

**CHILDREN'S PERSONAL BUDGET POLICY
APPENDIX 2 - GUIDANCE FOR CHILDREN'S
SOCIAL CARE DIRECT PAYMENTS**

DRAFT

Nottinghamshire County Council – Children and Families Services

GUIDANCE FOR CHILDREN’S SOCIAL CARE DIRECT PAYMENTS

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1. Background

A direct payment within a Children’s Social Care context is money given to parent/carers of disabled children and young people aged 5 to 17, by the local authority to enable them to buy in support that is assessed as being needed instead of the authority providing that support through their own services. Direct payments do not affect benefits.

The local authority must be satisfied that the person who receives the direct payment is able to manage the direct payments either by themselves or with whatever help the authority thinks the applicant or nominated person will be able to access; will use them in an appropriate way to meet the needs in question and that they will act in the best interests of the child or young person.

A Direct Payment from Nottinghamshire County Council would be an element of a child or young person’s Children’s Personal Budget package.

2. Introduction

- 2.1. This guidance outlines the procedure with regard to a Direct Payment awarded to children and young people with disabilities in order for them or their families to make their own arrangements for assessed children’s social care needs.
- 2.2. It applies to all children and young people who are eligible for daytime short breaks, overnight short breaks, or personal and intimate care.

3. Aims

The aims of this guidance are:

- To give the recipients control over their own life by providing an alternative to direct provision provided by a local council.
- To give flexibility and alternatives to standard service solutions.
- To ensure that children and young people are consulted and encouraged to participate in decisions about their individual support needs.
- To ensure the opportunity to increase independence is supported when a Direct Payment is considered as part of a transition into adulthood.
- When direct payments are in place, processes are followed to ensure children and young people are safeguarded.
- To ensure there are systems in place for assessing, awarding, processing, and reviewing individual payments.

4. Definition of a Children's Social Care Direct Payment

- 4.1.** A Direct Payment is a financial payment made by Nottinghamshire County Council to eligible:
- young people aged 16 years or over who have a disability and their own bank account
 - parents/carers aged 16 or over of a child with a disability
- 4.2.** The Direct Payment enables them to make their own arrangements to access assessed support needs.
- 4.3.** Direct Payments do not affect benefits.
- 4.4.** The Direct Payment should be awarded as a Best Value solution.

5. Eligibility

- 5.1.** A Direct Payment is available to families of children/young people with special educational needs and disabilities (SEND) who are eligible for daytime short breaks, overnight short breaks, or personal and intimate care.
- 5.2.** The decision to make a Direct Payment must be evidenced by eligibility to daytime short breaks, overnight short breaks, or personal and intimate care.
- 5.3.** and must consider:
- The parent's ability and willingness to manage the Direct Payment via a pre-payment card.

- For young people over the age of 16, the ability and willingness to manage the Direct Payment if they wish (with assistance if necessary) via a bank account. Young people under the age of 18 cannot use a pre-payment card.
- Where applicable and an assessment has carried out there will be clear evidence to support the recommendation.

5.4. Managed accounts may be offered when the criteria have been met. Criteria to be eligible for a managed account are;

- When there has been a history of bankruptcy and/or other financial legal binding agreed in relation to debt management.
- Where parent/carer do not have the mental capacity to manage the account or has a diagnosed learning need.
- Where a professional assessment has been completed and parent/carer does not have capacity to manage the account.
- Where there has been previous misuse of a Local Authority Direct Payment.

5.5. If a direct payment is agreed, the County Council can refuse to make direct payments to anyone who:

- appears unable to manage the payments, even with assistance
- we believe would not use the payments in an appropriate way
- is subject to a rehabilitation order or being treated for drug or alcohol abuse.

6. Use of a Children's Social Care Direct Payment

6.1. Daytime Short Breaks from

- The direct payment can be used flexibly throughout the year at regular intervals or in blocks such as the school holidays.
- Direct payments can be used for accessing activities in the community or to employ a Personal Assistant (PA).
- A direct payment can only be used to fund services and support outside of statutory education hours.
- Specific usage of what the DP can be used for can be found in the DP Guidance and agreement.
- The direct payment should not be used for regular overnight support, e.g. regular weekly, fortnightly or monthly overnight support or for support while the parent/carer takes an annual holiday. The Direct Payment can be used for overnights when supporting an activity, e.g. a trip London to see an evening show, with a non-household member, when travelling home would be too late. The Direct Payment can be used for this option up to 4 times in one year.

6.2. Overnight Short Breaks

- If a family are eligible for overnight short breaks, following a Tier 4 assessment by the Children's Disability Service, a direct payment may be offered to fund a Personal Assistant (PA) to support an agreed number of overnights in the child/young person's own home.

6.3. Personal and Intimate Care (PIC)

- If a family are eligible for personal and intimate care support following an assessment by Nottinghamshire County Council's Specialist Support Team, a direct payment may be offered for the family.
- A direct payment for Personal and Intimate Care must only be used for provision identified in the Child's Enabling Plan.

7. Equality and Diversity

- 7.1** Disabled children and young people have the same rights to services as other children and young people and are protected from discrimination under the Equality Act 2010.

8. Safeguarding Children and Young People

- 8.1.** Parents/carers have the prime responsibility for their child's health, welfare and safety and must ensure they are meeting appropriate Disclosure and Barring Service (DBS) requirements when making care and support arrangements utilising a Direct Payment.
- 8.2.** Young People over the age of 16 who are living independently of their parents should be provided with assistance to arrange safe care and support when utilising a Direct Payment.

9. Financial Monitoring and Auditing

- 9.1** If families do not provide receipts upon request, which identifies how the Direct Payment has been used, the Council will reclaim a full year's allocated funds and payments may cease.
- 9.2** If receipts provided do not comply with the individual Direct Payment Agreement, this could be deemed as fraud and may be passed to the Council's Fraud department. Misused funds will be reclaimed by the Council and payments may cease.
- 9.3** All unspent funds at the end of each Direct Payment Agreement period must be repaid to the Council. Direct Payment amounts cannot be carried over from one allocated year to the next.
- 9.4** Some short break allocations will be subject to reapplication annually.