

# Direct Payments / Personal Budget (DP/PB)

## Handbook



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LONDON BOROUGH OF  
**BEXLEY**

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# Introduction

This handbook provides detailed information and guidance about the London Borough of Bexley's Direct Payments (DP)/Personal Budget (PB) Scheme for young disabled people aged 16 or 17 and people with parental responsibility for a disabled child or children up to the age of 18 and is for parents, young people and professionals involved with their care. It has been based on the Guidance on DP/PB for Community Care, Services for Carers and Children's Services, published by the Department of Health in 2009 which is available for download on the DH website, [www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/@ps/documents/digitalasset/dh\\_121131.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_121131.pdf). DPs/PBs are not considered an income and do not affect any other benefits you may be receiving.

## ***What is a Direct Payment (DP)?***

Direct payments are financial payments made to individuals who have been assessed as eligible to receive support from the London Borough of Bexley. You can choose to have a DP to purchase the most suitable support instead of receiving a commissioned service (a service owned by London Borough of Bexley or an organisation that is paid by the Council to provide services). It therefore enables families with disabled children to have real choice and control in the design of flexible service packages that respond to their needs.

If you are considering DPs, please first see our Factsheet available from the Disabled Children's Service  
tel: 020 3045 3600  
email: [disabledchildrenserviceunit@bexley.gov.uk](mailto:disabledchildrenserviceunit@bexley.gov.uk)

## **What can DPs be used for?**

Anything which helps achieve the outcomes in your child's Plan, e.g.

- Out of school activities
- A support worker who looks after your child at home or takes them out
- A session with a childminder
- Overnight short breaks (please discuss with social worker)
- Group activities supported by a Personal Assistant

## **What can't DPs be used for?**

Anything that does not meet the assessed needs detailed in your child's Plan.

- Services funded by the Local Authority (unless previously agreed)
- Education

**\*\* If you are not sure, please ask the Disabled Children's Service**

## ***What is a Personal Budget (PB)?***

London Borough of Bexley are a Pathfinder for the proposed Children and Families Bill which will bring about radical reform to current SEN (Special Educational Needs) and Disability practice. We are undertaking testing of Personal Budgets which build on current arrangements for Direct Payments. PBs could be a combination of all available services including education, health and social care. It is envisaged that in future those families with an approved Education, Health and Care Plan (EHCP) will be able to buy in the specialist support that is identified in the EHCP – including being able to purchase and manage the provision of this support themselves should they choose to do so. If your child has been identified for an EHCP, your keyworker will discuss PBs with you. PBs may also be "notional", meaning that no money changes hands, however parent/carers will

find out how much money is available and with support will identify the different ways to spend that money meeting the outcomes in the child's EHCP. The services are then arranged on the family's behalf.

What can PB's be used for?
To meet all the identified needs in the EHCP e.g.
Health services
Short breaks/social care
To meet special educational needs (subject to agreement of headteacher of education setting)
Equipment

What can't PB's be used for?
Anything not identified as a need within the EHCP
School placement
Health care normally received from a family doctor or emergency care
** If you are not sure, please ask the Disabled Children's Service

**Flexibility:**

Recipients of DP/PB's must use the money which they are paid in order to purchase or provide services to meet assessed eligible needs and outcomes specified in the child's plan. However some flexibility is possible to meet individual choice and circumstance. Over the course of a year there can be a margin of up to 10% flexibility over how the plan is implemented. This could apply to either expenditure or level of service. For anything outside of this, the agreement of the Disabled Children's Service must be obtained in advance.

The sort of flexibilities that are acceptable are where a family decides to defer a short break from one month to the next so that additional support is available in the school holidays, or following a hospital admission. It would not be acceptable to save up all short breaks that are

specified to take place on a monthly basis and take them all during the summer holidays without a review taking place and a change being made to the child's plan. It is also acceptable for a family to provide fewer or more overnight short breaks than specified in the child's plan, if for example, they are able to provide the service at a lower cost and wish to provide an extra night, however this must be within the 10% flexibility. For example if the child's plan states that 10 overnight stays are provided over the year; it would be acceptable for either 9 or 11 to be provided, without a change in the plan.

