

# Vale of Glamorgan Council

## Social Services:

# Direct Payments Policy and Procedure



<b>Version No:</b>	<b>4.0</b>
<b>Status:</b>	<b>Final</b>
<b>Type:</b>	<b>Public</b>
<b>Approval Date:</b>	
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## Previous versions

<b>Version</b>	<b>Status</b>	<b>Description</b>	<b>Sign off</b>
1	Obsolete		

*Please note documents that are printed or downloaded may be out of date. It is your responsibility to ensure that you access the most recent and up-to-date documents available on local intranet site or Sharepoint.*

## 1. Introduction and Aims

Direct Payments are payments made to people who would be eligible to receive a service from Social Services. Local Authorities have a duty to make cash payments (Direct Payments) for community care services following an assessment of need. Direct Payments will be offered to all people eligible and assessed as requiring a service. Social Services will ensure that direct payments are used to give people the choice and control over their own lives by providing an alternative to social care services delivered by the Vale of Glamorgan Council.

Whilst providing direct payments the Local Authority also has a duty to safeguard its individual s under Part 7 Section 131(1) of the Social Services and Wellbeing (Wales) Act 2014. This imposes a duty on local authorities to make, or cause to be made, such enquiries as it considers necessary to decide whether a individual is at risk; and to decide what action, if any, should be taken.

## 2. Legislative Context

The Social Services and Well-being (Wales) Act 2014 (henceforth 'the Act') is the legal framework that brings together and modernises social services law in Wales.

This policy and its underlying procedures are written with particular reference to the following documents, which, in addition to the Act itself, should be the principal points of reference for those in need of further information:

- Health and Social Care Act 2001
- The Children Act 1989 (2004)
- Community Care, Services for Carers and Children's Services (Direct Payments Wales) Regulations 2003
- Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Guidance 2011
- Carers and Disabled Children Act 2000
- Social Services and Wellbeing (Wales) Act 2014, Part 4, s. 50-53.

## 3. Context and Scope

### **What are the conditions for receiving Direct Payments?**

Direct Payments must be made available to all individuals who are eligible to receive them and who want them unless it would be detrimental to the welfare and wellbeing of the service user.

Recipients of Direct Payments must be aged 16 or over and have their needs identified through a wellbeing assessment under the Social Services and Wellbeing (Wales) Act 2014.

An individual must want, and be able to manage (with assistance, if required) the Direct Payment. Where the service(s) purchased is for an adult, the Vale of Glamorgan Council must be satisfied that the service provided meets the needs of the assessed person effectively. Where the service is for a child in need the Vale of Glamorgan Council must be satisfied that the service safeguards the welfare of the child. The individual must provide information considered appropriate by the Vale of Glamorgan Council.

## 4. Principles

### Who is eligible for Direct Payments?

- Older People
- Disabled people (the definition of 'disabled' is taken from the Equality Act 2010: having a physical or mental impairment that has a substantial and long-term negative effect on a person's ability to do normal daily activities).
- Disabled young persons (16 to 17 years old);
- Carers (including 16- to 17-year-old carers);
- Any person who has responsibility for a disabled child;
- Disabled people with parental responsibility for a child;
- An appointed "suitable person" to receive and manage direct payments on behalf of an individual who lacks capacity to consent to the making of the direct payments.

People with parental responsibility for a disabled child will not continue to receive Direct Payments to purchase services that meet the needs of that child once the child reaches the age of 18 years. However, if they are going to continue in their caring role, they may be entitled to receive Direct Payments in their own right to support them in their caring role and to help them maintain their own health and well-being. This would be subject to them having an assessment of their own needs and would be part of the managed transition arrangements from Children and Young People Services to Adult Services.

Alternatively, the young person themselves is able to take on responsibility for their own Direct Payments arrangements when they reach 18 years of age. The young person's social worker must advise the Direct Payments team about whether the young adult is able to manage the Direct Payments themselves or whether a "suitable person" would be required. An appointed "suitable person" is able to receive and manage direct payments on behalf of an individual who lacks capacity to consent to the making of the direct payments.

## **Who is not eligible for Direct Payments?**

- Offenders on a community order, or serving a suspended prison sentence, under the Criminal Justice Act 2003, which includes a requirement to accept treatment for drug or alcohol dependency
- An offender on a community rehabilitation order or a community punishment and rehabilitation order under the Powers of Criminal Courts (Sentencing) Act 2000, which includes a requirement to accept treatment for drug or alcohol dependency
- Offenders released from prison on licence under the Criminal Justice Act 1991, the Criminal Justice Act 2003 or the Crime (Sentences) Act 1997 subject to an additional requirement to undergo treatment for drug or alcohol dependency
- Individuals subject to equivalent provisions under Scottish criminal justice legislation. This includes individuals who are subject to Community Payback Orders (CPO) under the Criminal Justice and Licensing (Scotland) Act 2010, where the CPO includes mental health, alcohol or drug treatment requirements.

## **5. Standards**

What services can Direct Payments be used for?

Direct Payments can be used to purchase support in order to meet the Service User's assessed needs, for example:

- Personal assistance within the home (a personal assistant, often referred to as a PA, as a person employed to provide a direct service to an individual or small group).
- Short breaks including periods of respite care and breaks for carers;
- Recreational and leisure activities;
- Equipment to assist with daily living tasks;
- Reablement services (not to be confused with community rehabilitation services provided by the Health Authority).

