

## Measure Up

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Enquiries to	Children's Services Freedom of Information	My reference	FOI 6420
Direct Line	01962 846979	Your reference	
Date	19 August 2013	E-mail	<a href="mailto:childrens.services.foi@hants.gov.uk">childrens.services.foi@hants.gov.uk</a>

Dear Measure Up

**Freedom of Information Request**

Thank you for your request for information, which was received on 8 July 2013, in which you ask for the following:

- 1. Please provide a copy of your policy regarding the trialling of SEN Direct Payments and personal budgets.**  
Please see the three attached documents.
- 2. Please confirm whether all parents/carers issued with a new or amended statement since January 2012 have been informed about their right to apply for a Direct Payment for SEN provision under the Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2012. How has this information been provided? Please provide a copy of any standard leaflet or letter issued together with confirmation of date of issue.**  
Hampshire is part of the SE7 pathfinder and the main development work for the SE7 is taking place via an accelerated group of LAs – West Sussex, East Sussex and Kent. Information is available on Hampshire County Council website: <http://www3.hants.gov.uk/SE7sendpathfinder>
- 3. Please confirm the number of parents/carers who are receiving SEN Direct Payments and what those Direct Payments relate to.**  
One.
- 4. Please confirm whether any of these SEN Direct Payments could be provided outside the Pathfinder project, e.g. payments under Part 6 of a**

**statement for transport.**

No.

- 5. Please provide a copy of your policy for considering requests for direct payments for SEN provision. If you do not have a policy, please confirm whether there are any limits placed on direct payments applications, e.g. they will not be provided if the LA has a block contract or there is a financial limit. Please confirm whether these criteria are communicated to parents and provide a copy of that document .**

SEN Direct Payments are at a development stage and the relationship with the new SEN funding arrangements for schools and colleges is still being established. Clear limitations on the use of SEN Direct Payments have been set in the regulations and at present each request is considered on its individual circumstances.

- 6. Please confirm your arrangements for reviewing appeals against a refusal of a request for SEN Direct Payments. Please provide a copy of any policy and any leaflet/letter issued to parents explaining this.**

Any appeals will be considered under the arrangements set out in the regulations.

- 7. Please confirm what information is provided to parents/carers about the trialling of personal budgets. Please provide a copy of any leaflet or letter issued.**

Please see attached information from the Hampshire County Council website: [www.hants.gov.uk/childrens-services/specialneeds/sen-home/sen-parent/sen-direct-payments.htm](http://www.hants.gov.uk/childrens-services/specialneeds/sen-home/sen-parent/sen-direct-payments.htm)

- 8. Please confirm how many parents/carers are receiving a personal budget within the auspices of the Pathfinder project?**

As stated in 3 above, one.

- 9. Please confirm how parents/carers in receipt of SEN Direct Payments/ personal budgets obtained the information to make an application. For example, were they:**

(a) sent the information with a new or amended statement

(b) recruited as part of a specific pilot

(c) neither (a) or (b), the family approached the LA having heard about SEN Direct Payments/personal budgets from other sources

The family requested information and a direct payment was offered.

- 10. Please provide a copy of your local offer.**

Link attached: [www.hampshirelocaloffer.info](http://www.hampshirelocaloffer.info)

I hope this information is helpful.

Yours sincerely



Anne Melesk  
FOI/EIR Co-ordinator for Hampshire Children's Services



If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of receiving our response, and should be addressed to Head of Information Compliance, Corporate Services, The Castle, Winchester, SO23 8UJ or emailed to [foi@hants.gov.uk](mailto:foi@hants.gov.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

**CHILDREN'S SERVICES DEPARTMENTAL PROCEDURE NO:**

**HAMPSHIRE SPECIAL EDUCATIONAL NEEDS SERVICE DIRECT  
PAYMENTS SCHEME 2012-2014  
CHILDREN'S SERVICES**

**DATE:**

**EFFECTIVE  
DATE:**

January 2012

**CATEGORY:**

SPECIAL EDUCATIONAL NEEDS SERVICE

**KEYWORDS:**

DIRECT PAYMENTS

**ISSUED BY:**

Steve Crocker, Deputy Director, Children's Services  
Department

**CONTACT:**

Christine Jones Education Officer SEN  
Charlotte Sheppard Information and Budget Support Officer  
Catherine Edgecombe Senior Accountant County Treasurers

**PROCEDURES  
CANCELLED  
OR AMENDED:**

N/A

**REMARKS:**

None

**SIGNED:**

**DESIGNATION:**

Deputy Director, Children's Services Department

**Officers SHOULD ENSURE THAT:-**

- They read, understand and, where appropriate, act on this information
- All people in the workplace who need to know see this procedure
- This document is available in a place to which all staff members in your workplace have access

## PURPOSE

To provide information for the operation of the Hampshire Children's Services Special Educational Needs Direct Payments Scheme and direct staff to other key documents which support good practice.

## SCOPE

This procedure outlines the legislative framework, departmental financial and management arrangements for operating the Hampshire Children's Services Special Educational Needs Service Direct Payments Scheme.

## POLICY

Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011 to enable children and young people with Special Educational Needs and their families to have greater choice and control over services to meet their assessed need.

## REFERENCES TO LEGAL, CENTRAL GOVERNMENT AND OTHER EXTERNAL DOCUMENTS, INCLUDING RESEARCH

Education Act 1996  
 Statutory Instruments 2012 No 206 Education England  
 Special Educational Needs Code of Practice 2001

## HAMPSHIRE COUNTY COUNCIL REFERENCES

SEN Direct Payments <http://www3.hants.gov.uk/childrens-services/specialneeds/sen-home/sen-parent/sen-direct-payments.htm>

## DEFINITIONS

<b>DEFINITIONS - Glossary of Terms</b>	
Agreed provision	In respect of the beneficiary means the qualifying goods and services or that part of those goods and services or that part of those goods and services which it is agreed to be secured by direct payments
S139A Assessment	An assessment of special educational needs carried out under section 139A of the 2000 Education Act .
Beneficiary	As defined in section 532A (1) of the 1996 Education Act (JR and CJ cannot find this reference)
Direct Payments	Cash payments made by a local authority to an individual in lieu of providing all or some goods or services they have been assessed as needing.
Direct Payments Guidance	Statutory Instruments 2012 No206 Education, England-The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011  Department of Health Direct Payments Guidance - Community Care, Services for Carers and Children's Services (Direct Payments)

	Guidance England 2003.  The Carers and Disabled Children Act 2000
Qualifying goods and services	Any goods and services mentioned in section 532A (2) of the 1996 Education Act that are, in the case of the beneficiary, specified in the Statement of Special Educational Needs under section 324 of the 1996 Education Act, identified in a learning difficulty assessment under section 139A of the 200 Act, or the subject of arrangements under section 508B(1), 508F (1) or 509AA (7) of the 1996 Education Act
Local Authority	Means the local authority that: Maintains a statement of special educational needs under section 324 of the 1996 education act for a beneficiary or is responsible for arranging an assessment of a beneficiary's learning difficulties in accordance with section 139A of the 200 Act or Is responsible for arranging transport or anything else
Parent/Carer	The person with parental responsibility for the young person.
Statement of Special Educational Needs	Document prepared by the Local Authority in the light of an assessment under section 323 of the 1996 Education Act to determine the special educational provision which any learning difficulty he may have calls for

## ROLES

**All Special Educational Needs Service (Children's Services) Staff** will provide information regarding Direct Payments or signpost to sources of support. If a parent/carers specifically requesting direct payments they will pass the request to the relevant Principal Special Educational Needs Officer.

