



Ealing Council

**A guide to direct payments
in Ealing**

Children With Disabilities

20011-2012

Section 1 Introduction to Direct Payments

What are direct payments?

Direct payments offer social services clients more control and choice over the services they receive and the people who provide them. Receiving a direct payment means that instead of social services organising a persons care, the Council will pay the equivalent amount to the service user so that they can either employ or purchase their own care directly.

Who is eligible for direct payments?

Service users who may be able to receive a direct payment include (subject to assessment):

- People with a physical disability and are aged over 16 years
- Older people aged 65 or over with an eligible need
- People with a mental health need
- People with a learning disability
- People living with HIV/AIDS
- Parents or a person who has parental responsibility for a child with a disability
- Carers

What services can be purchased with direct payments?

- Personal care such as help with bathing and dressing
- Respite care and short breaks
- Day services
- Small items of equipment such as commodes and bath aides
- Certain after-care services depending on a persons need
- Sitting services

What services cannot be bought using direct payments?

- Long-term residential or nursing care
- NHS or health care
- Services for 'children in need' cases (CHiN)

How can someone get a direct payment?

To access Ealing's direct payments scheme, service users:

- **Must** be assessed by Ealing Council's Children with Disabilities Team as being eligible for assistance; and
- **Must** be willing and able to manage the payment for their care - either alone or with the assistance from a friend, family member or trust (acting as the service users appointee)

Section 2

Guidance for providing long-term direct payments in Ealing

1. Eligibility for long-term direct payments

Long-term direct payments refer to services that are provided to people on an ongoing basis (usually expected to last 12 months and over). Long-term direct payments include service areas such as home-care, personal care, day services and sitting services and so on...

All service users **must** be assessed (by an authorised assessing officer) against **Children with Disabilities (CWD)** eligibility criteria. If eligible for Social Services help then the service user must be informed of direct payments as an alternative option to Council organised services. Service users can either choose to manage their own direct payment or choose an appointee to act on their behalf – this could be a family member or friend etc. This latter route is often used for service users with more complex needs i.e. people with learning disabilities, dementia etc.

If an eligible service user (or their appointee) chooses to receive their service via a direct payment, then the assessing officer **must** contact Direct Payments Officer based in the Children with Disabilities Team, in the first instance – the Direct Payments Officer will provide step by step advice on the process of setting up the direct payment package to both the assessing officer and the service user (or their appointee). You can contact the team as follows:

Direct Payments Officer Address:	ESCAN Carmelita House. 21 -22 The Mall. Ealing. W5 2PG
Telephone Number:	020 8825 5966
Typetalk:	020 8840 3264
General e-mail enquiries:	Papacostad@ealing.gov.uk

Service users (or their appointees) can only purchase care services that they have been assessed as needing i.e. they can only buy eligible care services identified during the assessment stage and detailed in their care plan.

All **Children with Disability (CWD)** direct payment cases (due for transfer to adult services) must be identified before their 18th birthday. All identified cases must be re-assessed under Adult Services eligibility criteria and forwarded to the relevant adults funding panel for authorisation. Transferring cases will also require assessment under the Council's charging policy for Adult Services.

Important Note –it should be noted that only eligible Children within the Children with Disabilities Team (CWD) cases are entitled to access direct payments – **the scheme is not currently available to Children in Need cases.**

2. Council services to be used before moving onto long-term direct payments

The process for going onto direct payments can take several weeks to complete (possibly longer for more complex cases; but also as a result of the length of time it can take to open a separate bank account – see Section 4).

Therefore all direct payment service users should commence on (or if an existing social services user remain on) Council organised services until the direct payment package is ready to start.

Important Reminder – Direct payments will only commence from the same day that the direct payment package is due to start. It is no longer permissible to commence a direct payments package and backdate payments unless extenuating circumstances exist and backdated payment authorised by the Service Manager-Children with Disabilities or the Asst. Director ESCAN.

Children's Referral and Assessment Timescales – All Children with Disabilities referrals are actioned within 24hrs of being received. Then an initial assessment will be carried out within 10 working days; from this the case will be forwarded to the Children's with Disabilities Resource Panel for funding agreement. However, if a core assessment is required then this will usually take 35 working days to complete.

4. The need to open a separate bank account (long-term payments only)

Service users (or their appointees) who will be in receipt of the 'long-term' direct payment must open a separate direct payments bank account (this is a national requirement) – this is where the carer or care agency will be paid from; and the account that will be reconciled by Direct Payments Officer on a quarterly basis. However, there have been a number of delays in this area for a number of service users due to changes in national banking rules. It is therefore advisable that the service user (or their appointee) begin the process of opening a separate bank as soon as possible. A **letter template** is available to assist with the opening of separate bank accounts (this can be obtained from the Direct Payments Officer and should be taken with the person to the bank when opening the direct payments account).

