



**Nottinghamshire
County Council**

**Direct Payment for Children & Young People
booklet following social care assessment**



Information for Children, young people and their families.

This leaflet is for parents of disabled children and for disabled young people. It is about Direct Payments for disabled children and young people who have already had an assessment of need from Nottinghamshire County Council.

By child or young person we mean anyone up to their 18th Birthday.

What are Direct Payments?

If your assessment says you need a social care service, you will be offered a choice.

You can have:

- The service arranged by the Council, or
- A cash payment to buy the service yourself which is called a Direct Payment.

If you choose to have a Direct Payment, it will be calculated so that you can buy the assessed level of service.

Who can have a Direct Payment?

- The parent (this includes anyone with legal Parental Responsibility) of a disabled child, as long as that person cares for the child regularly and for substantial periods of time.

- The young person themselves once they are aged 16.

What are the advantages of Direct Payments?

- Flexibility and choice – you will be able to have a more flexible service that meets your child's needs and fits your family circumstances.
- If your child needs more than one service, you can choose a direct Payment to pay for all the services or you can opt for a combination of a Direct Payment and a service provided by the local authority

Control – as a young person or parent you will maintain more control over:

- When you receive the service
- How you receive the service
- Who provides the service.

What can Direct Payments be used for?

- You must use your Direct Payment to buy a service that you and your child have been assessed as needing by the Nottinghamshire County Council.
- You can use your Direct Payment instead of home care services, sitting and befriending services or short breaks services.
- Your child can be cared for at the home of the personal assistant employed by you if this is what is needed, but if your child is under 8 the personal assistant must be a registered child minder.
- A Family member can be employed as your child's personal assistant but they must not live within the same household as you and your child.
- Nottinghamshire County Council is working towards a system following an assessment, to enable Direct Payments to be used to purchase equipment normally supplied by the local authority Occupational Therapy Team. Please ask if you would be interested in this.

What can't a Direct Payment be used for?

- You must not use your child's Direct Payment for any service that does not keep them safe and appropriately cared for. Your child's Social Worker and Direct Payment Officer will give advice on how to ensure any arrangements are safe for your child.

- You cannot use your Direct Payment to employ a relative who lives in the same household as your child. The only exception to this would be if there were no alternative personal assistants to meet your child's cultural and language needs and agreement had been given by Social Care Service Manager.
- You can not employ anyone who has parental responsibility.
- You cannot use your child's Direct Payment to buy any Local Authority Services (e.g. short break services in neighbouring authorities).
- You must spend your child's Direct Payment on a service that is an alternative to a social care service provided by Nottinghamshire County Council. It is not available to pay for child care costs for working parents (Nottinghamshire County Council has a scheme to cover some of these costs called DCATCH – see website for further details).



- You must not use your child's Direct Payment to meet the needs that should be met by health services (Health can contribute to a child's Direct Payment following a continuing care assessment undertaken by Health and subsequent agreement of this funding).
- Legally, you are not allowed to use your child's Direct Payment to buy full-time accommodation (for example in a residential unit) or any overnight short break of more than 28 days in a block or more than 120 days per year.

Do I have to have a Direct Payment?

No, you can choose not to have a Direct Payment if you prefer for your child to receive a service directly from Nottinghamshire County Council.

How much money will I receive to buy the service?

Currently the rate is £8.99 per hour. This is the rate payable to the Direct Payment recipient, not the rate paid to the employed personal assistant as the gross rate needs to cover employer's responsibilities (for example holiday and possibly sickness pay, employer National Insurance contributions). The responsibilities that need to be covered will be dependant on the personal assistants personal work/benefit circumstances and will vary as a result of this. The gross pay available to the employed personal

assistant will be less than the £8.99 rate (in the region of £7.50 per hour) if you choose to pay a higher hourly rate, you will either need to 'top up' the payments personally or choose for your child to receive fewer hours support.

