This can either be the examples with the Direct Payment Fact sheet or the direct payment information pack. We should advise people how budgets are agreed and how they can be used.

**Upfront**

Be upfront about how the personal budget will be calculated and how the indicative budget is a guide to work with but does not represent the final personal budget.

**Transparent calculation**

Talk to people about how their budget has been calculated – make setting the budget as transparent as possible. Discuss openly reasons why items can’t be included or how costs are calculated.

**Enough to meet the need**

A direct payment should always be sufficient to meet the outcomes identified in the care plan.

The indicative budget is a guide – it shouldn’t be used as a limit, fixed allocation or entitlement. The personal budget may be more or less than the indicative amount depending on what is required to achieve the eligible outcomes.

The council must consider requests for direct payments in a timely manner. The steps to follow after receiving a request for a direct payment will depend on whether the person has been assessed as having capacity to make a decision about direct payments or not (see section 5.0 for Assessing Capacity).

* 1. **Making sure people are properly informed**

We must offer direct payments at every assessment and reassessment to people who are eligible to receive them – see also Capacity to Consent to and Ability to Manage Direct Payments.

We must not pressure people into having direct payments – having direct payments is a choice and people can opt in or out of having them at any time.

Direct payments give people more choice but they come with responsibilities. When we are offering direct payments, we should explain how direct payments work so that people can provide informed consent, e.g.

* They will have to meet all their support costs from within the personal budget.
* The council will open a prepaid card account - so that we can monitor how direct payments are used.
* Payments cannot be made in cash. Only cheque or electronic bank transfers must be used.
* There are some conditions. Direct payments have to be used to meet the service user’s support needs, they can only be spent on services / equipment / adaptations that are safe, legal and value for money.
* They will have to keep records - their agreement and support plan, as well as bank statements, receipts, invoices, timesheets. We will want to see these records when we review direct payment arrangements. **See APPENDIX 1 – DIRECT PAYMENT AGREEMENT.**
* If they use direct payments to employ staff, they will have responsibilities as an employer.
  1. **Employment Law**

The law requires that employers have compulsory Employers’ Liability insurance. The service user or suitable person is responsible for taking out the insurance and for ensuring that premiums are paid when due.

We cannot provide employment advice – this is not our area of expertise - but we have an obligation to make sure that people are aware that they will have to meet legal requirements.

**We must urge people to seek advice from a reputable source about the legal responsibilities of becoming an employer.**

The councils Direct Payment Support Team and Disability Action Haringey can provide basic employment and other advice about requirements (for example, the minimum wage, leave, statutory sick pay, tax, national insurance, health and safety, employers’ liability insurance, terminating employment, redundancy). They may also encourage service users to think about their specific requirements, for example:

* Will a personal assistant be expected to accompany the service user on holiday or be required to take their holiday entitlement while they are away?
* What will happen if the service user is in hospital and therefore does not require support at home?
  1. **What do we hope to achieve at the end of this process?**
* Signed Direct Payment Agreement **(see APPENDIX 1).**
* Agreed payment mechanism (prepaid card, that doesn't restrict choice, Managed Payroll Service, in exceptional circumstances individual bank account),
* Direct payment start date.

When using a direct payment it is the client’s responsibility to make all appropriate arrangements to meet your identified care support needs. The client **MUST** be given a copy of your individual support plan for reference and information.

* 1. **What your budget can be used for?**

Direct Payments can be spent on care support that has been identified and agreed within the clients support plan.

* 1. **Direct Payment can be used for:**

Support which will achieve eligible outcomes on the support plan.

* Employing a personal assistant or contracting with a provider for support with activities of daily living.
* Costs associated with employing a personal assistant.
* Day care where it meets an eligible need.
* Respite.
* Equipment which substantially increases independence and reduces support needs.
  1. **Direct Payment cannot be to:**
* Pay for permanent residential care
* Buy health related services and equipment
  1. **Client Financial Contribution**

A financial assessment will be undertaken to determine whether client needs to make a financial contribution towards their care and support needs. Haringey Council will deduct the assessed contribution from the total amount of direct payment payable. Client will then need to ensure that they pay assessed contribution into the designated direct payment account.

* 1. **Mixed package of care using an agency and employing your own personal assistants**

With direct payments clients can have a mixed package of care using an agency and employing their own personal assistants, or the client could use an agency to cover when their employee is on holiday or sickness absence.

**If the agency chosen by the client charges a higher rate than the standard Direct Payments rate, then any shortfall in your Direct Payments account must be paid from the clients own personal monies.**

* 1. **Payment from the council**

**The standard gross hourly rate is set each year by Haringey Council. The overall payment may differ and change according to the complexity of the client’s needs. You will need to discuss and agree this with the client.**

* 1. **Contingency**

The direct payment client should hold sufficient funds in their direct payment account to cover all planned expenditure. Anything held in excess of this amount that has not been agreed as part of fluctuating needs requirements will be recovered by Haringey Council.

* 1. **What support can a client expect from the Council’s Direct Payment Support Team?**

The Direct Payments Support Team will provide the client with information, advice and practical support with all aspects of the direct payment process, they will:

* Ensure the person is using the direct payment to make the necessary care arrangements to meet their eligible needs at each stage of review;
* Provide more information, advice and support if someone requires more help in managing a direct payment;
* Monitor how the direct payment is spent to meet the assessed eligible care needs;
* Require any unspent direct payment that has not been used to meet eligible needs or overpaid funding to be paid back to Haringey Council upon request;
* Continue to review the appropriateness of a direct payment, assess the risks involved (e.g. if needs change or if the person managing the payment is unable or unwilling to continue to manage the payment) and if appropriate, formally notify the individual of a suspension or cessation of the arrangement;
* Support the person authorised to manage a direct payment to close the direct payment account and the associated arrangements should the direct payment need to end;
* With the approval of a Service Manager, end the direct payment if Haringey Council determines the carer or adult is no longer eligible for care and support;
* Arrange care and support directly if the adult, carer does not wish to continue to receive direct payments or if the direct payment is suspended or terminated.