Important Note – All direct payment service users (or their appointees) **must** be reminded that they cannot make cash purchases from their direct payments bank account. Payments can only be made via a cheque, standing order or direct debit.

5. Financial forms for setting up a long-term direct payment

Following (and subject to funding panel agreement) a number of forms **must** be completed for audit and finance purposes before the direct payment can be set-up. The forms required are as follows:

For Children With Disabilities...

- Completed and signed care CIN /CSDPA Care Plan
- Completed and signed Resource Panel authorisation form
- Completed and signed financial breakdown form
- Completed and signed bank form
- Copy of bank statement or letter confirming bank details
- Completed and signed appointee consent form (where applicable)

Important Note –Direct Payments Officer will provide and go through the forms with the assessing officer at the initial contact stage. Direct Payments Officer will also attend joint service user visits with assessing officers as requested to assist with form filling and advice.

The Direct Payments Officer will complete a long-term direct payments agreement form once Children's Finance has set-up the direct payment.

Important Note – It should be noted that CRB checks are required for all care workers who are to be employed to work with children and young people aged 0 – 18 years old. The assessing officer or case manager should contact Human Resources for further advice and guidance on this matter.

6. Financial reconciliation of long-term direct payments

Service users (or their appointees) in receipt of a 'long-term' direct payment are required to complete a financial monitoring form every 13-weeks for audit purposes. The 13-week monitoring forms will be reconciled by social services. The Council notes that in certain circumstances a surplus maybe required to be held in the service users direct payments bank account i.e. to cover holiday or sick pay etc. For reconciliation purposes the following surplus rules will apply:

- Direct payment service users employing their carer directly = **Maximum 4-weeks surplus allowed**
- Direct payment service users employing care via an Agency = **Zero surplus allowed**

Direct Payments Officers will provide / send out a copy of the financial monitoring form to service users (or their appointees) on a quarterly basis.

Important Reminder – Completion of the 13-week monitoring is **mandatory**. Where clients have surpluses in addition to the permissible amount, then the service user (or their appointee) will be responsible for paying back the difference in full to the Council.

7. Non-return of Monitoring Forms

Ealing Council will make every effort to support direct payment service users (or their appointees) complete the required financial monitoring information (including support through training and one to one appointments). However, the final responsibility for completing the monitoring form and returning it to Ealing Council is the direct responsibility of the service user (or their appointee).

Should a direct payment service user (or their appointee) fail to complete and return the monitoring forms as stipulated within the direct payments terms and conditions then the Council has the right to suspend (or cancel) the direct payment. The Council also reserves the right to re-claim any unvalidated spend of the direct payment funds from the service users (or their appointee) at anytime.

Important Note – In the event of a direct payment being suspended (or cancelled) then the service user is to be provided with Council organised services by the assessing officer or case manager.

Section 3

Guidance for providing one-off direct payments in Ealing

1. Eligibility for one-off direct payments

One-off direct payments refer to services that are either provided within a 12-month period or purchased via a single transaction within a 12-month period. One-off direct payments include:

- Residential and home based respite-care services
- Short-breaks or holidays
- Item(s) or service(s) to assist with a care package; or carers services

Important Note – If the one-off payment is for a carer's service funded via carers grant then please contact **Direct Payments Officer** separately as different rules and processes will apply

It is important to note that for one-off direct payments;

- No separate bank account is needed for a one-off payment. The payment can be paid directly into the persons own bank account
- No 13-week financial monitoring is required to be completed
- The person must provide evidence of the one-off purchase and return a copy of a valid receipt or invoice within 2-weeks of purchase.

All service users **must** be assessed (by an authorised assessing officer) against existing **Children with Disabilities (CWD)** eligibility criteria. If eligible for Social Services help then the service user is to be informed of direct payments as an alternative option to Council organised services.

Service users can either choose to manage their own direct payment or choose an appointee to act on their behalf – this could be a family member or friend etc. This latter route is often used for service users with more complex needs i.e. people with learning disabilities, dementia etc.

If an eligible service user (or their appointee) chooses to receive their service via a direct payment, then the assessing officer **must** contact Direct Payments Officer in the first instance – the Direct Payments Officer will provide step by step advice on the process of setting up the direct payment package to both the assessing officer and the service user (or their appointee). The team can be contacted as follows:

Direct Payments Officer Address: ESCAN Carmelita House, 21 -22 The Mall, Ealing, W5 2PG
Telephone Number: 020 8825 5966
Typetalk: 020 8840 3264
General e-mail enquiries: Papacostad@ealing.gov.uk

Service users (or their appointees) can only purchase a service or one-off package that they have been assessed as needing i.e. they can only buy eligible services identified during the assessment stage and detailed in their care plan. The service user (or their appointee) can contribute additional funds themselves if they wish to purchase a more expensive service.