It is never acceptable for money, which is paid for one purpose, to be used for another without the prior agreement of the Disabled Children's Service. For example, funding provided for overnight short breaks cannot be used for day care.

When families wish to use their Direct Payment in a different way from that specified in the plan and there is concern that it might exceed the 10% flexibility, the advice of the Disabled Children's Service must be sought in advance of any expenditure.

## Section 1 - Signing up to the Direct Payment/ Personal Budget Scheme

### *Signing up*

After your child has been assessed as eligible for these schemes, a support worker from Inspire Community Trust will visit you to explain the process and your responsibilities. Even so, you may wish to seek independent legal advice. For example, if you choose to employ support workers yourself, you might need advice about employment law as there may be significant legal implications. If you decide to access the DP/PB Scheme you will be required to sign a Letter of Agreement which forms an Agreement between you and the Council in relation to your participation in the DP/PB Scheme. This handbook forms part of the Terms and Conditions of the Letter of Agreement and can act as guidance to help you with managing the payments to achieve the agreed outcome for your child/family.

### *If you change your mind*

The Letter of Agreement between the Council and you can be terminated by either party giving twenty-eight days' notice in writing. This will result in DP/PB being discontinued. In exceptional circumstances the agreement could be terminated without notice.

Reasons for discontinuing DP/PB include:

- You no longer wish to receive DP/PB and would prefer to receive services organised directly by the Council
- The Council believes that you are no longer capable of managing DP/PB
- An assessment or review has indicated that you or your child no longer need the support for which DP/PB was being made
- The Council has reason to believe that you or your nominated representative no longer comply with the conditions set out in this handbook and the Letter of Agreement that you have signed.



### *Help and support*

Inspire Community Trust acts as the Local Authority's broker for DP's and PB's. It supports families with information and advice in setting up their service and operates a help line and monitoring service. Contact: 020 3045 5341 [www.inspirecommunitytrust.org/inspire-services/direct-payments.html](http://www.inspirecommunitytrust.org/inspire-services/direct-payments.html)

Inspire Community Trust will also supply you with the relevant information and documents you will need, as well as forms, templates and letters as necessary.

Examples of the type of information they can provide you with are:

- Sample of bank account details form
- Samples of DP/PB Letters of Agreements
- Guidance on employing a Personal Assistant
- Example of job description
- Example of personal specification
- Example of application form
- Example of contract of employment
- Example of disciplinary procedure for employees
- Example of record of hours worked form (timesheet)

## *Reviewing your child's needs*

At any time during the course of the Agreement you can ask the Disabled Children's Service for a review of your child's assessed eligible needs if it is felt that these have significantly changed since the last assessment/review.

Inspire Community Trust will carry out a monitoring review with you on the DP/PB you receive on a six monthly basis.

## *How much money will you receive?*

A resource panel within the Disabled Children's Service will decide how much money you should receive. There are different payment rates depending on your child's assessed eligible needs and the services they require.

## *How your payment is made up*

There are two Direct Payment rates, one for employing a worker and one for accessing an activity. If you plan to use your DP to employ someone directly, the payment will give you enough money to pay them a reasonable hourly wage, National Insurance tax, holiday pay, holiday cover, statutory sick pay, employers' liability insurance and public liability insurance. You need to be aware that the hourly rate you receive through DP/PB needs to pay for tax, National Insurance etc, therefore if you get paid e.g. £11.00 per hour from social care, you could not automatically pay this amount to a carer. Inspire Community Trust will advise you of your tax and National Insurance obligations.

A Personal Budget is generally a lump sum, paid monthly or termly, to enable you to buy all the services identified in your Education, Health and Care Plan (EHCP).

The DP/PB rates are based on what it would cost the Council to provide your child's services directly. However, if you decide to use a service which costs more, you would then be responsible for paying the difference. The rates are reviewed annually in April, or more frequently if there is a need to do so. If you wish to know what the current payment rates are, the Disabled Children's Service or Inspire Community Trust Brokerage Team will be able to let you know.