Disability Action Haringey (DAH) can explain the benefits and positives of having Direct Payments to residents, provide peer-to-peer support to Direct Payment holders and support in finding Personal Assistants.

Disability Action Haringey

Winkfield Resource Centre, 33 Winkfield Road

Wood Green Haringey,

N22 5RP

0203 355 0071,

[info@d-a-h.org](mailto:info@d-a-h.org)

* 1. **Carer Direct Payments**

A carer can request to receive a direct payment to meet the needs set out in their support plan. This may include arranging ‘replacement care’ for the person in need of care and support. Under the Care Act there is no “minimum hours” requirement for a carer to be eligible for support.

Further information about direct payments for carers – including how the level of a direct payment will be worked out can be found in the ‘Carers Practitioners Guidance’.

Carer direct payments are specific to services to meet the carer’s own assessed and eligible needs. They are for services that sustain the carer’s health, wellbeing and quality of life, and which support them to keep on caring, for example:

* Services that give the carer a break so that they can have some time to themselves. Carer direct payments can be used to pay for sitting services or general day care. They cannot be used to pay for services that involve physical contact like lifting, washing, grooming, feeding, dressing, bathing, toileting. These meet service user rather than carer needs.
* Services that allow carers to spend more time caring, like help in the home or garden.
* Other things that support the caring role, for example relaxation therapy.

Carer needs are routinely considered within the service user’s assessment. Where carer needs are considered independently of service user needs, the assessment is carried out by commissioned services.

Irrespective of who carries out the assessment of carer needs, direct payments are always arranged by the council.

* 1. **Direct Payment Agreements**

Clients and where applicable their authorised and any appointed suitable person must understand what is being agreed in the legally binding direct payments agreement.

We should explain the agreement to the signatories to be sure that they understand what they are agreeing to before they sign it and provide each signatory with a copy for their record. The agreements are organised by the Direct Payments Support Team.

* 1. **Exclusions from a Direct Payment**

The local authority is prohibited from making a direct payment to some people: these are particularly related to criminal law and court orders such as community orders or drug and alcohol treatment orders. Prisoners eligible for care and support are also excluded from choosing a direct payment. Full details of the exclusions can be found in Schedule 1, The Care and Support (Direct Payments) Regulations 2014.

* 1. **Payment from Haringey Council**

There are three payment methods by which an individual may receive a direct payment from ASC, with the prepaid card being the council’s preferred option.

1. **Prepaid Card:** individuals can receive a pre-paid card and pay for support by bank transfer, telephone payments and can also set up standing orders and direct debits. The prepaid card works like a debit card, and reduces time spent on completing financial returns. This is ASC’s default position for paying Direct Payments.

Some individuals may need to pay for certain providers, as agreed in their support plan, by cash. There are limited reasons for this as most providers take card or bank payments. Where this is identified, individuals and the social worker should discuss and agree how this will be monitored (usually with supplying receipts/details of payees). The proportion of weekly budget agreed to be spent in this way should be recorded for monitoring purposes.

1. **Managed Payroll Service**: If an individual is not able to manage their Direct Payments through the pre-paid card, or would prefer not to take on the full administrative responsibility associated with making payments, they will be offered an option of managed payroll.

Using a managed payroll, the individual does not hold the direct payment funds; payments are made to a separate bank account held by an independent organisation who then make payments on the individual’s behalf. Managed payroll providers are only authorised to make payments as per the individual’s instructions. The individual retains control over their care and is responsible for managing the funds.

Managed payroll is not a suitable way of providing a direct payment for an individual who has been assessed as lacking the mental capacity to make decisions relating to support.

1. **Bank Account: In some circumstances, individuals may wish to have a separate bank account** to manage their direct payment. If this is required, social workers and the Direct Payment Support Team should discuss the increased responsibilities on the Direct Payment client for submitting regular, detailed monitoring returns when requested.
   1. **Payment Frequency**

Direct Payment is paid from the agreed start date of direct payment and normally 4 weeks in advance into the clients prepaid account or bank account (we will only pay into a bank account on exceptional circumstance).

* 1. **Payments to Carers**

Payments to carers will be made directly to their bank account. There is not a requirement for carers to open a separate bank account as payments will often be one-off.

Clients are expected to keep records of all expenditure relating to your direct payments, including your bank statements and invoices.

**Direct Payments Client Journey – High Level Process**



**Direct Payments Carer Journey – High Level Process**



1. **ASSESSING CAPACITY**

The Care Act 2014 specifies that individuals must have the capacity to request a direct payment. Mental Capacity Assessments for direct payments should be carried out using the principles of the Mental Capacity Act 2005.

To establish a lack of capacity to request a direct payment, you need to explore providing the information in the direct payment agreement in a variety of ways or different formats. It may be that someone needs support to understand the responsibilities. Councils Advocacy provider may be able to help individuals understand further. However, there is no easy read direct payment agreement as it is a legal document which the client has to understand to sign it: This in itself will be a test of capacity. The client doesn’t have to understand every word of the direct payment agreement to sign it but must understand the basics covered in the direct payment agreement explanation.

* 1. **Ability to Manage a Direct Payment and Support**

Social care staff should explore appropriate support for clients and be confident that the person responsible for the direct payment is able to manage. Concern regarding ability to manage does not exclude clients from having a direct payment. Initially we should consider if the difficulties can be overcome with support, such as a council managed direct payment.

We could also choose to place conditions on the direct payment, such as a managed bank account or that they cannot employ a particular person where we have specific concerns.

