

Direct Payments

A guide for parents and carers



What is a Direct Payment?

Direct payments are an alternative way for parents or carers of disabled children, to receive support from the Children and Young People's Service (CYPS) in Cambridgeshire.

Instead of getting services arranged by CYPS (such as an overnight stay with another family, or someone coming to your home to help out), an amount of money is paid to you each month. You can then use this to buy the support you need. People often find that this gives them more choice, control and flexibility and that they are able to arrange their support in a way that is more convenient to them.

Parents have used direct payments in many different ways.

These are just some examples:

- To pay a personal assistant to support a child in community leisure activities like going swimming or to the cinema.
- To employ someone as an 'extra pair of hands' at busy times of day such as getting ready for school.
- To enable the whole family to go out for the day together.
- Overnight respite care with another family.
- To pay to attend a local playscheme accessible to disabled children.
- Where direct payments are given for short breaks, this can be saved up for a holiday.
- Equipment.

Will they affect my benefits?

No – direct payments are not extra money to spend as you want on things like food; they are in place of help from social care services.

They don't affect the benefits you get.

Getting started.

To receive direct payments you will have had an assessment from CYPS and agreement that your child meets the eligibility criteria. You will then have been given an allocation of a number of hours of direct payments.

If you have been offered help from CYPS, or are getting it already, you can choose to have direct payments instead.

If you are getting local authority services, but want to change to direct payments, contact your social worker and he or she will then visit you to discuss this.

There is no reason why you could not keep using services that you are happy with, and replace others with direct payments. You could also do this if you would like to try out direct payments, but are not sure whether they are right

for you. When you are receiving direct payments, you are always free to go back to directly provided services if you want -subject to availability.

Direct payments can only be used to meet those needs that social care services have already agreed that you can have help with, and the social care services must be satisfied that the services bought with direct payments safeguard and promote the welfare of the child. However, within these limits, government guidance to social care services states that **“by exploring innovative and creative options, people should be encouraged to identify alternatives that meet their needs more effectively”**.* So don't be afraid to suggest to your social worker ways that direct payments could be better used to meet your child's needs.

What can I use direct payments for?

- Anything that is safe and legal and meets the outcomes that you have agreed with your social worker.

You can't use them to...

- Buy permanent residential care
- Buy services owned by your local authority
- Buy health-related services or equipment that should be provided by the NHS
- Make major adaptations to your home that would come under the Disabled Facilities Grant
- Use direct payments to employ a partner or a close relative who lives in the same household **unless** social care services are satisfied that someone's needs could not be met any other way. One reason why this may be allowed is if it is the only acceptable solution for cultural reasons.
- Section 79D of the 1989 Children Act states that anyone caring for a child under 8 for over 2 hours a day for payment in their own home has to be registered with Ofsted as a childminder.

You can get help managing direct payments and employing someone (contact details at the back of this folder).

- Cambridgeshire Direct Payment Support Service (Cams DPSS) is an organisation that Cambridgeshire County Council has commissioned to help you understand and manage direct payments <http://www.cambspass.org.uk/> . They also offer a holding account and payroll service which will sort out paying wages, tax and National Insurance. Many people on direct payments who employ someone directly (i.e. not through an agency) use a payroll service to cut down on the amount of paperwork they have to do. There will be no direct cost to you to use any of the services that DPSS offer.

You can use direct payments to pay an organisation to help you, like a

nursery, or an agency that can send someone to your home. Or if you prefer, you can pay someone directly – in other words, you are the employer.

There are good points and bad points about both; it depends what suits you.

You may choose to use your direct payments to pay for a service such as a private nursery, a childminder or short breaks provider. Opportunities Links <http://www.opportunity-links.org.uk> or your social worker will be able to offer you help with this.

Using an agency to provide someone like a childminder:

- May be necessary to meet any special medical needs.
- No responsibility for employment issues.

However:

- More expensive.
- You may have less say in who turns up.

Employing them yourself:

- More control over who looks after your child.
- You may already have someone you know who would be good at the job.
- More paperwork and responsibility.

Cambridgeshire County Council strongly recommends that anyone choosing to receive Direct Payments, and employ personal assistants with them, should have Criminal Records Bureau checks (CRB) carried out. CRB checks will be carried out at no expense to you via the Direct Payment Support Service or through the County Council's recruitment section.