The amount of the Direct Payment/Personal Budget may be changed from time to time due to:

- Changes in your circumstances
- A change to the amount of money to be paid at each rate as agreed by the council
- Changes in the way the Council calculates the amount of Direct Payment/Personal Budget you receive

## *What each payment rate covers*

The DP/PB that we make to you is intended to pay for services that meet your child's assessed eligible needs and achieve agreed outcomes and cannot be used to pay for meals or transport. Unless additional payments are specified in your child's plan to cover these expenses, you will need to pay the balance. However it should be noted that many leisure providers will allow a Personal Assistant free entry in order to support a disabled child.

**Worker rate:** This rate is to pay for the employment of a Personal Assistant/Support Worker to meet the assessed needs of the disabled child or young person.

**Activity rate:** This rate is to pay for specific activities that meet the outcomes identified in the child's plan, such as music, sports or swimming lessons.

**Personal Budget:** This sum is to pay for all the services and associated costs to meet the needs identified in the EHCP.

## Section 2 – Getting started

### *Opening a DP/PB bank account*

If you intend to access DP/PB on a regular basis you are required to open a separate bank account to 'pay in' the payments we make to you. The account should be in the name of the person receiving the direct payment, wherever possible. Usually this will be the parent/carer, but where a 16 or 17 year old is receiving a Direct Payment, consideration should be given to the account being in their name, especially if this will help them prepare for adult life and to make decisions about their own care. The reason we ask you to open an account specifically for regular receipts of DP/PB is to allow the money we send you to be kept separate from your own personal finances. The account you set up must be able to issue bank statements, accept BACS payments (that is payment paid directly into your account) and you should be able to write out cheques or make payment transactions by telephone or online. If you encounter any problems in opening the account you should contact the Inspire Community Trust Team for advice.

If someone else is to administer your DP/PB on your behalf then the bank account that is opened can be in their name but your name should also be on the account, wherever possible.

Payments from your DP/PB bank account can be made by cheque, standing order, direct debit, debit card or BACS to purchase your services.

You must not use your DP/PB bank account for any other purpose than running your Scheme. For example, you cannot use the DP/PB bank account to apply for a credit card.

The payments made to you will cover a specific period and will be paid to you in advance of your service via BACS. You will need to speak to Inspire Community Trust if your bank account cannot accept payment via BACS, as payments can then be made by cheque. However, you will need to bear in mind that cheque payments may be subject to postal and bank processing delays. You may have been assessed as needing to make a

financial contribution towards the DP/PB (if a financial settlement has been made to meet the care costs of that child or when a young person aged 16 or 17 is assessed as needing overnight short breaks and is able to pay towards the cost of their care). In this case you will need to ensure that this amount is 'paid in' to your DP/PB bank account to ensure that the costs for all of the services are covered.

The Council agree to pay you on time at the agreed 4 weekly amount, plus any agreed single payments.

If you have any issues about payments that have or have not been made to you, or do not seem to have been paid at the agreed rate you should contact Inspire Community Trust.

### *Bank charges/interest*

You **MUST NOT** allow your DP/PB bank account to become overdrawn. If you do, you will be responsible for payment of any bank charges incurred. The Council will only repay any bank charges incurred as a direct result of an error by the Council. Any interest on the account should be added to available monies.





## Section 3 – Different ways to arrange services

### *Through an agency or provider*

If you decide to arrange services via an agency or provider you may find the following information helpful in deciding which agency or provider to use.

The agency or provider you access does not have to be in Bexley; you may, if you wish, access services outside of the borough. Agencies and providers should have brochures or leaflets that give information on the services available and a comprehensive price list. Many agencies will also have a website providing information. Prices and services will vary therefore you may wish to contact more than one. Price may not necessarily be a guide to quality. You should check to clarify what is included in the price you are quoted and what extras you are responsible for, one example paying for transport or meals. You need to bear in mind that it may cost more at weekends or public holidays depending on the provider. Make sure this is covered in any price list you obtain.