**Managing risk and safeguarding for direct payment clients is more than safeguarding clients against potential abuse. It is also about safeguarding them from financial loss and tribunals. Many direct payments fail where they were not set up well to begin with.**

To safeguard clients, it is imperative to offer and arrange support to get the direct payment off the ground successfully. Clients need to understand what their responsibilities are in terms of monitoring and recording, keeping records and where to go with any concerns. They also need to understand their responsibilities as an employer.

Everyone beginning to set up a direct payment must be given an ‘**A Short Guide to Direct Payments’** which includes all the information and contact points they may need.

* 1. **Acting as a Nominated or authorised Person**

We will work to support people as far as possible to make decisions for themselves. All eligible individuals wishing to explore the option of a direct payment should be referred to the Direct Payments Support Team. Additionally, spouses, other family members and friends are often able to provide support as nominated or authorised person.

* 1. **What is the difference between a nominated person and an authorised person?**

A **nominated** person is someone you choose to help you manage your direct payment. This could be a friend or family member. If the direct payment client nominates someone to manage their direct payment on their behalf, they still maintain the legal responsibilities that go with it.

***For example, Mrs Smith is 92 years of age. She feels that she will have difficulty paying her personal assistant and fully understanding the contracts that are involved. With his agreement, she ‘nominates’ her son to manage the financial and legal aspects on her behalf*.**

An **authorised** person is someone who manages the direct payment on your behalf, because the direct payment client is not mentally able to do so. This might be because the client has a mental health illness. This could be a friend or family member. If the client has an authorised person managing your direct payment, then they become legally responsible for everything that goes with it.

***For example: Mr Toms has a cognitive impairment and deemed to lack capacity regarding his finances and care needs in his most recent assessment. He responds well with a private carer which improves his quality of life. Mrs Toms will act in her husband’s best interest to manage the finances and legalities of the direct payment to improve his quality of life.***

* 1. **Request from an Adult with Capacity to Request a Direct Payment**

Where the council receives a request from an adult with capacity, we must consider each of the four conditions outlined **in section 31 of the Care Act**. An adult with capacity can also request a direct payment to be managed by a ‘Nominee’, if that person is in agreement. Where there is a ‘Nominee’ this person becomes the direct payment recipient and has full legal responsibility for the direct payment.

The conditions are:

* The adult has capacity to make the request, and where there is a nominated person, that person agrees to receive the payments;
* The council is not prohibited by regulations under **section 33** from meeting the adult’s needs by making direct payments to the adult or nominated person;
* The allocated worker is satisfied that the adult or nominated person is capable of managing direct payments either by himself or herself, or with whatever help the adult or nominated person will be able to access;
* The allocated worker is satisfied that making direct payments to the adult or nominated person is an appropriate way to meet the needs in question.

Where a nominated person has been requested to receive the direct payment, the allocated worker should involve the nominated person in any appropriate stages of the care planning journey, such as the development of the care plan, as long as the person with care needs agrees to this. Where the person does not specifically request this involvement, the allocated worker should consider whether to encourage the person to make that request. During this process, the nominated person should receive information regarding the councils direct payments processes, as well as information and advice on using and managing the direct payment, so that the nominated person understands their legal obligations as the direct payment recipient to act in the best interests of the person requiring care and support.

* 1. **Adults Lacking Capacity**

In cases where the person in need of care and support has been assessed as lacking capacity to request the direct payment, an authorised person can request the direct payment on the person’s behalf. In these cases, the local authority must satisfy itself that the person meets the five conditions as set out in **section 32 of the Care Act**:

* Where the person is not authorised under the **Mental Capacity Act 2005** but there is at least one person who is authorised, that person who is authorised supports the person’s request
  + This means that where there is a lasting power of attorney for example, but they are not the person requesting a direct payment, they must agree to the direct payment.
* The allocated worker is satisfied that the authorised person will act in the adult’s best interests in arranging for the provision of the care and support for which the direct payments would be used.
* The allocated worker is satisfied that the authorised person is capable of managing a direct payment by himself or herself, or with whatever help the authority thinks the authorised person will be able to access.
* The allocated worker is satisfied that making direct payments to the authorised person is an appropriate way to meet the needs in question.

Where a request for a direct payment is declined, the person making the request should be notified in writing with details of why the request for a direct payment was not agreed. This letter should be uploaded on to the person in need electronic record in LAS.

* 1. **Changes in Capacity**

Changes in capacity should also be referred to a social care manager or supervisor. This includes:

* Loss of capacity in a service user who has been receiving direct payments.
* Service user regaining capacity where they were previously assessed as not having capacity.
* Fluctuating capacity. For example, a service user may have a condition which deteriorates occasionally affecting decision making ability but at other times has capacity.

Key information should be documented*,* particularly:

* Why changes in capacity were suspected / evidence of change,
* Who was consulted during assessment and decision making processes,
* What conclusions were reached,
* What arrangements have been made for interim or ongoing care and support, who was consulted and who approved the decision(s)



1. **PURCHASING SERVICES OR BUYING IN SUPPORT**

Where the client wishes to purchase support via an agency, it is their responsibility to contract with the agency. We should not be involved in making arrangements, contacting agencies or instructing the agency in what provision is required. If the client requires support to arrange this, a family member could assist them or they can contact the Advocacy Provider. It is good practice to remind clients to check their contract with the agency, paying particular attention to notice periods and administration charges. Charges for agencies are for the individual to negotiate. For additional information go the ‘Using Agency’ fact sheet.

* 1. **Employing a Personal Assistant**

Where someone is choosing to employ a personal assistant, they should be advised to take safeguards.

Residents should be signposted to Disability Action Haringey for sourcing providers to help with finding Personal Assistants and Recruiting staff. Direct Payment users should be advised to interview with someone supporting them, never alone and preferably not in their own home.