**Principal Special Needs Officers** will receive requests for Direct Payments. If there are concerns regarding ability to decide to have Direct Payments or manage them they will inform the Education Officer. Once the agreement has been set up they will also monitor and review the use of Direct Payments to ensure agreed outcomes are being met. If required they will take action to address issues and inform the Education Officer if required actions have not been addressed or implemented.

**The Education Officer** will assess any request for Direct Payments and decide whether the request meets the necessary criteria as laid out in the Statutory Instruments. The Education Officer will complete the necessary agreements and ensure that the parent/carers complies with the requirements as laid out in the agreement and the Statutory Order. The Education Officer will inform the finance team when Direct Payments must start, change and end. They will withdraw Direct Payments if a user is not meeting the Direct Payments agreement requirements.

**Finance Team** will start and end Direct Payments when an Education Officer informs them to do so, using the required form/s. They will pay Direct Payments and liaise with Direct Payments users, and Education Officer/Principal Special Educational Needs Officer, as and when required. They will raise concerns to a Principal Special Educational Needs Officer/Education Officer, if a user is not meeting the Direct Payments agreement requirements. They will contribute to the monitoring of

Direct Payments using the process agreed between Finance and the Special Educational Needs Service.

## **AUTHORITY TO VARY THE PROCEDURE**

The Deputy Director, Children's Services

The purpose of this procedure is to ensure that all children and young people who are eligible for a Direct Payment are able to access the service in a timely and effective manner. This procedure is designed to ensure that the process is fair, transparent and consistent across all cases. It is intended to provide a clear framework for the assessment and approval of Direct Payments, and to ensure that all children and young people who are eligible for a Direct Payment are able to access the service in a timely and effective manner. This procedure is designed to ensure that the process is fair, transparent and consistent across all cases. It is intended to provide a clear framework for the assessment and approval of Direct Payments, and to ensure that all children and young people who are eligible for a Direct Payment are able to access the service in a timely and effective manner.

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## PROCEDURE

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## **1. INTRODUCTION**

- 1.1 Direct Payments allow parents and carers of children with special educational needs or young people with special educational needs over the age of 16, greater choice and control over how their needs are supported. Direct Payments are an entitlement in law, where service users are eligible, for all parents/carers of a child with Special Educational Needs and for young people aged 16/17 years with Special Educational Needs to receive in their own right provided they meet the criteria in
- 1.2 The Statutory Instruments 2012 No 206 provided the legislation to enable local authorities in the pilot scheme to make Direct Payments available to parents/carers of children with special educational needs, and to young people aged 16+ with special educational needs in their own right.
- 1.3 The aim of this document is to guide Hampshire Special Educational Needs Service Staff and other individuals or agencies carrying out work on the Department's behalf on the operation of the HCC Special Educational Needs Service Direct Payments Scheme.
- 1.4 This guide is supplementary to standard practice guidance, not a replacement. Direct Payments are simply one way of implementing services to support children/young people's special educational needs and are therefore part of standard practice and finance processes.
- 1.5 This procedure is not intended to cover every eventuality. Where further clarification is required staff should seek advice from their line manager.

## **2. SUMMARY OF THE HAMPSHIRE SPECIAL EDUCATIONAL NEEDS SERVICE DIRECT PAYMENTS SCHEME**

- 2.1 The introduction of the Statutory Instruments 2012 No 206 provided the legislation to enable local authorities in the pilot scheme to make Direct Payments available to parents/carers of children with special educational needs, and to young people aged 16+ with special educational needs in their own right. Direct Payments allow parents and carers of children with special educational needs or young people with special educational needs over the age of 16, greater choice and control over how their needs are supported.
- 2.2 The Department is committed to making Direct Payments available to all families with children with special educational needs who meet the departmental criteria for services, and who meet the Government's eligibility criteria for Special Educational Needs Direct Payments. Direct Payments are available to people aged 16 or over to meet their own needs and parents to meet the needs of their children up to the age of 18.
- 2.3 Direct Payments are not like benefits paid by the Benefits Agency which may be spent freely. Direct Payments must be spent on goods and services specified in a Statement of Special Educational Needs under section 324 of the 1996 Education Act, identified in a learning difficulty assessment under section 139a of the 200 Act or the subject of arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act.
- 2.4 Direct Payments can be given to meet all of a child/young person's eligible assessed needs as detailed in the Statement of Special Educational Needs under section 324 of the 1996 Education Act, identified in a learning difficulty assessment under section 139a of the 200 Act or the subject of arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act but a Local Authority may not make direct payments in respect of goods and services which will be used or provided in a school or college unless the head teacher, principal or other person occupying an equivalent position at the school or college agrees. Children or young people may have a mixture of Direct Payments and other services e.g. a person may receive Direct Payments to purchase a occupational therapist, but they may also receive support from an NHS Speech and Language Therapist.
- 2.5 There are many reasons why a person may want both Direct Payments and other services provided / purchased for them by the Department. e.g. they may want to test out Direct Payments to see how they manage; they may be very happy with part of the services they currently receive and wish to continue using them.
- 2.6 Giving a person both Direct Payments and other services can provide security and flexibility. It may assist the person – particularly a young person - to develop confidence and skills which in time may enable them to choose to have all their needs met by Direct Payments. Providing families with Direct Payments will in many cases enable them to find innovative and creative ways of addressing their needs.
- 2.7 Direct Payments, allow the recipient to receive a payment to meet their assessed needs and this can be a regular amount of money paid to the recipient. They may also receive one-off or irregular payments according to the individual situation. (For example if there is a temporary reason why the ongoing Direct Payments are not sufficient, a one-off payment may be appropriate.) A one off payment may be used at the beginning of Direct Payments to pay insurance costs.

- 2.8 Direct Payment users must consent to receiving Direct Payments and, be able to take on the responsibility of arranging their own services and keeping records to show they have used the money to address their eligible assessed needs.
- 2.9 For ongoing Direct Payments a parent/young person must set up a separate bank account in their name (the account title should include the child's name where a parent is receiving Direct Payments on their behalf) from which to manage income and expenditure connected with their Direct Payments. Payments will be made directly to the account using the Bank Automated Credit System (BACS).
- 2.10 The Hampshire Special Educational Needs Service Direct Payments website contains useful information for staff, Direct Payments users and the public. The address is:  
<http://www3.hants.gov.uk/childrens-services/specialneeds/sen-home/sen-parent/sen-direct-payments.htm>
- 2.11 Having made a Direct Payment the Department is not under any financial obligation and is not liable to pay a personal assistant or agency if the Direct Payments recipient fails to pay them for their services.

