



Centre for Professional Practice

Practice Guidance

Direct Payments for Children with Disabilities

A **direct payment** is a payment, paid to families/carers to provide care instead of Children's Services providing the care directly. Direct payments give families more choice and control over how support services are provided.

To qualify for direct payments, one of the following qualifying criteria must be met;

1. Young person is aged over 16 and have a physical, sensory or learning disability or mental health problem
2. A parent, carer or guardian of a child of any age with a disability seeks a service
3. The individual is a carer aged 16 or over

From September 2014 families in England have also been able to get a personal budget as part of an Education, Health and Care plan.

Direct Payments begin after referral into MASH (Multi-Agency Safeguarding Hub) by the young person, an Agency or a professional or by the parent/ carer her- or himself. The referral should be sent in on a Multi-Agency Referral Form, and must be received by MASH, whereupon it will be processed and sent into the Children's Disabilities Team.

Once received, the referral will be allocated to a Child Disability social worker for assessment. A Case file will be opened, and the Team Manager will add a case allocation note directing what assessment work needs to take place and under what circumstances, with timescales.

The Service will aim to allocate the child's referral within 7 working days once received.

The Child Disability social worker will aim to make contact with the child's parent (and the child) within 14 working days of the allocation by the Team Manager.

The Child Disability social worker will complete an eligibility assessment of need, to ascertain if the qualifying criteria for direct payments are made. Should the child or young person qualify, the assessment of need will assess what Services could meet the need, and what level of resource is necessary to meet the identified need.

Direct payments aim to be an empowerment method of delivering services. Through the assessment process, the Disability Service will determine what types of services could meet the identified need,

and if direct payments can deliver on this. Assessment could determine that need can only be met through provision of standard services direct from providers under specific legislation; or that direct payments are a viable option to meet all of the child's/ young person's needs through personal provision; or that a mixed package of both is viable. The assessment process may also determine that there is no identified need which can be met or is eligible to be met by direct payments.

The assessment will also set out how the child's needs will be met through direct payments, how they will be monitored and in turn how they will be reviewed. This process should be conducted in partnership with the child, and with the child's parents and family.

There are restrictions on using direct payments to buy care from close relatives.

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

Generally speaking, direct payments cannot be used to pay for permanent residential accommodation, other than limited amounts of short breaks

The amount of direct payments should be enough to cover the costs of buying a service of the same quality and quantity as Children's Services would otherwise have provided. Dudley has a pay rate which it generally uses in calculating direct payments. However, if the child has complex needs, then direct payments should cover the cost of purchasing appropriate care for him or her, even if this is above the rate being paid to meet the needs of other children. The rate of pay allowed for should also take into account the range of different hourly rates that would need to be paid for, such as day, night, weekends, bank and local holidays as well as emergency cover.

If the parent wants to employ a Personal Assistant, then direct payments must also include enough to cover any other costs without which the service could not be legally provided. This may include such costs as:

- employer's national insurance
- employer's liability insurance
- holiday pay
- sick pay and cover
- maternity, paternity or adoption pay and cover
- training costs
- redundancy costs (which may be required after two years' service)
- emergency cover for staff absence

- any required protective clothing for the personal assistant
- any pay-roll or book-keeping fees

When Children's Services calculate the amount of direct payments, it should be discussed how this will cover the Personal Assistant's expenses if they take your child out.

Generally up until the age of 16, direct payments will be made directly to the parents. After 16 the default position is that direct payments should be made to the young person. Individual circumstance will determine the appropriateness of this.

Statutory Checks

If a parent employs a Personal Assistant to look after a vulnerable child, the service they provide is not regulated by any outside agency. It is the parent's responsibility to make sure the person employed is a suitable person to work with children. To do this they must make sure that an enhanced disclosure check is carried out on any prospective employee via the Disclosure and Barring Service (DBS).

Prospective Personal Assistants should be interviewed. Their approach to child care, and their compatibility to the child and her/ his needs should be checked out. Parents should make sure that the voice and perspective of the child is central to any selection or appointment of personal assistants.

Employment through direct payments is paid employment and therefore can involve a contract of employment a trial / probationary period and the need for fair and adequate employment practice. Whilst the employment situation may be less formal or structured, the situation is still the same requiring the same level of due diligence as any other employment situation.

The different potential uses of direct payments should be discussed with the social worker at the start of assessment provision, and this should be as flexible as is possible within the boundaries of Dudley policy.

Review of Direct Payments

Direct payments must be reviewed regularly, as well as monitored. Review can be completed by brief social care activity, but it may also be initiated and directed as part of a more intensive intervention dependent on the child's needs. Direct payments may also need to be reviewed by renewing the whole child's assessment.

Direct payments may in some cases need a firm, set and structured review mechanism and each case will be directed by the assessed needs of the child, and the type of intervention.

Direct payments may be influenced by the changing needs of the child, the developing needs of the child, significant enduring illness or significant changes to impairment or family situation for instance.