Employers should be signposted to the Skills for Care Employers checklists which can be found at: [www.skillsforcare.org.uk](http://www.skillsforcare.org.uk)

We do not recommend that direct payment recipients contract with self-employed PA’s, due to HMRC and employment status, however where they choose to do so, they need to be advised to take safeguards. These include checking the personal assistant is registered as self-employed, obtaining their unique tax reference number, having a contract specifying the arrangement and obtaining invoices from the personal assistant. Advice can be sought from Insurance company and Disability Action Haringey.

* 1. **References and Disclosure and Barring Service (DBS) Checks**

Once an employee is selected, clients should make checks to ensure the potential PA is safe to work with them. They should take references and carry out a DBS check. A DBS check is not mandatory unless there is a child in the house, however all clients employing personal assistants should be encouraged to undertake an enhanced DBS check on their employees. Where a DBS check is recommended but refused, this should be recorded in LAS. A DBS information can be requested from the Direct Payments Support Team and Disability Action Haringey.

* 1. **Employer Responsibilities**

All employees should be provided with written terms and conditions of employment. Clients should provide their personal assistants with a contract of employment. The council’s Advocacy Provider can support clients with contracts of employment. Clients can also obtain advice regarding contracts from their insurance provider.

Clients need to be informed about Tax, National insurance and workplace pension responsibilities, including signposting for appropriate support.

All employers must purchase Employers’ Liability insurance, and we recommend purchasing one which includes employment advice and support with tribunals. Clients must be advised to take out the appropriate insurance and to contact the insurer where advice regarding their employee is needed.

Once the direct payment is in place and arrangements are organised well, the client needs to know where to go with any concerns. You need to ensure that if the client has any concerns they know the appropriate agency to contact. It is important that they understand if they have any concerns about their own welfare, or the welfare of another person that they contact the local authority.

The Direct Payments Support Team can help you, if you are unsure where to sign post your client with direct payments.

1. **USING DIRECT PAYMENTS**

Think Local Act Personal states that support plans should not set too many restrictions on how the money will be used to meet outcomes. A direct payment can be used for support which achieves eligible outcomes and is safe, healthy and legal.

<https://www.thinklocalactpersonal.org.uk/Personal-Budgets-Minimum-Process-Framework/>

* 1. **A direct payment cannot be used for:**
* Anything which does not achieve outcomes agreed on the support plan.
* Anything which is an ordinary living cost such as ordinary bills, furniture, white goods, food shopping.
* Anything illegal, alcohol or gambling.
  1. **A direct payment can be used for:**
* Support which will achieve eligible outcomes on the support plan.
* Employing a personal assistant or contracting with a provider for support with activities of daily living.
* Costs associated with employing a personal assistant.
* Day opportunities where it meets an eligible need.
* Respite care.
* Equipment which substantially increases independence and reduces support needs.
  1. **Local Authority Services**

Normally any local authority services should be arranged through traditional method, not paid for from a direct payment. However, the Care Act does allow for a direct payment to be used for local authority services in exceptional circumstances. This may be a local authority day service which has agreed an individual can attend on an ad hoc basis and only pay for when they attend. Individuals may also purchase local authority services with their direct payment from neighbouring authorities.

* 1. **Pooling Direct Payments**

Direct payment recipients may choose to share the costs of services, by ‘pooling’ their direct payment. Examples of this may be:

* Activities including hiring a tutor, room hire, transport
* Renting an allotment and buying appropriate tools, etc.
* Employing a Personal Assistant to go out, i.e. cinema, days out, etc.
* Form or join a social or friendship group.

Each client should have their own direct payment to meet the outcomes on their support plan. To set up a pooled direct payment it is best to arrange a meeting to include all interested parties, this should be:

* The clients
* Chosen family member, supporter or advocate
* Direct payment support team / Social Worker.

Specific contingency arrangements need to be considered for all parties to a pooled budget for situations where one party withdraws from the agreement.

For further support with setting up a pooled direct payment, contact the Direct Payments Support Team.

* 1. **Transport costs**

Eligibility for transport should be considered against the same criteria whether the client receives a direct payment or not. Transport or funding for transport through direct payment will only be made available:

* Where a person has no other method of transport available
* And access to the activity is essential to meet an assessed eligible need and the related outcomes as recorded in the person’s support plan.
* If transport is required to meet eligible outcomes, and the individual has no other method of transport, the budget should include sufficient to pay for the travel. If this isn’t a fixed cost, it is reasonable to agree an average weekly cost to be used as and when required.
  1. **Equipment**

The direct payment will include the cost of the equipment plus fitting, training and maintenance for 3 years.

The client will have the responsibility of maintaining the equipment once any manufacturer’s guarantee has expired. You may choose to fund any further warranties privately. You should arrange this directly with the manufacturer.

* 1. **Minor Adaptations**

Minor adaptations up to the cost of £1,000 e.g. grab rails in your home can be purchased through a direct payment. However clients will be responsible for ensuring that they are installed and maintained safely.

For works above £1,000 the [Disabled Facilities Grant (DFG)](https://www.haringey.gov.uk/children-and-families/local-offer/money/disabled-facilities-grant-dfg)  process would be used.

* 1. **Ownership and Responsibilities**

Any equipment purchased via a direct payment will belong to the client. The client will be responsible for its care and maintenance. If the equipment requires regular servicing, we will usually give you additional money as required, to cover this cost.

When the equipment is no longer of use to the client, it is theirs to dispose. We are not able to buy it from the client. Any income raised by the disposal must be put towards the cost of new goods/equipment and will form part of any new direct payment.

Clients will need to take all legal responsibility for the equipment, which includes health and safety.

Any unauthorised expenditure may be re-claimed from the client.

* 1. **Cost of the equipment or minor adaptations**

The direct payment will only fund the amount that it would ordinarily cost us to pay for the equipment or minor adaptations. The client will have to top-up any additional costs privately.