### **3. SUPPORT FOR DIRECT PAYMENTS USERS**

- 3.1 All staff within the Special Educational Needs Service are aware of the Direct Payments Scheme and therefore the Service should be contacted directly in the first instance.
- 3.2 Parent Partnership can also offer advice and support
- 3.3 There is a complaints procedure which Direct Payments users can access. Please see the following link:  
[www3.hants.gov.uk/childrens-services/contact-cs/complaints.htm](http://www3.hants.gov.uk/childrens-services/contact-cs/complaints.htm)

### **4 REFERRAL, ASSESSMENT AND ELIGIBILITY CRITERIA (SEE APPENDIX 2 – PROCESS FLOWCHART)**

- 4.1 The Department has a Legal Duty to support Direct Payments where requested to purchase goods and services to meet special educational needs. Special Educational Needs as specified in a Statement of Special Educational Needs under section 324 of the 1996 Education Act, identified in a learning difficulty assessment under section 139a of the 200 Act or the subject of arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act.
- 4.2 Prior to agreeing to such payments the Education Officer (SEN) must be satisfied that the criteria set out in section 11 of the Statutory Instruments 2012 206 Education, England The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011 have been or will be met and that the goods services being purchased are specified in the child/young person's Statement of Special Educational Needs, under section 324 of the 1996 Education Act, are identified in a learning difficulty assessment under section 139a of the 200 Act or are the subject of arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act.

4.3 The Education Officer must also assess whether the person is **'willing and able'** to receive Direct Payments. This means that the person must choose to receive Direct Payments and be able to manage them. Consent /requests to receive direct payments must be received in writing.

4.5 The Statutory Instrument states that direct payments may only be made if the person to whom direct payments may be made if he/she;

- Appears to the Local Authority to be capable of managing direct payments without assistance or with such assistance as may be available to them;
- Has attained the age of 16
- Has the capacity to consent to the making of direct payments to them and;
- Is not a person described in part 4

a) a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003(a), imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act

b) a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003, imposed by a community order within the meaning of section 177 of that Act or by suspended sentence order within the meaning of section 189 of that Act;

c) who is released on licence under Part 2 of the Criminal Justice Act 1991(a) chapter 6 of Part 1 of the Criminal Justice Act 2003 or Chapter 2 of Part 2 of the Crime (sentences) Act 1997(b) subject to a non standard licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol-related behaviour

d) a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community punishment and rehabilitation order within the meaning of section 51 of that Act(c)

e) a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts(Sentencing) Act 2000(d)

In signing the agreement with the Local Authority the parent/guardian or young person over the age of 16 is certifying that they are eligible to receive Direct Payments.

4.7 Where the Local Authority decides not to make direct payments it must:

- Inform the parent/carer/young person of its decision, in writing, giving reasons and informing them that they have a right to request a review of the decision  
Where requested, review the decision, and in carrying out the review consider any representations.  
Notify the parent./carer/young person of the outcome of the review

4.7 The Education Officer must evidence all decision making and record this in a file note. Copies of all written requests must be kept on the child/young person's file. This will include brief details of the discussion with the individual requesting direct payments, the individuals decision and the reason for the decision and the evidence that has been used to assess whether the individual meets the Direct Payments eligibility criteria of 'willing and able'.

## 5 SECURING GOODS AND SERVICES

- 5.1 It is the responsibility of the parent or young person receiving Direct to arrange the support required to meet identified needs. They or their representative are responsible for ensuring that appropriate records are kept to demonstrate the proper use of the money.
- 5.2 The Education Officer is responsible for ensuring that the financial arrangements have been made by the person to receive Direct Payments and by the Department to make the Direct Payments.
- 5.3 The Education Officer must also ensure that the parent/young person has understood, signed and received a copy of their Letter of Agreement and Information about Roles and Responsibilities.

## **6 DIRECT PAYMENTS AGREEMENT**

- 6.1 The Direct Payments Agreement is how a person formally gives their consent to receiving a payment. Before signing this, the Education Officer should involve the young person or parent/carer, in a discussion, to satisfy themselves that the person is willing and able to manage Direct Payments with or without assistance.
- 6.2 The Department should ensure that a person is not put under pressure from anyone to accept Direct Payments. It is important that the final decision to accept Direct Payments is made by the Direct Payments user, or parent/carer.
- 6.3 Where people withdraw their consent, either verbally or in writing to receive Direct Payments, this must be recorded on Form H(SEN)DPS5 'Reasons for Leaving the Scheme' and the Finance Team informed. The Department must arrange to meet their assessed needs through directly provided / purchased services
- 6.4 Any information regarding whether a person is/is not willing to receive Direct Payments should be recorded in a file note and kept on the child/young person's file.

## **7 BREAKDOWN OF DIRECT PAYMENTS**

- 7.1 In the event of the payee being unable to purchase goods and services to meet identified special educational needs, for whatever reason, the Special Educational Needs Service remains under a duty to provide support to the agreed level until the situation can be resolved. Direct provision of services and one-off payments may be options to consider. Avoiding recurrence should be given consideration and may involve support, advice training and information. Contingency plans can also help in preparing for crises.

## **8 ASSESSING 'WILLING' TO RECEIVE DIRECT PAYMENTS**

- 8.1 The Department cannot insist that a person receives Direct Payments. Individuals can choose which element of their assessed special educational needs they wish to have a Direct Payment to address.

- 8.2 If a young person approaching adulthood is in receipt of Direct Payments because their parent has consented to them receiving it, the Principal Special Needs Officer will need to ensure that the young person is able to give consent to receiving Direct Payments when he/she reaches 18 years.

## 9 ASSESSING 'ABLE' TO RECEIVE DIRECT PAYMENTS

- 9.1 In assessing a young person's ability or a parent's ability to manage Direct Payments, the Education Officer must be satisfied that arrangements will be made to meet the young person's or child's special educational needs.
- 9.2 This must be recorded in the file note and kept on the child/young person's file.

## 10 MISUSE OF DIRECT PAYMENTS

- 10.1 The department will take action if it becomes aware that Direct Payments are being misused. This could include notifying the person in writing of their concerns and making arrangements for advice / support / training / assistance to address the issue, or where necessary, liaising with the police or other statutory agencies.
- 10.2 If a Principal Special Needs Officer/ Education Officer becomes aware of behaviour which appears to them to be deliberate misuse of Direct Payments the beneficiary should be notified in writing of the concerns and arrangements made for advice/support to address the issue. The Education Officer should contact Internal Audit if the problem is not resolved, or if there are financial queries about which the Education Officer is uncertain how to resolve.
- 10.3 Where a person chooses not to accept or put into practice the advice, support etc provided the Department must review the situation and decide what action to take. It may be viewed that someone behaving in this manner is not "willing or able" to use Direct Payments as required in the Direct Payments criteria, and therefore they will be given 28 days notice that their Direct Payments will be stopped. The Direct Payments beneficiary should be informed that this may happen as part of the information given to them when the issues are first drawn to their attention. In this instance, arrangements will be made to meet the identified needs through provided services.

## 11 ONE OFF DIRECT PAYMENTS

- 11.1 Direct Payments may be used to make one-off payments. These payments may be the only service a parent or young person receives from the Special Educational Needs Service, or part of a child/ young person's educational plan where they receive other services provided / purchased by the Service or an additional irregular payment to a person already receiving Direct Payments.
- 11.2 A person receiving a one-off payment does not need a separate bank account to receive their payment. **They do need to sign an Agreement and Bank Form (HDPS4). They must also provide a receipt within eight weeks for the money spent and return any unspent Direct Payments money.** Payments should be arranged using the standard form . The

Education Officer/Principal Special Needs Officer sends the form to the SEN finance officer let them know about the proposed payment – however, finance will only make this payment after receiving the agreement of the Head of Service.

- 11.3 If the child/young person/parent then goes on to receive regular Direct Payments, the appropriate procedures and processes must be followed. A separate bank account in the child's/young person's name must be used.