### *Obtaining information about the agency or provider*

You may like to contact the following sites for the latest inspection reports:

Ofsted (Office for Standards In Education)  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Tel: 0300 123 1231  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

The Care Quality Commission  
CQC National Correspondence  
City Gate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA  
Tel: 03000 616161  
Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)  
Website: [www.cqc.org.uk](http://www.cqc.org.uk)



The agency or provider should have carried out a background check with the Criminal Records Bureau for any of its employees working with children (see paragraph below). It should also have all required insurance policies in place, including employers' liability insurance and public liability insurance. Staff should have been trained appropriately in health and safety issues to enable them to carry out tasks safely and to take precautions to prevent accidents. You may find it useful to visit agencies or providers in order to check the above and to discuss your child's specific needs for any personal care or dietary requirements and check any access issues.

If you wish to gain information regarding therapists, please contact the Disabled Children's Service.

### ***Signing up with an agency or provider***

Once you have decided on an agency or provider you should ask for a contract or agreement. This will clearly set out the following:

- The terms and conditions of the service(s)
- Opening and closing times
- When and how you are required to pay
- Arrangements for cancelling the service (you may be required to pay a cancellation fee)
- How to complain. However, if the complaint affects the safety of your child, it is essential that you inform the Disabled Children's Service immediately.
- Payment methods

If you pay for services but do not receive them, it is your responsibility to seek a refund from the agency or provider of that service and you should pay this into your DP/PB account. If you find that the arrangements for your child's and/or your services breakdown and you need assistance in arranging alternative services you should contact Inspire Community Trust.

### ***Through a Personal Assistant***

If you require a Personal Assistant you have a choice as to whether you go to an agency or provider to arrange the services you need, or you can directly employ a Personal Assistant to provide the service. You could also have a combination of both.

### ***What is a Personal Assistant?***

A Personal Assistant is someone who is employed by you and will work under your direction, follow your instructions, and should be able to provide your child with the support that has been identified within your child's plan.

### ***Employing a Personal Assistant***

If you choose to employ your own Personal Assistant, there are a number of responsibilities you must agree to comply with, such as:

- Tax and National Insurance regulations with Her Majesty's Revenue and Customs.
- Employer's and Public Liability Insurance
- Equal Opportunities
- Health and Safety

Information about all of the above will be supplied to you by Inspire Community Trust when the Direct Payment is discussed with you (see section below "Being An employer").

Your DP/PB amount includes money to pay for tax, National Insurance and all other payments or costs which you may incur in employing such a person. The Council is not liable for payment of these costs if they are not paid by you as the Employer. The Direct Payment also includes an element of funding to cover the costs of paying holiday pay whilst employing someone to provide cover.

Inspire Community Trust can provide you with a range of support to make the process of becoming an employer quite straight forward and manageable.

### ***Self-employed Personal Assistants***

You may use the services of a self-employed Personal Assistant who runs their own business. To provide proof of being self-employed, your Personal Assistant needs to show you his or her Unique Tax Payer Number (UTR). A UTR reference number is a 10 digit number that the Inland Revenue provides your Personal Assistant when they become self-employed.

It is easier for a Personal Assistant to become self-employed if it is possible to show that he/she is:

- Working with more people than you
- Providing or using items of his/her own equipment in order to do his/her work - for example using his/her own car to take your child out and being paid mileage by yourself to do this.
- Able to have some say in the hours that he/she works and have negotiated his/her own terms and contract with you.

Once your Personal Assistant has acquired their UTR number they can then issue you with invoices for the service they have provided.

You should have a Contract for Services in place with your self employed Personal Assistant. Inspire Community Trust will be able to advise you about this and provide you with templates for

documentation. The Council recommends that if you are uncertain regarding your responsibilities that you seek further advice from Inspire Community Trust or you may wish to seek independent legal advice.

If you use a self-employed Personal Assistant who is later declared your employee by Her Majesty's Revenue and Customs/courts, the Council will not be liable for tax, National Insurance or any other payments that are likely to be owed to the government.