For specialist or bespoke items, it may be more difficult to establish how much we would fund. You should discuss these with your occupational therapist who would request approval **on a case by case basis.**

* 1. **Payment for family members for administration**

The Care Act 2014 gives local authorities the discretion to agree for family members to be paid for managing the direct payment. This can be family members living in the same house and exceptional circumstances do not apply to this. However, it is something which must be agreed upfront by us as part of the support planning. The Care Act 2014 guidance suggests that this be comparable with the cost of a commercially available 3rd party managing the account. Any agreement to pay close family members for administrative support must be recorded in the support plan.

* 1. **Budgeting**

Some individuals may require more support than others with budgeting. This should be done as part of the support plan and laying out the support plan in a format which is easy to understand could help you be clear how they are going to achieve their outcomes and the client know exactly what they are doing.

While we should not be too prescriptive and should not timetable the support they are going to receive. The Payroll providers are able to support individuals with budgeting.

* 1. **Employing Family Members**

A direct payment can be used to employ a family member as long as they do not live within the same household. Employing close family who normally live within the same house as the direct payment recipient is not allowed via a direct payment unless the local authority is satisfied that it is necessary to meet the person’s needs.

We have the discretion to make the exception if we feel it is required to meet the person’s needs. The Direct Payments Manager is required to make the decision to grant exceptional circumstances and workers should submit information to the Direct Payments Manager where they feel a family member living in the same house is the only way we can meet the client’s needs. This should take into account all factors as to why another service or another personal assistant is not appropriate and consider if it is necessary to make an exception, to meet the person’s needs. This also applies to the authorised person or nominee as they become the direct payment recipient.

* 1. **It may be helpful to consider the following in coming to a decision:**
* Why can the support not be met by another personal assistant or agency?
* Why is it exceptional in these circumstances and why now?
* Have other routes been explored?
* Is it envisaged to be a long term or a short term option?
* If the DP recipient does not have capacity how have they expressed their views on whether they want their close relative to be their PA?
* Does DP recipient understand if they receive a DP, their close relative would then be their employee and the bottom line is that they may have to discipline them, ultimately could have to terminate the contract of employment.
* What will they do when the employee is sick or on leave? Who will cover the support required?
  1. **Examples of Exceptional Circumstances**
* Communication difficulties where only the family member can understand their needs.
* Geographical location preventing access to provide care i.e. a remote location.
* Unpredictability of times that support is required.
* Mental health considerations such as severe anxiety, etc.

These are only examples, and each circumstance must be considered by itself. If it is just choice, then this is not allowed in the regulations for direct payments. If there is a reason that no one else can provide the care, then we can agree an exceptional circumstance. All decisions regarding exceptional circumstances are made by the Direct Payments Manager and should be recorded on the individual’s records including how the decision was made and by whom.

**We are suggesting that, dependant on individual circumstances:**

* Where care and support is provided by an agency there would be no payments to family for administration.
* Where there is employment of personal assistants, a family member may choose to be paid the comparable cost of a 3rd party to support with monitoring, payments and payroll.
* Where support is complex and requires support arranging over a 24 hour period, it may be reasonable to agree up to 5% of the package cost to a family member for managing staff, organising rotas, paying staff and submitting monitoring returns.
* Actual amounts agreed should reflect the complexity of the role required and these are guidelines only.

1. **DIRECT PAYMENT AGREEMENT**

The direct payment agreement should be signed by the person who will take responsibility for the direct payment and receive the payments. This could be:

* An adult with capacity
* A nominee - nominated by an adult with capacity
* An authorised person on behalf of an adult who lacks mental capacity to request a direct payment carer.

1. **PREPAID CARD ACCOUNTS**

Haringey Council has a pre-paid card system in place which can be used to receive Direct Payments. The pre-paid card system can be used like a basic bank account to make payments and set up direct debits or standing orders.

Pre-paid cards do not automatically allow cash withdrawals. In exceptional circumstances where cash withdrawals are needed this can be agreed by the Head of Service for Adult Social Care

In the event a client loses their pre-payment card they may be charged for the lost card.

Haringey Council is entitled to recover any under spend or misappropriation (theft) of direct payment funds from the clients or their chosen decision maker (as the case may be). This will result in a review of the clients eligible needs.

* 1. **Initiating a Payment**

To initiate a payment the Direct Payment Support Team will require:

* A signed direct payment agreement (signed by the person responsible for managing the direct payment)
* If applicable, a printed bank details of the account payments will be made into or the name of the managed account provider.

Payment will be made 4 weeks in advance after the Direct Payment Support Team receives all the documentation. The Direct Payment Support Team can only backdate payments based on agreement by the care panel. If there is delay in workers getting the paperwork to the Direct Payment Support Team, for any reason and you need the direct payment back dating further than 28 days, workers will need to obtain agreement from the Direct Payments Manager with an explanation of the reason(s) for the delay.

1. **MONITORING**

Unless a client has chosen a managed account, pre-paid card account or a lighter touch monitoring has been agreed, they will be required to submit monitoring to the Direct Payment Support Team. The monitoring required every **QUARTER:**

* Bank statement
* Completed timesheet or invoices
* Any receipts
* Evidence of payroll services
* HMRC reports
* Evidence of public liability insurance

Clients need to be aware that any expenditure from the direct payment bank account must be accounted for by some documentation.

The Direct Payments Support Team will do ‘contingency’ checks on the account and request back unused direct payments. Contingencies unless otherwise agreed usually equate to eight weeks of direct payments. If you have agreed for a client to save for anything, such as respite you need to let the Direct Payment Support Team know.

* 1. **Reviewing Direct Payments (6 weeks)**

New direct payment arrangements should be reviewed about 6 weeks after set up to make sure that:

* Arrangements are meeting the service user’s needs.
* The direct payments recipient is coping with arrangements.
* Where applicable the service user’s contributions, are being paid into the direct payments account.

Arrangements should be revised if they are not working as planned. The review is also an opportunity for the client / direct payment recipient to opt out if they want to. If all is well, the next review date should be entered onto LAS.