## **12 RESTRICTIONS TO USE OF DIRECT PAYMENTS**

- 12.1 A Local Authority may not make direct payments in respect of goods and services which will be used or provided in a school or college unless the head teacher, principal or other person occupying an equivalent position at the school or college agrees. Payments may not be used to buy services from local authorities or for residential short breaks or permanent residential care.

## **13 AGREEMENT AND INFORMATION ABOUT ROLES AND RESPONSIBILITIES**

- 13.1 The documents 'Agreement and Information about Roles and Responsibilities' sets out the responsibilities of a person agreeing to receive Direct Payments and the responsibilities of the Special Educational Needs Service in making Direct Payments. The current Statement of Special Educational Needs, S139A or Education Health and Social Care Plan should be attached.
- 13.2 The Direct Payments Agreement and Roles and Responsibilities must be explained to the parent/young person so that they are fully aware of the terms of Direct Payments..
- 13.3 Any person wishing to receive Direct Payments must agree to, and sign the Direct Payments Agreement. This Agreement is the formal contract between the person and the Service and confirms the terms under which Direct Payments are made.

## **14 DISCLOSURE AND BARRING SERVICE, CRIMINAL RECORD BUREAU CHECKS**

- 14.1 It is a requirement in law and of the local authority that anyone working with children/young people will be subject to a criminal record check. For the purposes of Direct Payments, this includes anyone the person with parental responsibility or the young person wishes to employ to support provide services for that child/themselves
- 14.2 Proof that the proposed employee has a valid Disclosure and Barring Service Check (formally CRB check) must be provided to the Special Educational Needs Service and the Principal Special needs Officer/Education Officer must record that this has been seen. This must have been within the past 3 years. The Department will undertake (via the Disclosure and Barring Service) and fund the check on behalf of the parent/young person if required to do so. Principal Special needs Officers/Education Officers will need to ensure they discuss these issues with the person receiving Direct Payments and clarify that it is within the department's discretion whether or not to make Direct Payments.

- 14.3 A Direct Payment will not usually be made to the parent/carer until a valid criminal record check has been provided or undertaken and returned. SEN Officers will be responsible for ensuring this has taken place.
- 14.4 The Department must be satisfied that the services/goods to be purchased are designed to safeguard and promote the welfare of the child. SEN Officers will need to ensure that parent/carers let them know if there is a change of employee and arrange for another criminal record check to be undertaken.
- 14.5 Further information regarding the Disclosure and Barring Service can be found at: <https://www.gov.uk/disclosure-and-barring-service-criminal-record-checks-referrals-and-complaints>

## **15 FINANCIAL ARRANGEMENTS**

- 15.1 Standard Departmental financial procedures apply. Where practice is specific to Direct Payments or varies from usual financial procedures, detailed guidance is given in the Finance Manual, "Hampshire Direct Payments Scheme"
- 15.2 A separate bank account is required for Direct Payments other than one-off payments.
- 15.3 Where a parent is receiving Direct Payments to provide services for a child the account must be in the name of the parent and child.
- 15.5 If someone has Power of Attorney (PoA) to deal with an individual's finances on their behalf then the account can be in the name of the person with PoA and a copy of the PoA should be attached to the bank form (H(SEN)DPS4).

## **16 MAKING PAYMENTS (SEE APPENDIX 4 - STEP BY STEP GUIDE)**

- 16.1 The process for making payments is as follows:
  - a) Once provision is agreed , PSNO must complete, have authorised and pass to SEN finance Team and CS Finance a "DP Arrangement and Authorisation Form" (H(SEN)DPS1) and a Letter of Agreement (H(SEN)DPS6) and the SEN form. A copy should be kept on the child/young person's file.
  - b) Having opened a separate bank account the person should complete the HDPS4 Bank Details Form and forward it to the CS finance Team at Winchester so that payments can be made directly into their account. If the person changes their bank account, they must complete a new form and send it to the County Treasurer's Department and copied to the PSNO.
  - c) Payments to a Direct Payments recipient are paid one month in advance and for the exact number of days in the month. Prior to the money being paid into their bank account, a person will receive by post a "Remittance Advice Slip", which lists the month the payment is to cover, the value of the payment, the date of the payment and who to contact if there is a problem with the payment.



## 19 FINANCIAL MONITORING

### 19.1 Ongoing Direct Payments

### 19.2 Persons receiving Direct Payments are expected to maintain records of how they have spent their Direct Payments for two key purposes:

a) to demonstrate to this Service that the Direct Payments have been used to address the identified special educational needs as set out in the Statement of Special Educational Needs, the S139A or the Education Health and Social Care Plan as specified in the legislation

b) to satisfy the legal requirements of HM Revenue and Customs, District Audit etc. about tax, national insurance and redundancy (if appropriate) for people who employ their own staff.

### 19.3 Full details of what records a person is expected to keep are given in the Agreement. Please see following sections on Monitoring and Review for full details of record keeping.

### 19.4 Financial monitoring must include checking that a person is keeping financial records of their Direct Payments. **This does not mean checking all detailed amounts in any records**, just that financial records are being kept, and that average bank balances are appropriate.

### 19.5 Where records are not being kept, the person must receive information and advice on how to keep records from the Principal Special Educational Needs Officer/Education Officer

### 19.6 As part of monitoring a person's Direct Payments they are responsible for completing and returning a DP Quarterly Financial Statement (H(SEN)DPS3). This form must be returned by the Direct Payments recipient to the Principal Special Educational Needs Officer within 28 days of the end of each quarter. The quarters run: April to June; July to September; October to December; January to March. The Principal Special Educational Needs Officer will review the statement and complete the appropriate sections before forwarding it to the Finance Team. The Finance Officer will also review the form and if instructed to do so will raise an invoice to recover any outstanding monies. The Finance Officer will contact the Principal Special Educational Needs Officer with any concerns arising from the statement. If there is a deficit or money being accrued the Principal Special Educational Needs Officer will liaise with the Direct Payments user to ensure funds are being used appropriately. The Principal Special Educational Needs Officer will contact the Direct Payments user within two working weeks if notification received from Finance Team.

### 19.7 Quarterly Financial Statements standard procedure

- If no quarterly return is provided, the practitioner will contact the Direct Payments user to find out why, and whether help is required with the process.
- Continued failure to respond would result in the Principal Special Educational Needs Officer being notified by the finance team, who would discuss the situation with the Principal Special Educational Needs Officer
- If after having received information, advice and appropriate support on record keeping a person chooses not to keep appropriate financial records, show any financial records when asked or return their Quarterly Financial Statements, they will show they are not willing to follow the terms of the letter of agreement and so will demonstrate being not willing to receive

Direct Payments. This would be discussed with them before alternative arrangements are considered.

- 19.9 Once the Direct Payment is made, there is a standard period of 8 weeks by when the Direct Payments user is expected to provide a receipt and return any unspent funds to the finance team.

