

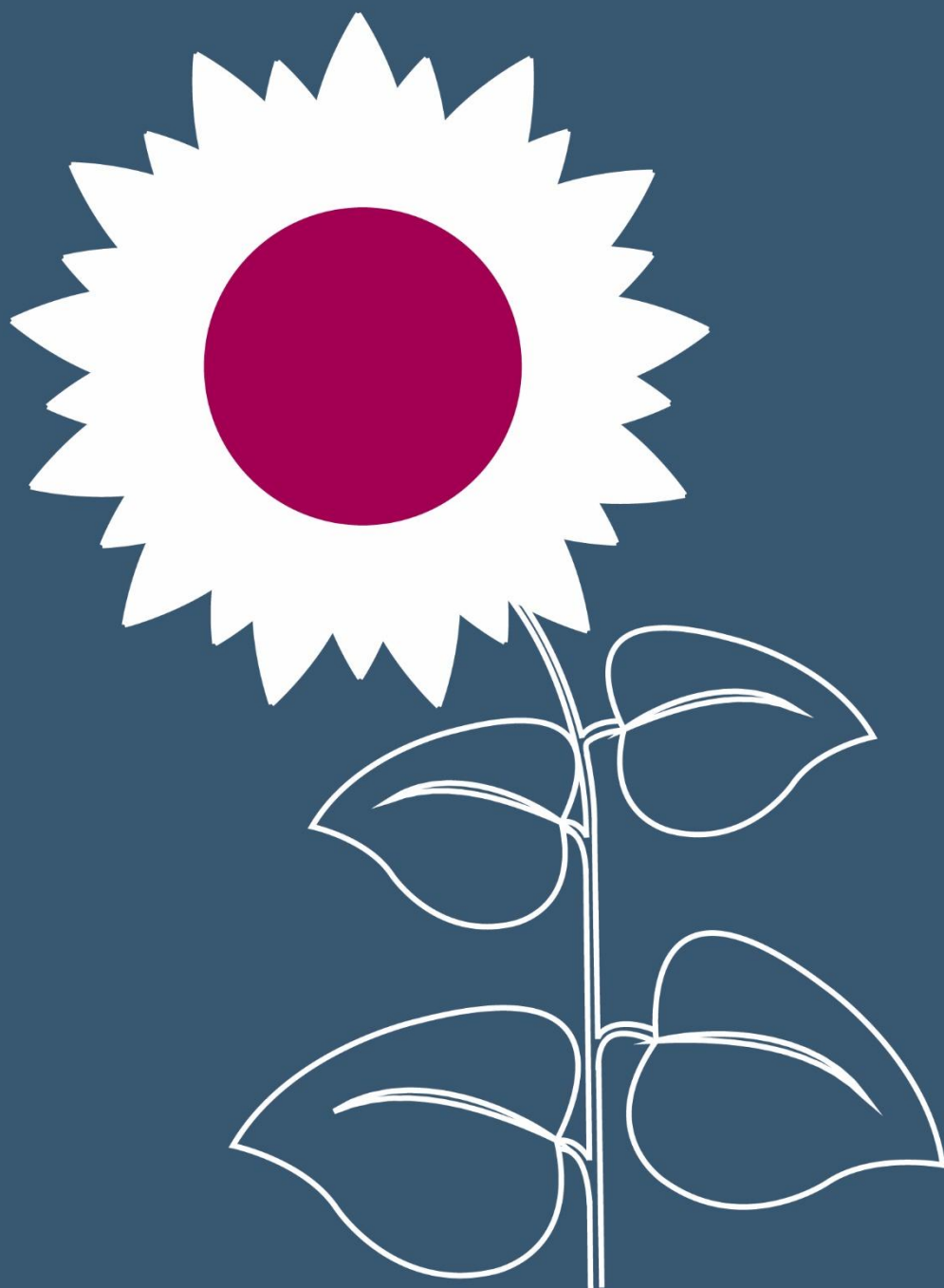


City of
Stoke-on-Trent

Direct Payments

Tri x 3_1_2 (April 2025)

Review April 2026



Contents

1.0	Introduction.....	2
2.0	Provision of Information Regarding Direct Payments	4
3.0	Process	5
4.0	Review of Payments.....	5

1.0 Introduction

- 1.1 The **Community Care Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009** impose a duty on local councils to make direct payments to enable people to obtain for themselves services to meet their assessed needs, rather than relying on direct service provision from the local council. Direct payments are monetary payments made by councils directly to individuals who have been assessed as having eligible needs for certain services ('eligible needs'), including those that care for others. Direct payments are one way in which people can direct their own support. As such they promote independence, choice and inclusion by enabling people to purchase the assistance or services that the council would otherwise provide in order to live in their own homes, to be fully involved as active citizens in family and community life, and to engage in work, education and leisure.
- 1.2 The Children & Families Act 2014 introduced new legal duties relating to children and young people with SEND. The Act introduces a right to a Personal Budget for all children and young people who have an Education Health & Care Plan (EHCP) and assessment and planning is required from age 0 to 25 to help avoid the often difficult experience of transition from children's to adult services.
- 1.3 People eligible for direct payments include carers of disabled children and 16 – 17 year old young people with disabilities. Direct payments provide people with the freedom to design services around their specific circumstances and needs, and will remain a core component in delivering the personalisation agenda and supporting individual independence, choice and control. The Government has produced a national guide for people who receive direct payments and a parents' guide for parents with disabled children. Councils should also allow for differing communication requirements, for example for non-English speakers, British sign language, for deafblind people, large print, audio and Braille.