Important Note – For children's cases it should be noted that only eligible Children with Disabilities (CWD) cases are entitled to access direct payments – the scheme is **not** currently available to Children in Need (CHIN) cases.

2. Direct payment one-off rates

The cost of the one-off direct payment is often a 'bespoke' cost and will be agreed by the relevant budget holder / funding panel. Payments will usually be made to the service user (or their appointee) via a cheque.

Important Note – A separate bank account is not required for service users (or their appointees) who will be in receipt of a one-off direct payment, payment can be made directly into the service users (or their appointees) own bank account).

3. Financial forms for setting up a one-off direct payment

Following and subject to funding panel agreement, there are a number of forms to be completed for audit and finance purposes before the one-off payment can be issued. The forms required are as follows:

For Children's Services...

- Completed and signed children's care plan (refer to panel administrator for correct version)
- Completed and signed panel authorisation form
- Completed and signed financial breakdown form
- Completed and signed appointee consent form (where applicable)

Direct Payments Officer will complete a one-off direct payments agreement form once Children's Finance has set-up the direct payment.

Important Note –Direct Payments Officer will provide and go through the forms with the assessing officer at the initial contact stage. Direct Payments Officer will also attend joint service user visits with assessing officers as requested to assist with form filling and advice.

Important Note – CRB checks are required for all care workers who are to be employed to work with children and young people aged 0 – 18 years old. Please also note that one-off direct payments are only available to 'Children with Disabilities' (CWD) cases.

4. Financial reconciliation of one-off direct payments

Service users (or their appointees) in receipt of a one-off direct payment are not required to complete a 13-week monitoring form. However, they must provide a receipt or invoice as 'proof of purchase' within 2-weeks of the actual purchase of item(s) or service.

5. Non-return of proof of purchase

Ealing Council will make every effort to support direct payment service users (or their appointees) with their financial responsibilities (including support through training and one to one appointments). However, the final responsibility for returning the proof of purchase to Ealing Council is the direct responsibility of the service user (or their appointee).

Should a direct payment service user (or their appointee) fail to return the proof of purchase as stipulated within the direct payments terms and conditions then the Council has the right to suspend (or cancel) the direct payment. The Council also reserves the right to re-claim any invalidated spend of the direct payment funds from the service user (or their appointee) at anytime.

Section 4

Guidance for providing equipment direct payments in Ealing

1. Eligibility for equipment direct payments

Equipment direct payments refer to Community and Telecare Equipment (including minor adaptations up to £1,000) that are provided by Ealing Council's and Ealing Primary Care Trusts 'Integrated Community Equipment Service'. It is important to note that for equipment direct payments;

- Community and Telecare equipment (and adaptations up to £1,000) are exempt from any client contribution or charge
- No separate bank account is needed for an equipment payment. The payment can be paid directly into the persons own bank account
- No 13-week financial monitoring is required to be completed
- The person must provide evidence of the equipment or adaptation purchased and return a copy of a valid receipt or invoice within 2-weeks of purchase.

All service users will be assessed for 'community and / or telecare equipment' by an assessing officer against existing Integrated Community Equipment and Telecare eligibility criteria. If eligible for equipment then the service user (or their appointee) **must** be informed of direct payments as an alternative to Council organised equipment services.

Service users (or their appointees) can only purchase a community or telecare equipment that they have been assessed as needing i.e. they can only buy eligible equipment items as identified at the assessment stage and detailed in their care plan.

The budget holder needs to ensure that they have available resources within their budget before approving an equipment direct payment.

Important Note – For children's cases it should be noted that only eligible Children with Disability cases are entitled to access direct payments – the scheme is **not** currently available to Children in Need (CHiN) cases.

2. Equipment direct payment rates

Equipment direct payments must be costed in line with the 'Equipment Catalogue' prices. These costs may not be exceeded unless extenuating circumstances exist and a higher payment authorised by a Director. The service user (or their appointee) can contribute additional funds themselves if they wish to purchase a more expensive item. Where full ownership and maintenance of the equipment item(s) is taken on fully by the service users (or their appointee) then an annual maintenance payment needs be included within the agreement (as appropriate). The service user (or their appointee) can also contribute additional funds themselves if they wish to purchase a more expensive item of equipment.