## **20 HEALTH AND SAFETY**

- 20.1.1 If a person contracts with a service for all or part of their service to meet their needs, then the agency is responsible for safeguarding the health and safety of any staff it sends into a person's home.
- 20.1.2 Where a person employs their own staff, whilst some health and safety law does not apply, they do have a general "Duty of Care" to act responsibly in safeguarding the health and safety of people assisting them. This may include safe working practices, the physical environment, routines, moving and handling, assessing and responding to hazards / risks. Where a person appears to the Department to be using staff in unsafe working practices e.g. dangerous lifting, the Department must notify the person in writing of these concerns and make arrangements for advice / support / training / assistance to address the issue. The Health and Safety Executive may also be contacted.
- 20.4 Where a person chooses not to accept or put into practice the advice, training etc provided, the Education Officer must review the situation and decide what action to take. In extreme cases, someone not willing or able to use Direct Payments in a safe manner despite support and guidance may demonstrate being not willing or not able to use Direct Payments, which could then be stopped. It should be noted that where this would not remove the issues, decisions should be taken in the context of what circumstances would lead to directly provided services being withdrawn.

## **21 MONITORING OF DIRECT PAYMENTS**

- 21.1 Standard practice and procedures apply. Agreed outcomes for the child must be considered and evaluated. The practitioner must ensure that the person is receiving a service of good quality which meets their assessed needs and that funding is being used appropriately. Monitoring will also ensure that a person is keeping financial records. Form HDPS7 may help with this process.
- 21.2 Review and Reassessment
- 21.3 The first review of Direct Payments should take place after the recipient has been using them for three months. The Principal Special Needs Officer would be expected to conduct /attend this review. A record of this review should be recorded on the child/young person's case file.
- 21.4 If a child is re-assessed and this results in an increase or decrease in the amount of Direct Payments per week a new agreement will need to be completed. This and a new form H(SEN)DPS1 should be sent to the finance team with copies kept on the child's file.

- 21.5 When a review results in a reduction of hours there may be consequences with regard to contracts of employment and employees. This should be taken into account when determining at which point a decrease should be made.
- 21.6 As part of the review process, Officers should have due regard to the Statutory Order and ensure that the terms of the agreement continue to be met.
- 21.7 As part of the review the SEN Officer must ensure that the amount of money given to a person will enable them to purchase sufficient services to meet the assessed needs and those services are of a suitable quality.
- 21.8 Financial Review
- 21.9 A financial review is a necessary part of the overall review process. The Principal Special Educational Needs Officer must check to see the person is keeping financial records. The Principal Special Educational Needs Officer should check for all of the following depending on how a person is arranging to meet their needs:
- Has an appropriate bank account for Direct Payments in person's own name been set up?
  - Are the Quarterly Financial Summary Statements being returned?
  - Are monthly bank statements for Direct Payments account being kept?
  - Are signed wage receipts for cash or cheques payslips being maintained?
  - Are agency invoices and receipts being kept?
  - Are records being maintained of other costs, e.g. employer's liability insurance?
- 21.10 The practitioner may ask the person to explain the financial records and how they balance, in order to confirm that they continue to remain accurate. If the Principal Special Educational Needs Officer has any concerns over the financial records, they may advise the person on their record keeping or ask them to seek assistance with their records. The Principal Special Educational Needs Officer may also contact the finance team for advice.
- 21.11 Where there are continuing concerns over a person's financial propriety in managing and accounting for their Direct Payments, support with this should be considered. If this is rejected and other help and advice to help them rectify any problems has been unsuccessful, the person may exclude themselves from the willing and able eligibility for having Direct Payments in which case their Direct Payments will be stopped.

## **22 SUSPENDING, STOPPING AND RECOVERY OF PAYMENTS**

- 22.1 Any proposed change to the value of a child/young person's Direct Payments, must, except in exceptional circumstances, be discussed and agreed with the parent or young person and notice given in advance of the payments being altered. Where personnel are directly employed this notice period should not generally be less than a month to ensure reasonable employment practice. Where it is not possible to negotiate an agreement, the person should be advised of the complaints procedure.
- 22.2 When a child/young person's Direct Payment is stopped, Form HDPS5 "Reasons for Leaving the Scheme Form" should be completed to notify the relevant finance team to stop the

payments. A copy should be kept on the child/young person's file. The Principal Special Educational Needs Officer must also record this on the child/young person's file and liaise with the Finance Team.

- 22.3 When a review results in a reduction of hours there may be consequences with regard to contracts of employment and employees. This should be taken into account when determining at which point a decrease should be made.
- 22.4 If Direct Payments are to be reduced or discontinued, the practitioner may need to arrange alternative provided/purchased services to meet that person's need, depending on circumstances.
- 22.5 In the event of discontinuing or reducing payments, any financial liabilities or commitments must be considered.
- 22.6 In the event of a child's death, it is necessary to ensure that the Direct Payments account has sufficient money to meet any outstanding employment/financial obligations, before notifying Finance of the decease. Any invoice being sent to the parents at this stage should be accompanied by a suitably worded letter.
- 22.7 The Local Authority may recover Direct Payments if they are not satisfied that the money has been used to secure the provision of services or if any of the conditions set out in the Letter of Agreement, have not been met. When considering whether to recover misused payments, it is important to discuss the issues with the service user and give an opportunity for them to demonstrate that they can continue to manage the payments (e.g. by accepting training or additional support). The Education Officer should ensure the Direct Payments user (beneficiary) is receiving appropriate support and advice (e.g. advocacy or Support Worker input). However, if the service user continues to misuse the payment, the procedures for Recovery of Payments can be found in the Finance Manual.  
<http://intranet.hants.gov.uk/childrens-services/cs-staff/cs-units/efu/financemanual.htm>
- 22.8 Recovery of payments may also be appropriate when Direct Payments have not been spent. However, when considering whether to recover unspent funds, the Principal Special Educational Needs Officer should be aware that there may be legitimate reasons, which may involve outstanding legal liabilities (e.g. to pay for employee's PAYE, or outstanding bills from a care agency) which explain why monies may have accumulated in a person's account. There must be discussion with the Direct Payments user or their agent and notification given before monies are recovered or payments adjusted. A reasonable amount to have in the account without specific reason will not usually exceed two months payments. If any part of the payment is to be recovered, the procedures for Recovery of Payments can be found in the Finance Manual, <http://intranet.hants.gov.uk/childrens-services/cs-staff/cs-units/efu/financemanual.htm>
- 22.9 Any payments not applied to purchase the agreed provision should be recovered in accordance with the procedures detailed in the Finance Manual.  
<http://intranet.hants.gov.uk/childrens-services/cs-staff/cs-units/efu/financemanual.htm>
- 22.10 Full details on Other Financial Issues, concerning the DP are given in the Finance Manual.  
<http://intranet.hants.gov.uk/childrens-services/cs-staff/cs-units/efu/financemanual.htm>

## **23 HANTSFILE**

- 23.1 Each child has an SEN casefile in which officers record all relevant details of a child including their Statement. When the child is 16 they may also have a record on Core
- 23.2 Standard practice applies to using the casefile/Core to record information about people who are considering/receiving Direct Payments and these procedures should be followed. The decision to accept or reject Direct Payments should be recorded in the file.
- 23.3 Contingency plans, where appropriate should be recorded in the casefile/core

## **24 SPECIFIC ISSUES FOR YOUNG PEOPLE USING DIRECT PAYMENTS**

- 24.1 Young people with special educational needs/disabilities should be supported to use Direct Payments, express their views and have their expressed choices responded to.
- 24.2 Communication aids and people who are familiar with the individual may be helpful in this process. An advocate must be used if necessary.
- 24.3 When assessing whether a young person with a disability is "willing and able" to use Direct Payments, officers must work on the assumption that the person can express their preferences in some way, with regard to what they want and how they want their support to be provided.