Cambridgeshire County Council strongly recommends that you only recruit personal assistants if they are registered with the Independent Safeguarding Board through the Vetting and Barring Scheme and that you check their status periodically. For more information on this go to <http://www.isa-gov.org.uk> or telephone the Direct Payments Development Manager on 01223 703589.

You may want to pay someone directly with your direct payment. It's important to find the right person. The steps below will help you do that, but for more information you need to discuss this with Cambridgeshire's Direct Payment Support Service. DPSS can help you throughout the process including helping you advertise and interview people.

Stages of employing someone:

- 1. Write a job description.**
What will the job consist of?
What hours will they work and how much money will they get?
- 2. Write a person profile.**
What sort of person you are looking for?
What must they be good at?
- 3. Decide what you want people to do when they see your advert.**
Write a letter with their CV or fill in an application form?
It is important to get the names and addresses of two people who can give them a reference.
- 4. Advertise.**
The ad should have:
a brief description of your child in positive terms,
what you need the person to do,
hours and pay,
and how to contact you.
- 5. Interviewing**
Your local jobcentre may have rooms that you can use to interview people.
Good places to advertise might include:
the staffroom of schools, nurseries,
day centres, local newsletters for carers,
the local community college, the jobcentre...
- 6. Checks and references**
You need to write to the person's two referees to ask for references, and once received telephone them to discuss. You also need to check for any gaps in employment and the reasons for this. Criminal Record Bureau checks and checks from the Independent Safeguarding Board should be made. These steps are important even if you know the person you are employing.
- 7 Drawing up a contract**
It is important to have what you want an employee to do, and what they can expect from you, set down in a contract, in case you have any problems in future. Ask DPSS for help with this.

If you employ someone you have some legal responsibilities. The easiest way of getting these right is to get help from your local support scheme,

Cambridgeshire Direct Payment Support Service.

If you have any questions about your responsibilities for paying tax, or if you think that the person working for you may count as self-employed, speak to your local Inland Revenue office. There is also a national helpline for new employers on 0845 60 70 143.

Employees are entitled to the equivalent of four weeks' leave a year. For example, someone working two days a week who took four weeks off would miss eight days of work in total, so they are entitled to eight days paid leave per year. While your regular employee takes a holiday, you will need to employ someone else, so a small amount should be put aside each month for this and ideally a bit more for emergencies.

DPSS or your social worker can help you plan for this, and your Direct Payment will have an amount included for these on-costs.

Insurance

Employers' liability insurance covers you if someone you employ is injured while working and claims compensation from you. Public liability insurance covers you if your employee harms someone else (or their property) while working for you. Ask DPSS if you have any questions.

It is worth asking the company that does your home insurance whether they also do these types of insurance. Another option is Fish Insurance, an organisation that specialises in providing insurance for disabled people (tel: 01772 724442, www.fishadministration.co.uk).

Some things will need to be sorted out before you start.

You will need to plan in advance how you are going to spend the money and you will have to keep any receipts that show how you have spent it.

How much money should I get?

The amount of a direct payment you get will be as a result of the needs that have been identified in your assessment. It will enable you to purchase services of the same quality and quantity as social care services would otherwise provide to meet those needs.

This means that if you plan to use your direct payment to employ someone directly, the direct payment will give you enough money to pay them a reasonable hourly wage, paying National Insurance, four weeks' holiday pay, statutory sick pay, employers' liability insurance and public liability insurance.

Other things that you could reasonably expect your direct payment to cover include training for someone you employ directly, their sleeping arrangements if staying overnight and their expenses such as entrance fees to a swimming

pool when assisting your child.

Amounts paid in direct payments per hour of care vary considerably between social services in different places, but it is worth remembering that if you received, for example, £11.30 per hour from social services, you could only offer someone you employed approximately £8.57 an hour.

Direct payments give you a lot more flexibility, for example to save up hours to use in the school holidays or for emergencies. There is a limit of 10% of your total annual allowance (monthly payment x 12 divided by 10 = 10%) that can carry over from one year to the next.