Reviews must occur at least annually. Exact timing depends on professional judgement about risks, for example the vulnerability of the service user, any potential instability, financial risks (e.g. concerns about money management abilities or where a financial allocation is particularly large).

We may need to allow for more frequent monitoring and review visits especially in the early stages of direct payments to satisfy ourselves that the service user is not at risk and that their needs are being met.

We might also involve other people, particularly those consulted when the suitable person was first appointed, as well as independent advocates where appropriate.



* 1. **Direct Payment Audits**

**Principles**

A set of principles covering an approach to auditing will be followed:

* People have independence and choice but they also have responsibility. It is reasonable to ask people to account for how thy have spent their individual budget money in achieving their support plan outcomes.
* Monitoring arrangements will be proportionate to risk involved.
* Monitoring will be aligned as closely as possible with the support plan review processes so that information contributes to an understanding which can support people to make the best use of resources available to them.
* People will have flexibility to spend the resources allocated to meet their needs flexibly, and in ways which reflect their own priorities.
* People will be given clear boundaries about the limit of flexibility that apply to the use of their budget.
  1. **What are the outcomes we want to achieve?**
* Direct payment holders are encouraged to use their DP flexibly and in innovative ways to meet their needs and achieve the outcomes identified in their plan.
* The council has just enough information to satisfy itself that the direct payment is being used to achieve the outcomes identified in the support plan and remains an appropriate way to continue to meet eligible needs.
* People have a thorough understanding of what they can spend their direct payment on and what is prohibited NB: The Care Act Guidance warns against listing prohibited spending. If a council chooses to do this, then the list needs to be based on the legal framework, and local legal advice might be needed.
* People understand their responsibilities regarding the management of the direct payment or have nominated a person whose own credentials for management of the payment are satisfactory to the council.
* People find the direct payment monitoring process manageable and not over-bureaucratic or intrusive NB: The regulations allow the council to permit a nominee to be paid to do the monitoring FOR the council.
  1. **Role of the Direct Payments Support Team**

The Direct Payments Support Team will be responsible for individual financial reviews. These will be conducted on a **QUATERLY** basis or more frequently where issues have been identified by the Direct Payment Support Team or Social Workers. If there are any queries regarding an individual’s financial assessment these should be directed to the Direct Payments Support Team**.** The Direct Payments Support Teams primary responsibilities will include:

* Responsibility for undertaking the financial review and visits;
* Responsibility for monitoring client bank statement returns and invoices;
* Responsibility for monitoring Pre Paid Card activity.
  1. **Review and Auditing**

**The council will consider altering the review period if any of the following factors are present:**

* If an appointed agent is handling the money on the individual’s behalf.
* If a carer/relative is handling money or an individual’s behalf where, in the authorities opinion, there may be some conflict of interest, for instance over approach to risk.
* Where there is evidence of poor financial history, in particular where people have a history of debt problems.
* Where the allocation is particularly large, for instance over £10, 000 per year or above the average costs of intensive home care.

**Note:** This is not a comprehensive list and the council may identify other factors that need to be taken into account when deciding the review frequency.

* 1. **Monitoring**

The Direct Payments client will have to produce 6 or 12 monthly **Financial Returns** along with corresponding bank statements for the Personal Budget bank account.

These will show the credits and debits and will indicate how the money is being spent. Payments should be made by cheque, bank transfer, standing order or debit card payment only, which will be accounted for in quarterly returns.

From this information the Direct Payments Support Officer will check the following:

* Do they relate to the Personal Budget Account?
* Has Haringey’s correct Personal Budget allocation been paid into the account?
* Check the client’s contribution has not been paid from Personal Budget Account
* Where applicable, has the client’s contribution been paid into the bank account?
* Has the correct contribution been paid into the account (if appropriate)?
* Where there any bank charges - is there an explanation why and supporting documentary evidence?

The main objective of the Direct Payment Support Team is to highlight when bank balances exceed agreed limits **(8 weeks unspent funds**), when financial returns are not completed or if there are any anomalies and if the client appears to be paying their contribution from their account.

The Direct Payment Support Team will check against support plans if expenditure within returns looks out of place. A detailed check against the support plan will be made during the individual financial review.

If any issues or concerns arise from the quarterly returns the Direct Payment Support Team should inform the Adults Social Care Review Team in writing (e-mail is acceptable but all correspondence should be retained for future reference) and write to the client to address the issue/concern. The Directs Payments Support Team should make a note of any correspondence on the clients LAS record. The Adults Social Care Review Team will need to assess the concerns and may choose to bring the review forward.

If returns are not received then the Direct Payments Support Team will write to the individual to request they complete and return their quarterly returns and bank statements. If no returns are received within 28 days then the case will be referred to the Adults Social Care Review Team to suspend the direct payment and move the direct payment to a payroll managed account. The Direct Payment Support Team should make a note of any correspondence on the clientsLAS record.

* 1. **Ongoing reviews**

Annual review should concentrate on if the outcomes have been achieved rather than how they have spent the direct payment. However, where there are concerns raised by the Direct Payments Support Team about how the direct payment has been spent, a review can be the opportunity to look at the appropriateness of the expenditure, along with checking it has achieved the outcomes.

Workers should utilise the reviewing a Direct Payment Review Checklist when carrying out the review.

Reviews can be difficult where the direct payment has been set up previously by a different worker, especially where the initial assessment has included expenditure which you may not feel achieves the outcomes or where it is an ordinary living cost.

It is important to reassess against the eligibility criteria but also consider the risk of withdrawal of the current services.

The Direct Payments Support Team can support social workers where there are concerns about the use of the direct payment and reducing care packages.

Reviewing schedules should reflect any risks or concerns about the direct payment package but be no less than annual reviews after the first 6 weeks review.

For a detailed process outlining the review and audit process – **see APPENDIX 2.**



1. **SAFEGUARDING**

Any safeguarding concerns regarding an adult should be dealt with via adult safeguarding procedures and any concerns about an adult or child should be referred to children's or Safeguarding Team respectively.