## **27 EQUALITY IMPACT ASSESSMENT**

- 27.1 Direct Payments are particularly suited to culturally appropriate services as the Direct Payments user has increased control and choice.
- 27.2 This procedure will significantly help to remove barriers and improve access for some or all of the equality groups.
- 27.3 In developing this procedure consideration has been given to disability, race, gender and faith issues.
- 27.4 Direct Payments promotes greater choice and independence for disabled children and their families. Services will be contracted to ensure that support is available to facilitate take up, regardless of barriers such as language or disability.
- 27.5 All contracting arrangements to support the use of Direct Payments will be impact assessed.
- 27.6 The Direct Payments information (Information about Direct Payments for users) can be made available in a variety of languages and formats.

## **28 PERFORMANCE STANDARDS**

- 28.1 SEN Officers will:

- Arrange for Direct Payments to be made to parent/carers/young people taking all reasonable measures to ensure the user (and their agent if applicable) is willing and able to manage their Direct Payments with support as appropriate.
- Monitor and review Service Users eligibility and ability to continue operating the scheme.

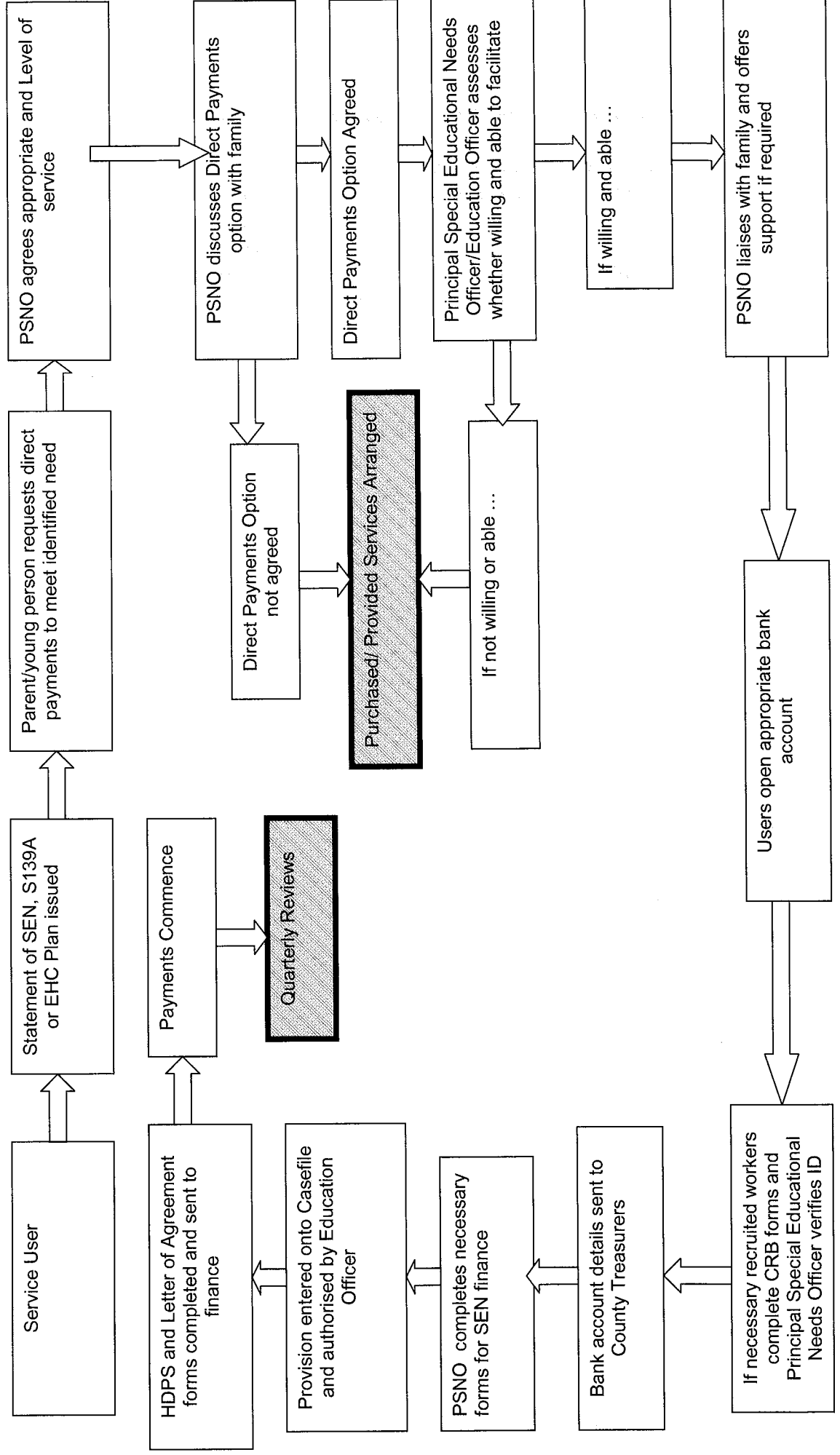
**This Procedure will be reviewed annually**

## **DIRECT PAYMENTS FORMS**

### **Appendix 1**

- A) H(SEN)DPS1 Arrangement form
  - B) H(SEN)DPS3 Quarterly Financial Statement
  - C) H(SEN)DPS4 Bank Account Detail form
  - D) H(SEN)DPS5 Reason for Leaving Scheme form
  - E) H(SEN)DPS6 Letter of Agreement
  - F) H(SEN)DPS7 Financial Record monthly sheet
- Direct Payment bank Account Letter