Where overnight services are needed, the overnight rate for a 12 hour period (for example 8pm – 8.00am) is currently £44.34. Again this is the amount payable to the Direct Payment recipient, not to the employed personal assistant, whose gross pay rate for the 12 hour overnight will be in the region of £35.00. NB overnight service consists of 12 hours at £8.99 + £44.34 overnight rate totalling £152.22 which is the amount payable to the Direct Payment recipient. The gross pay rate for a personal assistant covering a 24 hour period per hour would be in the region of £125.00 (£7.50 x 12 hours + £35 overnight rate).

In very exceptional cases, a higher hourly rate may be agreed. In these cases it will have to be clear that the standard hourly rate cannot reasonably be expected to purchase the service for your child that has been assessed as needed.

Some fixed and "set up" costs will be paid by Nottingham County Council in addition to your child's Direct Payment. Therefore you will not need to find support organisation costs out of your child's Direct Payment. Typical services provided by the support organisations are payroll and recruitment costs up to an agreed limit.

As an employer, you will require public liability insurance. These costs will be funded by Nottinghamshire County Council. You can either use any insurance company of your choice but if you choose this option you will need to arrange the cover and advise the Direct Payment Officer so they can arrange for the payment for this to be paid into your Direct Payments account. Alternatively Nottinghamshire County Council has accounts with FISH and Premier Care and then a simple application form needs to be completed and posted directly to the insurance company. The Direct Payment Officer will give more information about these options. Current charges for FISH is £135.00 and Premier Care is £84.00

What do I need to do to receive a Direct Payment?

First of all:

- Once an assessment of need has been completed by your child's Social Worker, discuss the option of a Direct Payment with them. Your child's Social Worker will complete a Direct Payment Support Plan detailing hours requested and how these will meet assessed needs and then submit this to the Direct Payment Officer to be agreed at the Direct Payment allocation meeting. The Direct Payment Officer will contact you to discuss all the issues that will affect you including identifying a support organisation to set up
- and operate. Disclosure and barring checks for your personal assistants will also be discussed with you and if required the Direct Payment Officer will contact the personal assistant to arrange for this check to be undertaken.

Other things you need to be clear about:

- Your child's completed assessment and Direct Payment support plan, once authorised by the Social Worker's Manager, will state clearly how many hours of service your child has been assessed as needing. This translates into an amount of money available over the year, so you can be clear what amount you have to purchase the service. Payments will usually be paid on a 4 weekly basis unless any alternative payment frequency has been agreed by your child's Social Worker and Direct Payment Officer.
- If your child/young person has been assessed as needing an overnight short break and are going to use a Direct Payment to fund fthis, the Social Worker will calculate this as $12 \times £8.99$ + overnight element of £44.34 to cover a full 24 hour period. If periods are less than 24 hours then payment should be made on a pro rata basis e.g. a young person receives care from 16:00 until 10:00 the following morning. This will be calculated as follows:

- 16:00-20:00
4 hours @£8.99 = 35.96
- 20:00-08:00
overnight element of £44.34
- 08:00-10:00
2 hours @ £8.99 = £17.98

In this case, you will need to use £98.28 of your child's Direct Payment allocation to cover this period.

However, remember you will need to keep some payment back to cover holiday pay etc so you would pay your personal assistant approx £80 (6 hours @ £7.50 and £35 for the overnight element).

- You will need to ensure that the personal assistants you employ, even if you know them or they are related to you, is entirely suitable to care for your child or to assist you in meeting your parental responsibilities. You will need to discuss with the Direct Payment Officer whether a Disclosure and Barring Service check is required and also taking out references and interviewing them. The Direct Payment Officer can give you further advice in all these areas.
- You will need to sign a formal contract agreement with Nottinghamshire County Council before any payments are made. Your child's Social Worker will explain what responsibilities you have as a recipient of your child's Direct Payment to enable you to fully understand the contract.
- You will need to open a separate bank account for the payments to be paid into which are usually

paid on a 4 weekly frequency.

- You will need to send the Direct Payment Officer financial monitoring information i.e. banks statements, receipts etc when requested by Nottinghamshire County Council which is currently twice yearly. **Please note: the frequency is subject to review and may change.**
- As with all services to meet assessed needs, your Direct Payment will be reviewed at least once a year to make sure it continues to meet the outcomes of your child's support plan. Therefore your Direct Payment may be decreased or increased as your child's needs change.