Where the safeguarding relates to a client who is also an employer, they must be included in the safeguarding process. Safeguarding the client does not override employment law and the employer needs to be given the opportunity to fulfil their legal obligations once they have taken advice from their insurance provider or ACAS.

**A member of the Direct Payments Support Team should be consulted about any safeguarding strategy meeting which relates to a direct payment.**

Where possible, the employer should be involved in the safeguarding and given the opportunity to understand the concerns. Clients should be advised to contact their insurance provider for employment advice following discussion regarding the concerns. Enabling the direct payment recipient to carry out proper disciplinary procedures is the preferred way of safeguarding the client. The client can get support from The Direct Payments Support Team with carrying out the insurance provider’s advice. Where the allegation is serious and poses considerable risk to the client, we should consider suspending the direct payment and advising the client to take advice regarding their employee.

* 1. **Employer Non Co-operative**

Where the client in need of safeguarding is the employer, but does not agree with our concerns, the safeguarding procedures will need to make decision if the direct payment can continue on the grounds that the client is unable to achieve their outcomes via a direct payment and is putting themselves at risk. This would need to be dependent on the nature of the concerns with any serious risks resulting in suspension of the direct payment and signposting the client to their insurance provider or ACAS to receive advice on their personal assistants employment status. The local authority can also place a restriction on a direct payment so that it cannot be used to employ a particular person.

* 1. **Capacity Concerns**

Where a client has lost capacity, or there are reasons to suspect their current capacity, a full mental capacity assessment must be completed. If the client is no longer able to consent to a direct payment, the local authority can agree to an authorised person taking on the direct payment. If someone appropriate can be authorised, the direct payment can continue with them as the new employer. Where no one suitable can be obtained, the direct payment must be terminated and where there is no one able to undertake any of the responsibilities, the local authority would have to make arrangements for the dismissal of employees.

* 1. **Concerns about an Authorised person**

Where the safeguarding concerns relate to an authorised person or nominee, adults social care staff will need to consider the removing of that authorised person and immediately suspending the direct payment. If no other person requests to receive the direct payment on a person who lacks capacity’s behalf, the worker would need to arrange council managed services. The authorised person would need to be signposted to take advice regarding the personal assistants employment.

* 1. **Possible Financial abuse**

Where there is suspected abuse of the direct payment funds by a third party, but the care arrangements are working well, we could provide the direct payment via a managed bank account to minimise the risk. However, if the financial abuse involves the personal assistant, then proper disciplinary channels should be followed in the first instance.

* 1. **Other Direct Payment Clients**

Through Direct Payment User Forum, matters pertaining to concerns regarding a personal assistant personal, questions about whether the personal assistant is known to other direct payment clients should be checked. The Direct Payments Support Team can be consulted on this for information. HMRC can also be contacted to identify where a personal assistant works for more than one client. Where there are other direct payment clients employing or contracting on a self-employed basis, the personal assistant in question, disclosure to other clients will need to be considered. Once abuse is substantiated or if it’s of a nature serious enough to cause concern for the other clients safety and welfare, a decision to disclose to others or not must be made. A risk assessment to other clients must be completed and a decision reached by the Direct Payments Team Manager and Social Care Manager to disclose to the other clients.

* 1. **Disclosure to other clients**

Once the decision to disclose to other direct payment clients has been reached, a further strategy will need to be agreed. The other clients will be told that their PA is under investigation relating their conduct as a personal assistant, but not given details. They should be instructed to take advice from their insurance provider about how to proceed. Where the client does not take action, a decision if we will suspend their direct payment must also be taken. A risk assessment looking at the severity and likelihood of abuse to the other direct payment client should be completed and the decision made to either suspend the direct payment, place a condition that they do not employ the personal assistant or that they continue to employ the personal assistant aware of the risk to themselves.

**All assessments and decisions must be recorded as part of the safeguarding process.**

1. **RECEIVING A DIRECT PAYMENT WHILE AWAY FROM HOME**
   1. **Hospital stay**

It could well be that those in receipt of direct payments require stays in hospital. This would not necessarily mean that the direct payments should cease. Guidance advises that consideration should be given by the council, the carer, the holder and NHS Trust to as to how the payments might be used to meet non-health needs or to ensure that the employment arrangements can be maintained. For example, the holder may prefer some personal care tasks to be undertaken by the carer rather than hospital staff. However, the personal care and medical input need to be tailored so as not to interfere with the medical treatment. Terminating or suspending the carer’s employment may lead to a delay of continuity of care and a delay in discharge. This may be especially so where there has been a long relationship between the Direct Payment holder and the personal assistant.

In instances where the nominated or authorised person requires hospital treatment, the council must conduct an urgent review to ensure the holder continues to receive the care and support they need. This might include the duties to be carried out by a temporary nominated or authorised person, or through short-term authority arranged care/support.

If a client is in hospital for 8 weeks or more a review will take place. Payments may be reduced if a client is due to remain in hospital for a long period of time. Consideration to contractual agreements with PA’s will be taken into account to ensure a continuity of care when discharged from hospital.

Upon imminent discharge from hospital a review of the care and support needs of the client will be undertaken by Haringey Council to ensure that an appropriate support plan is in place before the client returns home and direct payments may be reinstated if these were temporarily ceased or reduced, provided the client continues to meet the eligibility criteria.

* 1. **Respite**

A direct payment cannot be used to fund a long-term stay in a care home.

Respite care will be treated in the same way as any other aspect of care and support services, such as domiciliary care or day services, and be organised in the same way under the relevant policies and procedures of the council and Clinical Commissioning Group, which cover the provision of services to meet eligible needs.

The amount of respite care a cared for person may be offered will depend on their individually assessed needs and circumstances.