## DIRECT PAYMENTS PROCESS – Need help here and do we want this to be linked to the process mapping? Appendix 2



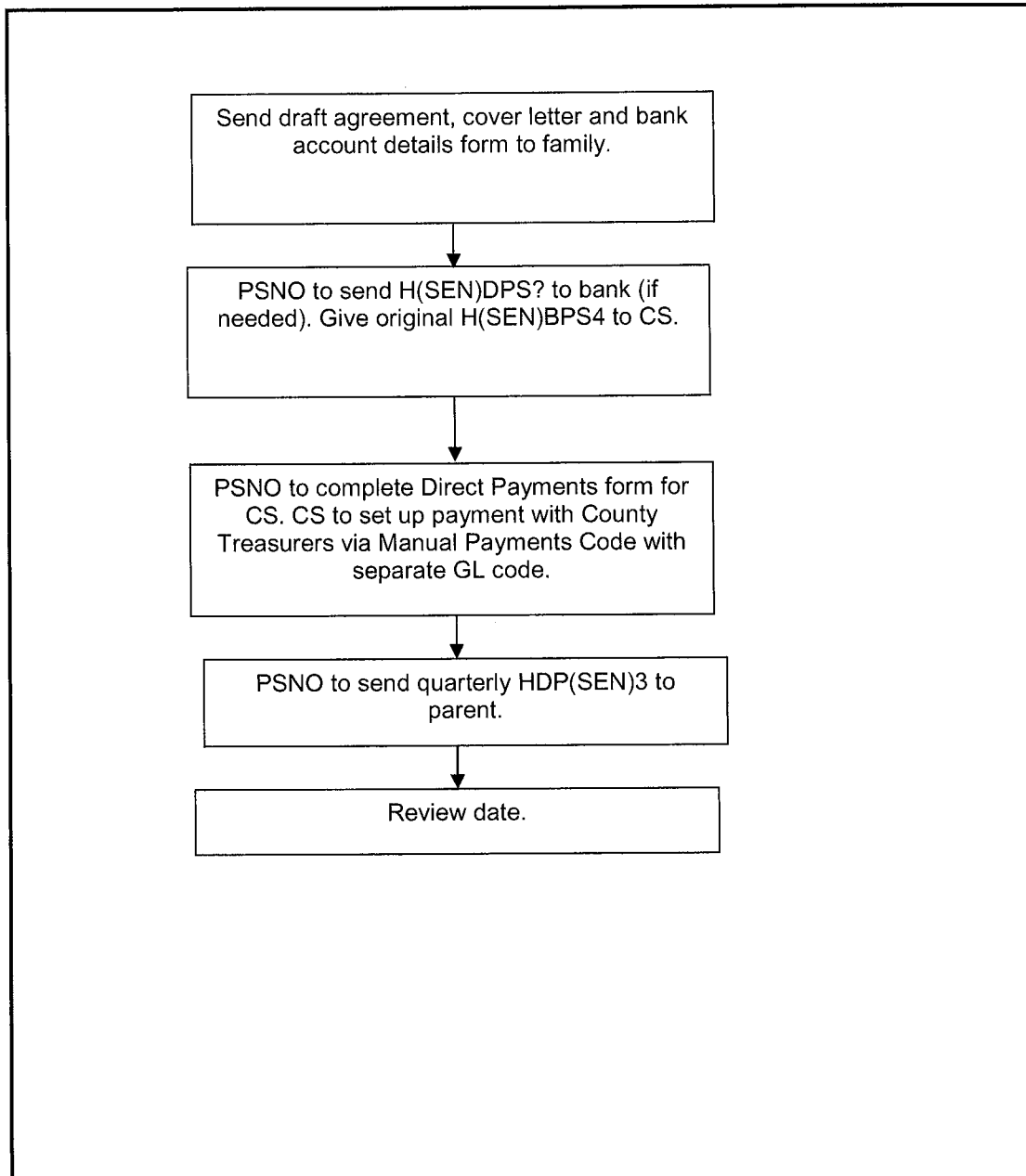


## **PROCESS FOR UNDERTAKING CRB CHECKS**

A designated Education Officer within the Special Educational Needs Service (the designated Safeguarding Lead) has delegated responsibility from the Hampshire County Council Human Resources Department to undertake DBS checks via the on line system. The processes and procedures for this are those of Hampshire County Council and the Education Officer has received training and support in order to undertake these checks.

## STEP BY STEP GUIDE FOR SEN Officers

### Appendix 4



# SEN Direct Payments *What you need to know* Regular Direct Payments Agreement

**This document sets out the conditions of having Direct Payments on a regular basis. This includes monthly and quarterly payments.**

There is a *separate* agreement for One-Off Payments.

## 1. Information about who the Agreement is between:

Name and address of person eligible to receive the Direct Payments

(referred to in the agreement as **'service user'**)

**AND**

Special Educational Needs Service  
Children Services Department  
Hampshire County Council  
The Castle  
Winchester  
Hampshire  
SO23 8ZB

(referred to in the agreement as **'we' or 'us'**)

And

Name and address of young person over the age of 16 or the parent or guardian managing Direct Payments

(Referred to in the agreement as **'you'**)

## 2. Basis of the Agreement

This Agreement is made on the basis that one of the following is in place:

- A Statement of Special Educational needs under section 324 of the 1996 Education Act,
- Identification of a learning difficulty under section 139a of the 200 Act
- or arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act

This agreement is also made on the basis that in signing this document you are certifying that you are not a person described in Part 4 of the Statutory Instruments 2012 No 206 Education England, The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011

**Part 4 – Persons to whom Direct Payments May not be Made**

21. The following persons may not receive direct payments-

- a) a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003, imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- b) a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003, imposed by a community order within the meaning of section 177 of that Act or by suspended sentence order within the meaning of section 189 of that Act;
- c) a person who is released on licence under Part 2 of the Criminal Justice Act 1991, chapter 6 of Part 12 of the Criminal Justice Act 2003 or Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 subject to a non standard licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol-related behaviour;
- d) a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community punishment and rehabilitation order within the meaning of section 51 of that Act;
- e) a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts(Sentencing) Act 2000.

- **You** are willing and able to secure the goods and /or services agreed in the child/young person's Statement of Special Educational Needs or Section 139A Assessment
- **You** make arrangements that are of an adequate standard to meet the assessed needs of the beneficiary
- **You** open up and use a separate bank account for the Direct Payments and provide records to **us** when **we** ask for them, showing all transactions in and out of the account
- This bank account is accessible **only** to the person receiving direct payments or to any other person approved by the Local Authority
- Direct Payments are spent lawfully i.e. do not buy stolen goods
- Direct Payments are used for the express purpose of providing goods and services identified in the child/young person's Statement of Special Educational Needs or Section 139A Assessment
- Any person/persons employed using the Direct Payments are employed correctly and have undertaken a Criminal Records Check via the Disclosure and Barring Service

- **You** keep records of how you spend the money and give these to **us** when **we** ask for them
- Direct Payments are paid while this agreement is valid, to enable **you** to purchase the goods and services needed for the beneficiary, as set out in the child/young person's Statement of Special Educational Needs or Section 139A Assessment
- The monies **we** pay are held in the Direct Payment bank account and belong to **us** but are at **your** disposal to purchase the goods/services to meet the **beneficiary's** assessed eligible needs
- If **you** cannot provide evidence of how direct payments have been used to meet the **beneficiary's** assessed eligible needs, **we** will invoice **you** for the money that **we** have paid for the Direct Payments and this will have to be repaid (see section 5).
- **We** will ensure that you have advice and support to help you manage your direct payments
- **We** will deal with your direct payments enquiries, queries or complaints in a timely manner

### 3. About the Direct Payments (DP)

#### The amount of money you will be paid

- An Education Officer/Principal Special Needs Officer will agree with you the Direct Payments allocation for the goods/services to be purchased on behalf of the beneficiary. This is the money that you are required to spend on meeting their identified needs.
- Any correspondence from us regarding Direct Payments will form part of this agreement.

#### When you will be paid

- The monthly payments from Hampshire County Council will be made into the (DP) Bank account by the 1<sup>st</sup> day of the month in advance. One off payments will be paid as quickly as possible.

#### How you will be paid

- Your direct payments will normally be paid into the nominated (DP) bank account. This bank account must have the service user name present on the account.

#### 4. General rules about how to use the money

- Your Direct Payments are to buy the services detailed in Appendix A of this Agreement. You must contact your Principal Special Educational Needs Officer if you wish to make any changes to the services for which you receive Direct Payments.
- Direct Payments, to pay for any services from any partner (whether married or not), or a close relative, permanently or temporarily living in the same house or anyone else living in your home, **must** be agreed with the Local Authority in advance
- If you employ your own staff you **must** take out employers' liability insurance and undertake an Enhanced CRB check.

You are required to use your Direct Payments legally.

You are responsible for using the Direct Payment according to this agreement. Any bank account fees, bank charges, legal charges, HM Revenues & Customs costs will be **your** responsibility.