You agree to ensure that, if a self-employed Personal Assistant provides another worker during times when they may be off work due to sickness for example, then they are registered as an Agency as is required by law. Inspire Community Trust can advise you on how to determine these things.

If you use a self-employed Personal Assistant they will be providing their own insurance. You agree to obtain evidence that their public liability insurance is a minimum of £2 million cover from a reputable insurers or underwriters. You should ask to see original copies of the policy or policies, and request photocopies as evidence for the Council.

### *Meeting your child's health needs*

If your child has specific health care needs which might impact on the service provided, and is regularly seen by a Community Paediatric Nurse, Physiotherapist or other health professional, the health professional might be able to advise and support the Personal Assistant/provider. You should always discuss this with both the health professional and Personal Assistant/provider, and if appropriate, give your consent for them to make contact and share information as relevant to your child's care.

## Section 4 – Becoming an employer

### *Support available from Inspire Community Trust*

If you decide to employ a Personal Assistant you may access the services of Inspire Community Trust DP/PB Brokerage Service, who can help with:

- Opening bank accounts
- Wage calculations within the budget you are given by the Council to cover tax, National Insurance, holiday pay, holiday cover, statutory sick pay etc.
- Employer's and Public Liability Insurance
- Annual leave calculations
- Recruitment (placing an advert, job descriptions, interviewing, documentation)
- Helping you conduct interviews and write out a Contract of Employment for your Personal Assistant
- Managing your Personal Assistant and deal with any issues
- Identifying staff training needs
- Giving details of a payroll service
- Monitoring your expenditure

Inspire Community Trust support families with information and advice in setting up their service and operate a help line and monitoring service.

[www.inspirecommunitytrust.org/inspire-services/direct-payments.html](http://www.inspirecommunitytrust.org/inspire-services/direct-payments.html)

Help line number: 020 3045 5341

### *Disclosure and Barring Service (DBS) Certificate*

If you are receiving a Direct Payment/Personal Budget to employ or engage someone to support your child or young person, we strongly recommend that you obtain a Disclosure and Barring Services (DBS) Certificate (previously known as a Criminal Record Bureau - CRB check) in respect of that Support Worker/Personal Assistant. The DP/PB Support Agency can help you or give you advice about how to get this record check. Self-employed Personal Assistants must pay for their own DBS Certificate,



show you the original and provide you with a copy. References also need to be taken up. CRB certificates continue to remain valid. There may be some exceptional circumstances when a police check will not be required. If you feel this may be the case, please discuss with Inspire Community Trust. If you use an Agency, you agree to ensure that the Agency has completed the check.

The guidance provided under the DP/PB legislation makes it very clear that the system of DP/PB should not place a child in a situation where they are at risk from harm. The London Borough of Bexley has the power to insist that a DBS check is carried out if there are any concerns. If you refuse this you may be given notice that the Direct Payment/Personal Budget will be stopped and alternative services will be offered.

### *Tax and National Insurance*

Your responsibilities regarding Income Tax and National Insurance will depend on whether your Personal Assistant is self-employed, or you are his/her employer.

If you employ a Personal Assistant you will be legally responsible for calculating Income Tax and National Insurance (NI) contributions for your staff and for paying these contributions over to the Inland Revenue on a regular basis.

Inspire Community Trust will provide you with advice and information on the following:

- How to calculate tax and National Insurance
- What to do if you decide to carry out the payroll yourself
- What to do if you decide to use Inspire's payroll organisation
- What to do if you decide to use an alternative payroll organisation

You will have to keep records of the amount of money you pay to each employee and the amount of Income Tax and National Insurance that you have deducted from their wages. The Tax Office or the payroll organisation you use will give you forms so that you can keep records of this. You are then responsible for making payments to the Inland Revenue on a regular basis for all your Personal Assistants earning over a certain amount per week.