Where an adult user, or an unpaid carers on the user behalf, requests accommodation based respite of longer than 8 weeks duration, the councils top up policy may be applied and the council may agree to contribute to the costs of the respite care being requested.

The need for respite care will be considered whenever care needs are reviewed or reassessed. This will happen at annual review or because needs or circumstances change.

For further information on the councils respite policy, please go to:

<https://www.haringey.gov.uk/sites/haringeygovuk/files/respite_care_policy_final.pdf>

* 1. **Care and Support while staying outside of the UK**

If the client intends to source care from a carer or provider registered abroad, they must discuss this with the social worker and request permission. The council will only authorise payment to registered carers or reputable providers.

Direct payments while abroad will generally not be paid for more than four weeks in any one calendar year. It is the individual’s responsibility to advise the council that of going abroad. Failure to return home on the expected date will generally result in the suspension and possible termination of the direct payment, requiring a reassessment of need. Any overpaid direct payment funds will also generally be reclaimed from the individual.



1. **SUSPENSION AND ENDING DIRECT PAYMENT**

Sometimes, even with extensive support, clients cannot manage a direct payment. Some of the common concerns about a person’s ability to manage a direct payment are:

* Non submission of monitoring
* Overspending
* Under spending
* Health and Safety concerns
* Inability to retain staff
* Numerous employment issues, such as tribunals
* Unauthorised use of direct payment
* Not meeting needs
* PA’s taking control of care arrangements

In the first instance we should offer support to try and resolve the difficulties. This could be a joint visit with a member of the Direct Payments Support Team, a referral to payroll provider for support or arranging a managed payroll account. Where these efforts do not resolve the direct payment management problems, we may need to take further action. This may include terminating the direct payment. Terminating a direct payment may be a complex process. It is vital that we give sufficient notice to terminate a direct payment to give employers time to take advice from their insurance provider regarding their employment responsibilities. Where a direct payment is suspended or terminated whilst there is ongoing eligible need, a traditional council managed service must be arranged.

Where there are concerns about a client’s ability to manage a direct payment, workers should contact the Direct Payments Support Team who can support and advise the best course of action.

Where suspension or termination is required it is vital to give direct payment recipients 4 weeks-notice to enable them to fulfil their legal obligations.

* 1. **Council Ending Direct Payments**

Direct Payment will only be terminated as a last resort. Haringey Council will take all reasonable steps to address any situations without the termination of the payment. If terminating a Direct Payment, Haringey Council will ensure there is no gap in the provision of care and support. The council will ensure that you are notified in writing of the council decision to end your direct payment.

Haringey Council shall cease making Direct Payments if the person no longer appears to be capable of managing the Direct Payment or of managing the payment with support. Haringey council will make timely arrangements for services to be provided in lieu of the Direct Payments, to ensure continuity of support.

The council may end or suspend direct payments for the following reasons:

* Client no longer agree to receive them
* Client no longer entitled to social care support from LB Haringey.
* The client/recipient has not kept to the terms of this agreement.
* LB Haringey believes the client/recipient can no longer manage the DP’s effectively to meet their needs, and no suitable assistance is available to enable them to do so.
* The client loses the capacity to consent to the payment of DP’s, and there is no suitable person who could receive and use the money on their behalf.

Haringey Council might also discontinue payments if the person fails to comply with a condition imposed under regulations to which the direct payments are subject or if for some reason Haringey Council no longer believes it is appropriate to make the direct payments. For example, Haringey Council may discontinue the direct payment if it is apparent that they have not been used to achieve the outcomes of the Care and Support Plan.

Direct payment must not be provided under certain conditions, such as where the recipient is placed by the courts under a condition or requirement relating to a drug and/or alcohol dependency.

Where direct payments are discontinued as a result of criminal justice legislative provisions, Haringey Council will make timely arrangements for services to be provided in lieu of the direct payments, to ensure continuity of support.

* 1. **Ending Direct Payments by the Direct Payment Recipient**

A direct payment may be terminated by the client or their authorised person by providing 4 weeks’ notice to enable Haringey Council to, if required meet the Care & Support Plan outcomes by alternative means to the Direct Payment.

* 1. **Discontinuing Direct Payments in the case of persons with capacity to consent**

Where someone with capacity is in receipt of a direct payment but loses capacity to consent, Haringey Council will discontinue direct payments to that person and consider making payments to an authorised person instead. In the interim, Haringey Council will make alternative arrangements to ensure continuity of support for the person concerned.

* 1. **Discontinuing Direct Payments in the case of persons lacking capacity to consent**

Haringey Council will discontinue direct payments if Haringey Council is not satisfied for whatever reason that the authorised person is acting in the best interests of the beneficiary, within the meaning of the 2005 Mental Capacity Act. Haringey Council may discontinue the direct payments if it has sufficient reason to believe that the conditions imposed under regulations on the authorised person are not being met.

Haringey Council may wish to consider if someone else can act as an authorised person for the person lacking capacity, or whether there is a need for the Council to arrange services for them in place of the direct payments.

* 1. **Ending Direct Payments – on death**

In the event of the death of the Client any amount of direct payment remaining in the Client’s pre-payment card account will be recovered by Haringey Council following a discussion with the family and or authorised/nominated person. There will be funds available to pay for commitments outlined in the Care & Support Plan if an agreement is in place for advance payments or notice needs to be given before termination.

Any amount due to the estate of the Client for the fulfilment of contractual and legal obligations relating to any person employed by the Client or to HM Revenue and Customs shall be paid by Haringey Council on receipt of supporting documentary evidence or an invoice relating to the services received.

Any personal contribution remaining on the pre-payment card account will be paid to the Client or their estate within 28 days of termination of the direct payment, subject to all records being provided and available to Haringey Council. Any additional amount remaining on the pre-payment card account will be returned to Haringey Council.

See **APPENDIX 3** for detailed procedure for managing DP in the event of a death of a client.