PRACTICE GUIDANCE

- It is likely that a number of families involved with Children's Disability Services will be eligible for Direct Payments. There are however restrictions regarding certain people whose liberty to arrange their care is restricted by certain mental health or criminal justice legislation
- In some cases the young disabled person at age 16 or 17 may wish, as part of the transition to adulthood, to take control of parts or all of the direct payment that has to date been managed by the person with parental responsibility. This can allow them to gain experience of managing direct payments in a gradual way prior to reaching adulthood.

S128 Direct Payments Guidance DoH 2003

- 1.4 Direct payments may, for some carers and people with parental responsibility for disabled children, be the key to accessing the support they require to enable them to continue in their caring role and to promote the welfare of their disabled child. A financial payment gives carers and young people with disabilities flexibility to look beyond the 'off-the-peg' service solutions for personal assistance to meet their assessed needs. This will help increase opportunities for independence and enhanced self-esteem.
- 1.5 Direct payments allow for choice and flexibility in meeting the needs of a child with disabilities e.g. where the local council is providing a care service, the person with parental responsibility of a disabled child may want that part of the package to continue to be provided direct whilst purchasing other parts of the care package from other sources.
- 1.6 The Local Authority has a duty, or in some circumstances, a power to provide Direct Payments for:
 - A service under section 2 of the Carers & Disabled Children's Act 2000;
 - A service, which the Local Authority may provide under section 17 of the Children Act 1989 (provision of services for children in need, their families and others);
 - Practical assistance under section 2 of the Chronically Sick & Disabled Persons Act 1970.
 - The special educational provision specified in an EHCP.

2.0 Provision of Information Regarding Direct Payments

- 2.1 Each eligible carer of a child with a disability, or 16 and 17 year old young person with a disability, should be offered the choice of having their needs for an equivalent service met through direct payments rather than through services provided or arranged by the council. This should be discussed as part of the Children in Need planning process.

PRACTICE GUIDANCE

Where there is a difference of views between parents and disabled young people aged 16 or 17, the duty to make direct payments might mean that local councils should give precedence to the views of the young person. It follows that there may be situations where it would be right for a young person to receive a direct payment whether the parents agree or not, although it is important that local councils consider the welfare of the young person in such circumstances.

S38 Direct Payments Guidance DoH 2003

- 2.2 Information and support should be offered to carers and young people as early in the support planning process as possible about what receiving a direct payment will involve, as managing direct payments is not simply about handling money. It also involves people making their own arrangements, with assistance if necessary, to obtain the services which the council would otherwise have arranged or provided.
- 2.3 If individuals wish, mixed packages may be arranged with some directly provided services and direct payments for other needs. This could give carers and young people the opportunity to familiarise themselves with the business of using direct payments before taking on responsibility for arranging services to meet all their needs.
- 2.4 People who are already receiving services may wish to switch to direct payments. They may also wish to combine a package of services and direct payments. They may not raise these possibilities themselves so staff should raise them at, or between, a person's reviews.

3.0 Process

- 3.1 Following completion of a child and family assessment and having decided the overall level of need for the child, the social worker will discuss the range of services available to the child and family including the appropriateness and eligibility to using a Direct Payment to enable the child or family to purchase an equivalent service.
- 3.2 Where the carers of a child with a disability or a disabled young person seek to receive direct payments in the place of direct provision of services for some or all of their assessed support needs, the report should be considered by the Principal Manager, (Children with Disability).
- 3.3 The report should outline the assessed needs, the amount of payment requested and a description of how the payments will be used to meet the needs.
- 3.4 The level of payment will be linked to the assessed level of need.
- 3.5 The Principal Manager will make a decision about payment which should be recorded on the report document, and the request for payment will then be forwarded to the Direct Payments Service.
- 3.6 A separate bank account for the Direct Payment will need to be opened by the child or the parents/carers and a full record kept of how the Direct Payment has been spent.

PRACTICE GUIDANCE

The Direct Payments Service will offer the recipients of Direct Payments assistance if needed in managing these accounts.

4.0 Review of Payments

- 4.1 Direct payments are subject to review and financial audit.
- 4.2 Direct payments are flexible and can change to meet new or changing needs but within the matrix guidance arrangements. The use of direct payments should be reviewed at every planning meeting which reviews the Child in Need Plan. If the level of need changes or new needs arise, the payment may be amended accordingly.
- 4.3 The outcome of the review of the Direct Payment must be reported to the Direct Payment Scheme who undertake financial audit in respect of the payment.

PRACTICE GUIDANCE

A Direct Payment will be stopped if it is not being used appropriately or if it has not been used for over 10 weeks.