**Direct Payments cannot be used to buy:**

- Services already commissioned by the Vale, e.g., respite with Action for Children, or Advocacy Matters.
- Health related services e.g. nursing care or physiotherapy;
- Housing services e.g. pay rent for accommodation;
- Long term residential or nursing home care.
- A Direct Payment cannot be made for the provision of residential accommodation for a continuous period in excess of 8 weeks, and in any period of 12 months.

## 6. Risk Management

Individuals may use a combination of Direct Payments and the Council's services according to assessed need. It also means that if they are eligible they can elect to use the money to employ their own personal assistant(s):

1. The Regulations state that the Vale of Glamorgan Council is entitled to make Direct Payments from any contribution that Service Users or carers have been assessed as requiring paying, under the Social Services and Wellbeing (Wales) Act 2014, Part 4, s. 50-53.
2. The regulations generally prevent using Direct Payments to secure the service from a partner (i.e. the other member of a married or unmarried couple) or a close relative living in the same household. A close relative in this context is a parent, parent – in – law, aunt, uncle, grandparent, son, daughter, son-in-law, daughter-in-law, step-son or daughter, brother, sister or the spouse or partner of any of these.
3. Where the service(s) purchased is for an adult, the Vale of Glamorgan Council must be satisfied that the service provided meets the needs and safeguards the welfare of the assessed person effectively.
4. Where the service is for a child in need, the individual must provide information to evidence the use of Direct payments in accordance with the child's care plan. The Council must be satisfied that the service safeguards the welfare of the child.
5. A DBS check must be completed for each Direct Payments employee. The Council will countersign the DBS application and the PA will be expected to share the outcome with the Council.

All personal assistants employed to provide care or support must have a check with the DBS. If the applicant for Direct Payments does not agree to this check, the Vale of Glamorgan Council may decide that it would not be appropriate to make Direct Payments. Until the check has been carried out, users of Direct Payments will be advised to receive services from Social Services or to contract with a registered agency for services to meet their assessed needs.

Where DBS certificates show that the applicant might not be suitable to work with children or adults, the Council will consider each case before advising the employer. A clear DBS check does not mean that the applicant is necessarily suitable as there may be reasons that make them unsuitable that would not be shown on a DBS certificate. Employers should be strongly advised to take up references of potential personal assistants.

The Vale of Glamorgan Council will need to be satisfied a prospective PA is not included on the Barred List (held by the Disclosure and Barring Service) or Department of Health Safeguarding Adults list.

If the Vale of Glamorgan Council receives information that a individual may be at risk or harm from a person employed to provide care, Direct Payments may be suspended during an investigation into the circumstances and that individual may be referred to the Barred List.

6. The Vale of Glamorgan Council are fully committed to the inclusion of all individual groups being considered, actively, to receive Direct Payments in order for them to be fully involved and in control of the provision of the support they require.

7. Each individual will be informed about Direct Payments in a way that is meaningful to them. The Vale of Glamorgan Council must ensure that each individual will be supported in whatever way necessary for them to make an informed decision. They will be informed about the support services available to them and they will not be expected to accept Direct Payments if they do not want to.

8. The Vale of Glamorgan Council needs to be satisfied that a person providing help to an individual is an appropriate adult.

## 7. Procedure

1.	Discuss the offer of Direct Payments if the assessed needs meet the eligibility criteria.	Social Worker/Social Care Officer	WCCIS	Within 7 working days
2.	1. Discuss the request for Direct Payments with Team Manager and/or Practitioner Manager to confirm that Direct Payments will meet the assessed needs appropriately.	Social Worker/Social Care Officer	WCCIS Service Request/CP12	Within 7 working days
3.	Refer to the Direct Payments Officer if the individual is interested in direct payments. Details of interested individual s are also passed to the support organisation.	Social worker/Direct Payments Development Officer (DPDO)	Direct Payments Referral Form/DP1	Within 7 working days
4.	In cases appropriate for Direct Payments but where the scheme is not	Case Manager	WCCIS	Within 7 working days

	taken up, this must be explained fully to the Team Manager			
5.	Explain the implications of these responsibilities and obligations to the service user. A meeting with support provider is instigated	Support Provider	Discussion	Within 7 working days
6.	If the request for Direct Payments is approved, this will form part of the Care Plan.	Care Manager	Care Plan	Within 7 working days
7.	Agree the level and other details of the Direct Payments.	The Social Worker, Team Manager and DPDO	Care Plan/Child in Need Plan	Within 7 working days
8.	On receipt of an authorised CP12 (for Children and Young People Services) or an authorisation form (for Adult Services) and Care Plan identifying the proposed Direct Payments hours, the letter of agreement to be issued if the individual wishes to proceed. Support provider to arrange meeting with the individual .	DPDO  Support Provider	Letter	Within 7 working days
9.	Support provider if required will support with the recruitment process for employing a personal assistant.	Support Provider		Prior to employment of PA
10.	When a personal assistant has been recruited and prior to employment commencing a DBS check must be carried out.	DPDO	DBS Form	Prior to commencement of Direct Payments
11.	Return the signed agreement to the Direct Payments Officer.	Service User	Agreement	Within 7 working days



<b>12.</b>	Review progress once Direct Payments have been in operation.	Service User and Social Worker	Review	After one month of operation
<b>13.</b>	Carry out a new user follow up.	DPDO	Visit or phone update.	After 3 months of operation.
<b>14.</b>	Carry out regular financial monitoring	DPDO	DP paperwork	At least annually.

## 8. Policy Approval and Review

Policy Approved By:	
Date Approved:	
Review Frequency:	Annually
Date Policy To Be Reviewed:	
Responsible Officer(s):	