3. Financial forms for setting up an equipment direct payment

Following and subject to the OT agreement, there are a number of forms to be completed for audit and finance purposes before payment can be issued. The forms required are as follows:

- Completed assessment and care plan (detailing eligible needs)
- Completed and signed equipment direct payment agreement form (to include equipment details and cost based on Community Equipment Catalogue prices)

- Completed and signed appointee consent form (if applicable)

Important Note – Following approval all forms are to be sent to **Direct Payments Officer** for screening and processing purposes.

4. Financial reconciliation of equipment direct payments

Service users (or their appointees) in receipt of an equipment direct payment are not required to complete a 13-week monitoring form. However, they must provide a receipt or invoice as 'proof of purchase' within 2-weeks of the actual purchase of the item(s).

5. Non-return of proof of purchase for equipment item(s)

Ealing Council will make every effort to support direct payment service users (or their appointees) with their financial responsibilities (including support through training and one to one appointments). However, the final responsibility for returning the proof of purchase to Ealing Council is the direct responsibility of the service user (or their appointee).

Should a direct payment service user (or their appointee) fail to return the proof of purchase as stipulated within the direct payments terms and conditions then the Council has the right to suspend (or cancel) the direct payment. The Council also reserves the right to re-claim any invalidated spend of the direct payment funds from the service user (or their appointee) at anytime.

Section 5 Direct payment rates 2011/12

1. Direct Payment Rates

The various direct payment rates are the estimated cash payment equivalent to what it would cost Ealing Council to provide a similar service directly to the service user. These rates are the **ceiling** rates to be used to purchase services directly from either a care agency or for those service users employing a care assistant directly (unless extenuating circumstances have been identified and additional funds above the ceiling rate agreed by a Director).

2. In calculating the rates...guidance indicates the following:

Legislation provides that the cost of the direct payment should be equivalent to what the Council estimates it secures or provides a similar service, subject to any sum paid by the recipient.

The direct payment rates should be sufficient to enable the recipient lawfully to secure a service that the Council considers is reasonable to fulfil the needs for the service to which the payment relates. In estimating the cost of securing the provision of the service concerned, Councils should include associated costs that are incurred in securing the provision, without which the service could not be provided or could not lawfully be provided.

3. Start-up and annual support cost

A start up fund is available to those people who choose to employ their own care assistant. The cost for the first year will be **£176.65** and covers:

Employers liability insurance	£76.65	(annual payment)
Rubber gloves and aprons for personal care	£100.00	(annual payment)

The annual payment will be made in **April** of each year for the employer's liability insurance and protective clothing elements. Ealing Direct will advise service users with regard to recruitment and advertising.

Important – The above payments are **not** available to people who purchase care through a care agency or other service provider as these costs will be included in the agency's rate or charge.

4. On-costs for those employing directly includes:

This section gives you details on how the hourly rate is calculated for those people employing their care assistant directly:

Holiday cover	£0.70	5.8%	(based on 4 weeks holiday per year)
Sick cover	£0.53	4.33%	(based on 3 weeks sick leave per year)
Employer National Insurance	£1.52	12.8%	(based on 2006-07 Inland Revenue data)
Bank holiday's	£0.21	1.64%	(based on 8 bank holiday days per year)
Hourly care rate	£9.07	75.43%	(hourly rate to purchase care)
Total	£12.03	100%	

5. Cost of CRB Checks

The costs for CRB checks will be mainly incurred by Children's Services for those parents employing their care assistant directly. Payments will not be made to parents who use staff via a care agency or service provider, as these staff will already have a CRB check completed by their employer. At present CRB checks are not required for adult services, although a CRB check **must** be considered in all cases when setting up a complex or vulnerable adult care package. The process and current cost of a CRB check is to be confirmed with Human Resources.

6. Direct Payment Rates from April 2009

These are the ceiling rates and should not be exceeded

Hourly Rate	(for service users requiring support between 8am to 10pm)	£ 12.03 per hour
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Sleep- Over Rate	(10pm to 8am)	£ 39.78 per night
Waking Night Rate	(10pm to 8am)	£112.20 per night (CHILDRENS WITH DISABILITIES)

Day-services Rate	(non-chargeable service)	
Children with Disabilities - general and sitting services		£ 12.03 per hour

Equipment	(non-chargeable service)	
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Refer to the **Integrated Community Equipment Service Catalogue** for community and telecare equipment costs, where ownership is taken on by the direct payment recipient then an annual maintenance payment needs be included within the agreement (as appropriate).

8. Additional services

Payroll services for service users employing and managing their care staff directly are provided by the Direct Payments Team. The Direct Payments Officer will refer the person to the Payroll Service. There is no charge for this service as this service is already funded from the support services contract.

9. Note for Funding Panels

Please ensure to use correct direct payments expenditure codes when authorising DP packages.