

## **Direct Payments - Statement of Conditions**

### **Background**

The Council has powers to make direct payments under the Children Act 1989 in accordance with Regulations under the 2009/14 regulations.

The Regulations set out the categories of service users to whom direct payments may be made and the categories of people from whom services under the direct payment may not be secured. The Regulations also provide for repayment of, and termination of, direct payments in certain circumstances.

The Regulations provide that the direct payment must be subject to one condition which is set out in the Regulations and can be subject to such other conditions as the Council thinks fit.

Cumberland County Council Children's Services Directorate has completed a assessment in accordance with "The Framework for the Assessment of Children in Need and Their Families" or other assessment as local protocols permit which has identified your (and/or your child's) social care needs.

The Support Plan, describing how your needs are to be met by commissioned services has been developed, you have requested that some or all those needs can be met by making a payment to you to enable you to manage your own support. You have provided information about how you will do this.

### **Direct Payment Process**

Payments will be made, net of any contribution you have been assessed to pay towards your care, (if applicable) in line with a given timetable, four-weekly in advance by Bank Automated Credit System to a bank account set up specifically to manage funds for your care needs.

In normal circumstances the amount you receive will only be changed following a review of your care needs and management of direct payments. Four weeks notice will be given to you should a reduction in payment be necessary.

There can be changes to the amount if the payment does not continue to comply with the requirements of the Regulations.

It is expected that you will hold surplus money at the end of each period to meet cash flow variations or to meet any agreed variations to your care needs (e.g. holiday periods). Where larger amounts of surplus money are identified, a review of your care needs and management of direct payments will be undertaken.

Regular reviews will be undertaken at least on an annual basis.

The Direct Payments process is subject to the Cumberland County Council Complaints procedures. If you are unhappy about a decision associated with Direct Payments you can refer your complaint through this well-established process.

## **Statement of Conditions**

- You must use the direct payment to meet your assessed needs as identified in your Direct Payment plan and for no other purpose.
- It is your responsibility to make all the necessary arrangements to purchase the care required and to comply with all current legislation appropriate to this.
- You or someone on your behalf must pay your assessed contribution into the aforementioned bank account. The local authority contribution and service user contribution together will enable you to purchase the level of care identified on your costing and care plan to meet your assessed needs.
- You or someone on your behalf must maintain records of how the money has been spent, such as invoices from agencies and carers, receipts for expenses, direct payment bank account statements, care staff timesheet, payroll and tax information. This information must be made available to members of Cumberland County Council Children's Services Directorate or Management Audit Unit on request.
- You or someone on your behalf must provide a four-weekly summary report which identifies all income and expenditure, how the money has been spent and a balance showing how much money you have at the end of each period.
- You or someone on your behalf must repay immediately on demand to Cumberland County Council any money which has not been used to secure the service for which it was paid or which does not meet the conditions of payment.
- You or someone on your behalf must contact your Social Care Worker immediately if you experience difficulties or concerns with your management of direct payments (including possible increased costs).
- You or someone on your behalf must tell your Social Care Worker immediately should there be a change to your circumstances which will affect how you use your direct payments, such as an illness or a stay in hospital.
- In order to ensure that the assessed needs are being met as identified in the Support payment plan, Cumberland County Council reserve the right to investigate the care arrangements that are in place at any time and in exceptional circumstances to enter premises where care is being provided by virtue of the direct payment.
- The responsibility of the quality of care arranged between you and your choice of service remains with yourself and not with Cumberland County Council.
- Direct Payments can be banked for up to 8 weeks, Cumberland County Council will recoup any monies in the account if this is more than 8 weeks' worth. Unless there are mitigating circumstances.

- Direct payments cannot be made in relation to the provision of residential accommodation for a disabled child or disabled young person for any single period in excess of 17 days, and for more than 75 nights in any period of 12 months. The time limit is imposed to avoid inappropriate use of residential accommodation.
- The Children and Young People's service will not, make direct payments to enable people to purchase equipment or adaptations that would otherwise have been provided by a disabled facilities grant or by the council.
- Direct Payments cannot be used to purchase support for a health care task i.e. A task or service that remains the responsibility of the National Health Service to manage and review.
- Direct payments cannot be used to purchase services or equipment for which the council is not responsible
- Unless a council is satisfied that it is necessary to meet a child/ young person's needs, and that it is necessary to promote the child's welfare, a council may not allow people to use direct payments to secure services from:
  - A spouse (husband or wife);
  - A civil partner;
  - The other member of the unmarried or same-sex couple of which they are a part; or
  - A close relative with whom they live or the spouse or partner of that close relative.
- Direct payments cannot be used to support parent/carers or children/young people to work.
- All people employed to work with children and families through the direct payment scheme will be required to have a DBS check completed. If these checks are refused, then the council can stop the direct payments for that child or family with immediate effect.
- You may terminate the direct payment by giving four weeks notice. The Council will terminate the direct payment with immediate effect if/when
  - The Client ceases to be a prescribed person
  - The Council is no longer satisfied the client's needs for the service can be met by means of a direct payment
  - A condition has not been complied with



### Bank Details

Monies paid to me by Cumberland County Council for use under the Direct Payments scheme should be paid into the following bank account which has been established for the management of funds paid to me to meet my care needs.

**Name of Child**

**Address Line 1**

**Address Line 2**

**Town**

**County**

**Postcode**

**Email Address**

(to which Remittance Advice will be sent)

**Bank Name**

**Branch Address  
Line 1**

**Branch Address  
Line 2**

**Branch Address  
Town**

**Branch Address  
County**

**Branch Address  
Postcode**

**Account Name**

**Account Number**

**Sort Code**

### Declaration

I confirm that I have read and understood the conditions for receiving direct payments as outlined above and accept that Cumberland Children's Services Directorate may cease making direct payments to me if these conditions are not met.

**Signature**

**Name**

**Date**