Examples of how an assessment would translate into a Direct Payment. These are only examples. All children have individual needs and so the type and allocation of service agreed for your child may differ from the examples.

In working out the amount of a Direct Payment, a "month" is a 4 week period and not a calendar month.

Example 1

A Child is assessed as needing 8 hours per 4 weekly period for a sitting/befriending service.

- Total hours over a year =
 $8\text{hours} \times 13$ (4 weekly payments)
= 104 hours
- Yearly Direct Payment =
 $104\text{ hours} \times \text{£}8.99 = \text{£}934.96$
- 4 weekly Direct Payment =
 $\text{£}934.96 / 13 = \text{£}71.92$

Example 2

A child is assessed as needing an overnight short break and has been allocated 24 nights per year. An overnight short break is calculated as 12 hours x £8.99 = £107.88 + an overnight element of £44.34 = £152.22

Yearly Direct Payment:

- 24 overnights per annum is
£152.22 x 24 nights = £3653.28
- 4 weekly Direct Payment =
£3653.28 / 13 = £281.02

person provides a contract stating their terms and conditions of their employ with you. They must remain responsible for their own tax, national insurance contributions, training, holiday and sick pay, insurance DBS (enhanced) checks etc. They will also need to give you their Unique Tax Reference number so you can let the HMRC know of the situation. The self employed personal assistant should issue you an invoice for the work they have done on a monthly basis.

What else do I need to consider?

- You will be the legal employer of your personal assistant and will have employer's legal responsibilities. This applies even if you use a relative or friend. Legal responsibilities include having public liability insurance in place, having a payroll service to ensure that all employees are registered with HMRC Service for Tax and National Insurance purposes, Contract of Employment and Job Description in place for all employees. The Direct Payment Officer is able to give you further advice on all employer responsibilities.
- We strongly discourage the use of Self-employed personal assistants. However, if you choose to use one, it remains the HM Revenue and Customs who determine the employment status of a personal assistant. You will need to ensure the self-employed
- You will be responsible for arranging your child's service and making sure that it is suitable to meet their needs. You will not be able to get immediate cover from Nottinghamshire County Council if your personal assistant is suddenly unavailable.
- You will be responsible for maintaining the paperwork involved including bank statements, related receipts, invoices from support services organisations, payslip copies etc. You must comply with Nottinghamshire County Council's financial monitoring and keep accounts of how the Direct Payment is spent.
- You must share copies of the bank statements for your Direct Payment with Nottinghamshire County Council.
- Any bank balances in excess of 8 weeks payment value will need to be repaid to Nottinghamshire County Council. Discussions will take place with the Direct

Payment Officer and your child's Social Worker whether this service is still appropriate to meet you child's assessed needs.

- Nottinghamshire County Council reserves the right to suspend your Direct Payment if you do not comply with the Direct Payment Agreement and/or financial monitoring procedure when requested.
- You must inform the Direct Payment Officer if you recruit new personal assistants so that Disclosure and Barring Services and Consent to Framework checks can be discussed.
- If your personal assistants terminate their contract or are unavailable for a period longer than one month and you haven't recruited new personal assistants, you must contact the Direct Payment Officer so that your Direct Payment can be suspended until you have recruited successfully. Payments can be recommenced when Direct

Payment Officer has received notification from you.

What Support is available?

The Direct Payment Officer can visit you to discuss how Direct Payments work and what your responsibilities are. The Direct Payment Officer will make a referral to the support organisation you choose who will assist you with:-

- Running a payroll – the support organisation will register all your employees with HMRC for tax and national insurance purposes and will calculate your employee's pay and notify you of what payment, if any is required by HMRC
- Advertising, recruitment & selection of a personal assistant.
- Employment of staff job description, contract of employment, employment issues.
- Insurance liability insurance.

If you require this information in an alternative language, large font, braille, audio tape or text only version, please call 0300 500 80 80.



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