### *Employer's and Public Liability Insurance*

It is a requirement of receiving a DP/PB that you have adequate insurance cover in place. The cover is a necessary precaution against something unexpected happening and you being financially liable for paying for it. Insurance protects you against claims by your personal assistants or by third parties. There is a percentage of your payment that has been allowed to cover insurance costs.

The sorts of things that happen where you may need Insurance cover :

- Your assistant might injure him or herself while assisting your child.
- Your assistant might damage something belonging to someone else while working for your child.
- Your assistant might injure someone while pushing your child in a wheelchair.
- Your assistant might be involved in an accident while crossing the road with your child.
- Your child may cause an injury to your assistant.

You need to consider two main types of insurance:

- Employer's Liability Insurance - which is a legal requirement and will insure you against personal assistants injuring themselves.
- Public Liability Insurance - which will insure against your assistants damaging someone else's property.

The above may be included as part of your General Household Policy or bought as a separate insurance policy. Insurance details will be supplied to you by Inspire Community Trust.

### *Employing a close family member as a Personal Assistant*

DP's/PB's are not intended to replace existing support networks within families and communities. However, there may be occasions where a recipient wishes to employ a member of their family who may or may not live in the same household. There is no general restriction on the employment of a family member who does not live in the same household, however, where the family member concerned does live in the same household, special permission needs to be sought. You will need to discuss this with the Disabled Children's Service.

The recipient of a Direct Payment in respect of a child under the age of 16 will always be someone who has parental responsibility. As the purpose of a Direct Payment is to enable the parent to purchase services, or to employ a Personal Assistant to support them in their parenting task, it would only be under the most exceptional circumstances that it would be appropriate for the Council to agree that a parent should make payments to themselves or to their partner, or that a child under the age of 16 should be employed as a Personal Assistant, as children under the age of 16 who undertake caring responsibilities may be entitled to support for themselves.

A child or young person may express a preference that their sibling age 16 or over be employed as their Personal Assistant. The Council may agree to such an arrangement if the sibling lives in the same family household, so long as the Council is satisfied that this is the young person's preference and the sibling will be meeting assessed eligible needs over and above the care that a sibling would ordinarily provide.

### ***Recruitment agencies***

You may decide to use an agency to help you find or employ a Personal Assistant/Support Worker. In those circumstances you will be responsible for any fees the agency may charge. The agency may be the employer or they may put you in touch with a self-employed PA. If they are self-employed the section above will apply.

## Section 5 - Keeping records

### *Retention of records*

We are required to check that payments made to you are being spent in the way intended. To enable us to carry out the checks you **MUST** keep records of income and expenditure as follows:

- Bank statements
- Cheque stubs (showing date, payee and amount)
- Paying in book/slips
- Signed receipts for cash payments (such as for expenses)
- Providers invoices and receipts
- Records of all other costs and their receipts.

Where you employ your own Personal Assistant you **MUST** also keep the following records:

- Copies of wage receipts
- Employment and payroll records.  
These are essential for your information and cases of enquiries from the Inland Revenue. The records should consist of staff details: Name, address, National Insurance (NI) number; date employment commenced and ceased, hours worked and payments received, sickness, holidays, PAYE, and NI payments to the Inland Revenue.
- Pay slips
- Signed time sheets

It is a requirement of Customs and Excise that you **MUST** keep all documentation for six financial years plus the current financial year (financial year being 1 April to 31 March).

### *Monitoring information*

You are required to retain all of the records listed in Retention of Records above and to make them available, on request, to Inspire Community Trust during review meetings which will take place every six months.



## Section 6 - Transition

### *Disabled young people aged over 16*

Disabled young people aged 16 or over can manage Direct Payments themselves if they want to and have the capacity to do so. Even doing a small part of this for themselves can help them get used to being independent. If this is not appropriate, you can continue receiving Direct Payments for your child until they are 18.





