

London Borough of Barnet Adults and Communities

Direct Payments Procedure

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
Suitable for publication scheme	Yes
Title and version	Direct Payments Procedures
Purpose	To act as a guide to the delivery of direct payments
Relevant to	All Adults and Communities
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Summary	Direct Payments procedure for Adults and Communities
Delivery Unit	Adults and Communities
Date last reviewed	June 2013

1) Principles of Practice

1.2) Direct Payments embody the principles of independence, choice, flexibility and control for disabled people, older adults, children with disabilities and carers. The Direct Payment Act is in harmony with government agendas of best value and modernisation of social care services. The following procedures have been produced to ensure consistent and equitable provision of Direct Payments in accordance with relevant government legislation and guidance.

1.3) The term 'care co-ordinator' will be used instead of social worker as other professionals in addition to social workers carry out assessment duties.

1.4) This document has been produced to accompany the Direct Payments Policy document.

2) Care Management

2.1) To enable a Direct Payment to be delivered effectively and within accepted time scales, the three Golden Rules below must be strictly adhered to before any payment can commence, what-ever delivery method is used (bank account or pre-paid card)

2.2)

- 1) A signed Written Agreement
- 2) A completed financial assessment
- 3) A Start up form (sent to the payments administrator)

3) Assessment

3.1) Direct Payments Legislation does not change the local authority's existing responsibility to meet service users and carers needs under the respective legislation governing practice within each service area. The legislation, however, seeks to promote and allow alternative means of providing services to meet people's needs. Direct Payments should be offered to all service users where appropriate.

3.2) For a person to be eligible to receive a Direct Payment from the London Borough of Barnet they must be entitled to receive a service provision under the Fair Access To Care criteria to meet their Assessed Needs.

3.3) A care co-ordinator will be appointed to assess the individual's needs under the Fair Access to Care Services Criteria.

3.4) The care co-ordinator will need to be satisfied that the person:

- 1) Is who they say they are? Check name and address, (benefits received documentation (income support), Passport, Driving Licence (if applicable)
- 2) Is eligible to receive a service provision from Adults and Communities as prescribed by fair access to care services criteria.
- 3) Is with or without assistance able to manage the direct payments and understands what they are taking on.
- 4) Is not excluded from receiving a Direct Payment (see below)

3.5) People who are excluded from receiving a direct payment

The regulations specify that Direct Payments may not be offered to certain people whose ability to arrange their care is restricted by certain mental health or criminal justice legislation in relation to drug or alcohol dependency as follows:

- 1) Patients detained under mental health legislation who are on leave of absence from hospital;
- 2) Conditionally discharged patients subject to home office restrictions;
- 3) Patients subject to guardianship under mental health legislation and those covered by the new power of supervised discharge introduced by the Mental Health (Patients in the Community) Act 1995;
- 4) People who are receiving any forms of aftercare or community care which constitutes part of a programme initiated under a compulsory court order;
- 5) Offenders serving a community sentence subject to an additional requirement to undergo treatment for a mental health condition or for drug or alcohol dependency;
- 6) Offenders released on license subject to an additional requirement to undergo treatment for mental health condition or for a drug or alcohol dependency; and people subject to equivalent Scottish mental health or criminal justice.

3.6) Extension of Direct Payments Regulations to People who had previously been excluded due to lack of capacity or were subject to certain provisions within mental health legislation.

The Health and Social Care Act 2008 made amendments to the Health and Social Care Act 2001 to extend direct payments to adults who lack capacity to consent to receive them, where it is in the best interests and a suitable person is able to manage on their behalf.

Appointing a 'suitable person'

In the first instance the council should determine whether someone who has offered to act as 'suitable person' (see Mental Health below)

A 'Representative' is either someone;

- Who has lasting powers of attorney in relation to the person needing services
- Who has been appointed a deputy by the court of Protection under section 16 of the Mental Capacity Act 2005 in relation to the person requiring services?

Initiating a Direct Payment; following an assessment

4.0) It should not normally take more than 4 to 6 weeks to deliver a direct payment. If the persons assessed need is urgent, then the respective service area will offer to provide services until the Direct Payment arrangements are in place.

- 1) Care co-ordinators need to ensure they complete the following tasks;
- 2) Agree care plan; in accordance with usual procedures
- 3) Get the Written Agreement signed by the service user, themselves and their manager and uploaded onto Wisdom
 - When signing the “written agreement” the recipient undertakes responsibility for arranging their own services and spending the payment to meet the needs identified in the care plan.
- 4) Agree the method of payment (either by a pre-paid card or into a designated bank account)
- 5) Financial assessment; as with all service provision, service users who will be receiving a direct payment (other than carers) must be financially assessed.
- 6) Contributions are deducted at source, so no payment can be made until the Direct Payments; Payments Officer has been informed of the contribution.
- 7) The recipient will be expected to pay their assessed contribution into the Direct Payment Account they have set up for this purpose or into the London Borough of Barnet account designated to receive the contribution that is going to be uploaded to a recipients Pre-Paid Card.
- 8) A referral to the Direct Payment Advisor should be made by email.
 - The Direct Payment Advisor will call the recipient to introduce themselves and to arrange a visit. The advisor will support the recipient to set up and manage the direct payments in keeping with employment law and direct payment legislation.
 - The Advisor will make sure that the recipient has put in place the following things before the direct payments commence;
 - a) Separate Bank Account or pre-paid card
 - b) Personal Assistant Insurance
 - c) Contract of employment
 - d) Offer CRB check
 - e) Explain the monitoring procedures (reference: Monitoring Procedures 2011 updated 2012)
 - f) Third Part Agreement (if applicable)
 - g) Payroll (if applicable)
 - h) Pre-Paid Card Online Account (if applicable)

Monitoring

The London Borough of Barnet reserves the right to monitor the direct payments to ensure appropriate use of the funding given against the assessed needs identified in the care plan.

A separate procedure is available as a guide to ensure that all staff fully understands what is being monitored and the possible outcomes of failure to comply.

The statement below clarifies the council's operational position;

The monitoring of DP expenditure should be proportionate to the risk, and decided about on an individual basis. Unless there are significant risks identified, the council should seek only to ensure that in broad terms, money is being used to meet the outcomes agreed in the support plan. Detailed analysis of expenditure should only be considered where specific risks have been identified which can be reasonably considered to require such analysis."

Our aim is to increase the monitoring returns substantially to a more acceptable percentage; we will be helped by the introduction of the pre-paid card scheme. This scheme will enable us to drill down and monitor individual customers cards and consequently will reduce the need for customers to send in monitoring although they should retain receipts in case they are required. The scheme will reduce the risk of funding being misused.

A suspension of the Direct Payment for any reason requires a 'Head of Service' agreement (no exceptions) the suspension would trigger a review of service and could lead to the termination of the direct payment and the offering of alternative services.

In the event that it is believed that Fraud has occurred, a referral to CAFT (Corporate Anti-Fraud Team) should be made for an investigation to CAFT

CAFT Fraud Line 020 8359 2007