Paperwork

You will need to give Cambridgeshire County Council some information about how you have spent your direct payment. You will have to keep bank statements and receipts for anything you spend the money on.

You will need to open a separate bank account before payments start, so the money can be kept apart from your other money. This makes it easier to keep track of how it is spent. Direct payments money should not be included in any assessment to see what benefits you are entitled to.

Cambridgeshire County Council will ask you to sign a contract before you start on direct payments. This agreement would say that the money can only be used to meet your child's assessed needs and set out other conditions. Make sure you are clear about everything in the contract before you sign it.

Disabled young people aged 16 or over can manage direct payments themselves, if they want. Even doing a small part of this for themselves can help them get used to being independent.

Young people can choose to receive direct payments in their own right from the age of 16, although parents can continue receiving direct payments for their child until they are 18. Not all 16-year-olds whose parents receive direct payments would want to take over entirely, but you should discuss this option with them.

Although teenagers and their parents naturally have different views on many issues, being involved whenever possible in decisions about how direct payments are spent can help them make the transition to being more independent.

Where a young person does decide to have direct payments in their own name to manage themselves, family and friends can give as much assistance as is needed with paperwork.

A young person already receiving services is likely to go through a more formal 'transition planning' process and direct payments should be considered as part of this. DPSS or your social worker can help with this.

Things you must do, and things you need to know before you start:

- Set up a separate bank account
- How much you are getting each month £
- When it will be paid into your bank account
- What is the purpose of the direct payments (e.g. help with personal care, short breaks, social)
- The information you need to keep to show social care services how you are spending the money, e.g. receipts, bank statements. This will be on a quarterly basis
- Your Direct Payment support package will be reviewed at least every 6 months by a worker from social care.

Some Useful Contacts

Cambridgeshire Direct Payment Development Manager
01223 703589

Cambridgeshire Direct Payment Support Service (CambsDPSS)

Ivan Peck House
1 Russell Way
Widford Industrial Estate
Chelmsford
Essex
CM1 3AA
Tel: 01245 392328
Fax: 01245 392329
Email: cambsdps@ecd.org.uk
Website: www.ecdp.org.uk

Employers Insurance

- Fish Insurance
2-4 Riversway Business Village,
Navigation Way,
PRESTON PR2 2YP
Telephone: 01772 724 442
Fax: 01772 733773
Web: www.fishinsurance.co.uk

National Centre for Independent Living

NCIL can provide information on direct payments and employing someone and put you in touch with your nearest support scheme.

250 Kennington Lane
London
SE11 5RD
Tel: 020 7587 1663
Fax: 020 7582 2469
Text: 020 7587 1177
Email: ncil@ncil.org.uk
Website: www.ncil.org.uk
www.ncil.org.uk/employers_kit

Contact a Family

Support and advice to parents with disabled children and children with rare health conditions.

209-211 City Road
London
EC1V 1JN
Tel: 020 7608 8700
Fax: 020 7608 8701
Minicom 020 7608 8702
Helpline 0808 808 3555
(10am-4pm, Mon-Fri)
Website: www.cafamily.org.uk
Email: info@cafamily.org.uk

Carers UK

20/25 Glasshouse Yard
London
EC1A 4JT
Tel: 0808 808 7777
Fax: 020 7490 8824
Website: www.carersuk.org
Email: info@carersuk.org

Disability Alliance

Advice on benefits and direct

payments.
Universal House
88-94 Wentworth Street
London
E1 7SA
Tel & Minicom: 020 7247 8763
Mon-Wed 2-4pm
Website: www.disabilityalliance.org
Email: office.da@dial.pipex.com

Direct payments guidance

Can be downloaded from:
www.dh.gov.uk
(search for direct payments)

Every Child Matters

A parents Guide

<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00321/A>

Independent Safeguarding Board

Information on the Vetting and Barring Scheme.
<http://www.isa.gov.org.uk/>

Parent and carer factsheets

Written by parents themselves, with practical advice and tips
<http://www.auditcommission.gov.uk/disabledchildren/parentfactsheet.asp>

Inland Revenue New Employer's Helpline

Tel: 0845 60 70 143
Website: www.inlandrevenue.gov.uk/newemployers/index.shtml

November 2009