## Section 7 – Retention, repayment or suspension:

### *DP/PB retention payments*

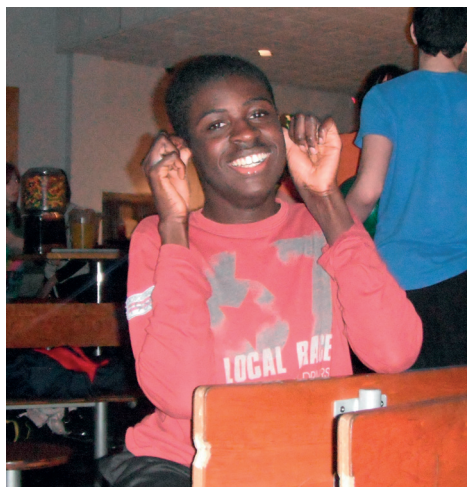
During periods where your child has to go into hospital, the Council will continue to make DP/PB to you for a period of 14 days to allow you to pay the agency/ provider where it requires you to pay a retention fee. This is known as a Direct Payment Retention Payment. If the period in hospital exceeds 14 days, a decision will be made by the Council as to whether or not it will continue to pay the DP/PB Retention Payment. You, or your nominated representative, will be included in any discussions that affect the DP/PB Retention Payment. Where your child goes into hospital for longer than 14 days, it is important that you notify the Disabled Children's Service to ensure that the correct payments are made. A decision can then be made on whether to suspend the payment until your child is out of hospital, taking into account ongoing commitments such as having a contract with a Personal Assistant. If the situation continues for a lengthy period of time, and you are employing Personal Assistants, then issues of redundancy will need to be explored. Inspire Community Trust will be able to advise you on these issues.

### *Temporary discontinuation of DP/PB*

- The Council might temporarily discontinue making DP/PB for the following reasons:
- You or your child do not require assistance for a short period of time.
- You have failed to comply with the requirements of the Direct Payment scheme and the Council believes that it is not appropriate to continue making payments until the issue is resolved.

### *Accrued surplus of money in your DP/PB bank account*

Following the validation check after you have submitted a financial return, a decision will be taken, in consultation with you, on what should happen to any accrued surplus money in your DP/PB bank account. Small amounts of money, or those earmarked for specific expenditure in



the coming year, may be carried forward. Any significant accrued surplus money may need to be repaid, and is likely to trigger a reassessment of need. Any money left in the account when your child reaches 18 will be reclaimed by London Borough of Bexley.

### *Repayment of DP/PB*

The Council has discretion to require all, or parts of the DP/PB made to you to be repaid to the Council in the following circumstances:

- If you spend the money in a way which does not meet your child's assessed eligible needs.
- An overpayment in respect of DP/PB has been made to you.
- The Agreement is cancelled by either party, or is revoked by operation of law as a result of the death of the direct payment recipient.
- Where expenditure cannot be supported, for example, the non completion and submission of information during review meetings.
- Unspent DP/PB have accrued in your DP/PB Bank Account and will not be used by you to secure services as agreed.
- Any other condition imposed by the Council has not been complied with.

The Council has the right to commence legal proceedings against you in order to obtain repayment of all, or parts of the DP/PB, as set out above or in any other circumstances that may arise.

If you spend more than the Direct Payment Services you are assessed as needing then you will be personally liable for the extra cost.

### *Termination or suspension of payments*

Payments may be suspended if:

- The services are not meeting your child's assessed needs or
- The qualifications or training of the Personal Assistant you have engaged are unsatisfactory or
- You have broken, or are likely to break, this Agreement

The Council will carefully consider what contractual responsibilities you had when determining what balance of the DP/PB is to be repaid to the Council.

If a satisfactory solution cannot be reached within 14 days of Inspire Community Trust contacting you, the Council may terminate this Agreement and cease making DP/PB to you. In such circumstances, the Council will take over responsibility for arranging to meet your child's needs.

You may terminate this Agreement at any time but you must first:

- (a) Inform Bexley's Disabled Children's Service on 020 3045 3600, email on [Disabledchildrenserviceunit@bexley.gov.uk](mailto:Disabledchildrenserviceunit@bexley.gov.uk)
- (b) Pay any money you owe to your Personal Assistant or providers
- (c) Repay any unspent Direct Payment or Personal Budget money to the Council

If there is evidence of fraud or misuse of money, the Council will recover the money from you. Any advance payments that the Council makes to you before terminating this Agreement are also repayable.