#### 5) What records you must keep

- You **must** keep a financial record of **how** the Direct Payments money is being used. These need to be kept for a minimum of **3 years**.
- You **must** provide the following financial records to us when we ask for them. Original Bank statements (monthly or quarterly), receipts, invoices, copies of payslips/timesheets for employees, and records of payments made to other persons, as well as tax and national insurance returns covering the dates in the period requested. These records **must be originals**. We will tell you what dates the information should include when we contact you.
- All information you share with us is covered by Hampshire County Council confidentiality policies and procedures.
- You **must provide all of these documents when we ask for them. If we do not see these documents, we will not have evidence of how you have spent the money, an invoice will therefore be issued to you for return of the direct payments we have paid you.**

# SEN Direct Payments *What you need to know*

## Regular Direct Payments Agreement

- Keeping these records shows us that you are able to manage the money and use it to meet the needs of the service user to meet needs identified in the child/young person's Statement of Special Educational Needs or Section 139A Assessment. If financial records are not provided when we ask for them you will be in breach of this agreement. Please see section 10 and 11 of this agreement, which explains the action we will take if you do not provide the financial records when we ask for them.

### 6. Review of your Direct Payments

- The reviews will be arranged by a Principal Special Needs Officer based on the service user particular circumstances. The first review will take place after a period of 3 months from the start of the Direct Payments and further reviews at least annually.

### 7. If arrangements need to change

- If things go wrong or the beneficiary's needs change you must contact your Principal Special Needs Officer as soon as possible.
- If your Direct Payments need to change because of a change in the needs/circumstances of the beneficiary, your Principal Special Needs Officer will discuss this with you and agree a date when the change will start from.

### 8. Comments, complaints and compliments

You have a right to comment, complain and compliment under Hampshire County Council's Children's Services complaints procedure, about the operation of this agreement. Information about this is available in the Hampshire County Council Children's Service Complaints leaflet.

If you want to compliment or complain about providers you must contact them directly.

### 9. The Start Date for this Agreement

<b>This agreement starts on</b>
..... / ..... / ..2013..

### 10. Suspending the Agreement

We will suspend your direct payment if:

- you ask us to
- you do not provide financial records within **four weeks** of when we ask for them

## SEN Direct Payments *What you need to know*

### Regular Direct Payments Agreement

- support cannot be received for some reason for a temporary period. If we do this we will take into account your individual situation with regard to employees or other commitments
- arrangements regularly break down and you are unable to organise goods/services (we would offer to provide/arrange cover for you)
- we consider that you are unable to arrange goods/services to an adequate standard to meet the eligible assessed needs of the beneficiary, or you arrange a service that does not meet the assessed eligible needs. Further investigation would follow this action and may lead to the agreement ending (please see section 11 of this agreement which explains the action we will take).

### 11. Ending the Agreement

You may terminate this agreement by giving four weeks notice in writing.

Before terminating the agreement, we will work with you to find a resolution, wherever possible, to the issues or concerns that have arisen. This will involve an investigation and discussions with you.

We will terminate this agreement with **immediate effect** in the following situations:

- If a further agreement is entered into and/or Hampshire County Council provides the services that this direct payment would have purchased
- The young person with a:
  - Statement of Special Educational Needs
  - Identification of a learning difficulty under section 139a of the 200 Act or
  - arrangements under 508B (1), 508F (1) or 509AA (7) of the 1996 Act
- Reaches the age of 19
- Ceases to have a Statement of Special Educational Needs
- The Statement of Special Educational Needs lapses
- The young person reaches the end of compulsory schooling and no longer wishes to access education

Having signed this agreement to certify that you are not disqualified under Part 4 of the Statutory Instruments 2012 No 206 Education England The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011 we subsequently discover that you are disqualified from receiving Direct Payments under Part 4 of the Statutory Instruments 2012 No 206 Education



# SEN Direct Payments *What you need to know*

## Regular Direct Payments Agreement

England, The Special Educational Needs (Direct Payments) (Pilot Scheme) Order 2011

Or:

- we are not satisfied with the arrangements made by you because the service is not of an adequate standard or it is not a service that meets the service user overall assessed eligible care needs
- we have found that you have **not** provided financial and other records to show how the direct payments have been spent or we are not satisfied with the records you have provided as they do not clearly show how the Direct Payments have been spent on meeting the overall assessed eligible care needs of the service user
- it is found you are using the money illegally or not in the best interests of the beneficiary receiving the Direct Payments. We will seek to recover any funds used in this manner
- it is found you are unable to manage the money and you refuse appropriate means of support to help you to continue to use Direct Payments.

We reserve the right to terminate this agreement by giving **four weeks notice** in writing in the following situations:

- when there are any changes in Legislation concerning the making of Direct Payments, including but not limited to, the cessation of the Special Educational Needs (Direct Payments(Pilot Scheme) Order 2011 or other circumstances
- when you have not complied with any other terms of the agreement and you have failed to rectify this.

## 12. Signatures

Here all parties are signing up to the conditions set out in this agreement.

### 1<sup>st</sup> Party

You – Parent or guardian signing on behalf of the beneficiary or young person over the age of 16

Signature

# SEN Direct Payments *What you need to know* Regular Direct Payments Agreement

Date

## 2<sup>nd</sup> Party

Us – Hampshire County Council – Special Educational Needs Service

Signature on behalf of HCC and Full Name (printed)

Date

## Appendix A

Agreed goods and services

Agreed payments

Hantsfile/Impulse ref:



**Hampshire**  
County Council

H(SEN)DPS4 / April 2013

**HAMPSHIRE SPECIAL EDUCATIONAL NEEDS SERVICE DIRECT PAYMENTS SCHEME  
(H(SEN)DPS)**

**BANK ACCOUNT DETAILS FORM**

To receive Direct Payments, the Direct Payments recipient must have a separate bank account. This account must be used to manage income and expenditure connected with the Direct Payments.

The name of the person receiving Direct Payments (the DP User) or that of the child if payments are made to a parent for a child's needs should be in the account title.

For us to make payments directly to a bank account, please complete this form, sign it and **return to the Principal Special Needs Officer** . Any delay in HCC receiving this bank account details form, fully completed, will result in a delay in the Direct Payments being paid.

Name of Direct Payment User:	
Home Address:	
	Postcode:
Name of Bank:	
Bank Address:	
	Postcode:
E-Mail address – For remittance advices	
Bank Sort Code:	
Account Number:	
Roll Number (for Building Societies)	
Name on the Account:	

Signed: ..... Print Name:..... Date: .....  
(Direct Payment User)

Signed: ..... Print Name:..... Date: .....  
(Principal Special Educational Needs Officer)

Signed: ..... Print Name:..... Date:.....  
(Education Officer – see item 6 overleaf)

**Notes to accompany the bank details form:**

1. The '**sort code**' is 6 numbers and is shown in the top right hand corner of your cheque book.
2. The **account number** is usually 8 numbers and will be on your cheque book or bank statements.
3. **If you change your bank account you must notify the County Treasurer, at the address below in writing, either by letter or by completing a new form.**
4. **If you move your home address you must notify your Principal Special Needs Officer**
5. **If you need assistance with the form, please contact the Principal Special Needs**
6. **The Principal Special Needs Officer signs this form to authorise payments to be made by cheque if there are problems/delays in the bank transfer process which can be resolved in the short term with a cheque payment.**  
**They also agree and authorise by countersigning if for good reason the account does not have the Direct Payment User's name in the title.**

Please return this form to:

The Principal Special Needs Officer, Special Educational Needs Service, The Castle,  
Winchester, SO23 8UG

*[by post or courier]*

Copy to:      Child's file