## Section 8 - Complaints and appeals

If you are concerned or uncertain about any aspect of this Agreement, you should contact the Direct Payment Support Agency (Inspire Community Trust), or your Social Worker - or in their absence, their deputy.

If Inspire Community Trust or your Social Worker cannot resolve your concerns, you may make a complaint under the Council's complaints procedure. The Council can give you details of this.

If you are unhappy with the service provided by Inspire Community Trust, please contact the Disabled Children's Service, details below.

Janine Wooster, Complex Needs Manager  
Disabled Children's Service,  
London Borough of Bexley  
Howbury Centre, Slade Green Road,  
Erith, DA8 2HX  
Email: [Janine.wooster@bexley.gov.uk](mailto:Janine.wooster@bexley.gov.uk)  
January 2013

If you have any questions about the information contained in this handbook, or if you would like it in a different format, please contact the Disabled Children's Service as follows:

Tel: 020 3045 3600

Email: [Disabledchildrenserviceunit@bexley.gov.uk](mailto:Disabledchildrenserviceunit@bexley.gov.uk)

Post: Disabled Children's Service, Howbury  
Centre, Slade Green Road, Erith, Kent DA8 2HX



## Some useful contacts:

### **Inspire Community Trust**

(For advice and guidance on Direct Payments/  
Personal Budgets)

20 Whitehall Lane

Slade Green

Erith, Kent DA8 2DH

Tel: 020 3045 5341

Email: [melanie.mcnaught@](mailto:melanie.mcnaught@inspirecommunitytrust.org)

[inspirecommunitytrust.org](http://inspirecommunitytrust.org)

Website: [www.inspirecommunitytrust.org](http://www.inspirecommunitytrust.org)

### **Contact a Family**

Support and advice to parents with disabled  
children and children with rare health conditions.

209-211 City Road

London EC1V 1JN

Tel: 020 7608 8700

Helpline: 0808 808 3555

Website: [www.cafamily.org.uk](http://www.cafamily.org.uk)

Email: [info@cafamily.org.uk](mailto:info@cafamily.org.uk)

### **Carers UK**

For advice and support

20/25 Glasshouse Yard

London EC1A 4JT

Tel: 0808 808 7777

Website: [www.carersuk.org](http://www.carersuk.org)

Email: [info@carersuk.org](mailto:info@carersuk.org)

### **Carers' Support**

For advice, information and support

Manor House

Grassington Road

Sidcup DA14 6BY

Tel: 020 8302 8011

Website: [www.carerssupport.org](http://www.carerssupport.org)

Email: [info@carerssupport.org](mailto:info@carerssupport.org)

### **Disability Rights U.K.**

Helpline for advice on benefits and Direct  
Payments, Mondays and Thursdays 9am to 1pm:

0845 0264748

12 City Forum

250 City Road

London EC1V 8AF

Tel: 020 7250 3222

Website: [www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

Email: [enquiries@disabilityrightsuk.org](mailto:enquiries@disabilityrightsuk.org)

Direct payment guidance can be  
downloaded from:

[www.dh.gov.uk/prod\\_consum\\_dh/groups/  
dh\\_digitalassets/@dh/@en/@ps/documents/  
digitalasset/dh\\_121131.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_121131.pdf)

and

[www.gov.uk/apply-direct-payments](http://www.gov.uk/apply-direct-payments)

### **HM Revenue and Customs (HMRC)**

Tax, National Insurance and other information  
both as an individual and as an employer.

New employer helpline: 0845 60 70 143

Website: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

Citizens Advice

General and legal advice:

[www.adviceguide.org.uk](http://www.adviceguide.org.uk)

If you would like the information in this leaflet in a  
different format, please call 020 8303 7777 and ask for  
Communications/Graphics.

The reference to quote is 605043/2.13



LONDON BOROUGH OF  
**BEXLEY**