



adult social care

Direct Payments Guidance

People in Kirklees have been using Direct Payments for some time. Whilst many have found them to be an effective way to organise their care and support, we know, from feedback, that the process for Direct Payments in Kirklees could be improved.

To support this work, the Direct Payments Citizen Working Group was created, which includes people with care and support needs, unpaid carers, and some professionals from across both adult and children's social care teams. The focus of the group was to work co-productively to evaluate the current process and introduce improvements, where required. This included actively listening to the stories of people with lived experience who either have a Direct Payment or those who manage one on behalf of someone else. The findings have been used to coproduce the new Kirklees Council Direct Payments Policy, more user-friendly supporting guidance, and clearer forms.

This work has been guided by:

- the Kirklees Vision for Adult Social Care, which says:
"We want every person in Kirklees who needs social care to be able to live the life that matters to them; with the people they value; in the places and communities they call home and with an equal voice in co-ordinating their care."
- The Council's partnership with the Social Care Institute for Excellence, which has been focused on developing and embedding true co-production principles and practices within Kirklees Council project activities.

The Direct Payments Citizen Working Group identified several aspects of the Direct Payments process where improvements needed to be made. These included:

- a reasonable policy that is easy to follow
- clear and understandable advice and guidance
- a better understanding of and commitment to how flexible; creative and self-directed support can be beneficial to people with care and support needs, carers and staff.

The principles and values for how we want Direct Payments to operate in Kirklees are summarised in our Direct Payment Vision Statement:

"The Direct Payments process in Kirklees will embody the principles of flexible and creative support. It will be designed and developed with the people who use Direct Payments, to enable them to live the life that is important to them."

The guidance below provides additional information relating to the Direct Payments' Policy ([link](#)). There are also sets of 'I' and 'We' statements; the 'I' statements describe the expectations that people who have care and support needs and their carer (where relevant) can have regarding Direct Payments. The 'We' statements describe how Kirklees Council staff will work with you to organise your Direct Payment.

CONTENTS

What is a support plan?	4
How do I get a Direct Payment?	5
How much will the Direct Payment be?	6
How will my Direct Payment be paid?	6
What can I spend my Direct Payment on?	7
Being an Employer to a PA	8
Monitoring the Direct Payment	12
Transition into Adult Services from Childrens Social Care	13
Ending a Direct Payment	14
What happens if I am not happy with any part of the Direct Payments process?	15

N.B.

These two links will not work for the audience because they go to internal Sharepoint sites rather than web.

What is a Direct Payment?

A Direct Payment is one of the ways you can use your personal budget, following a financial assessment and social care assessment, to pay for the care and support that enables you to live a good life. This is instead of having services arranged by Kirklees Council.

For more information about social care assessments, please go to the [Social Care Assessment Factsheet](#).

For more information about financial assessments, please go to the [Financial Assessments Factsheet](#).

What is a support plan?

Following a financial assessment and social care assessment, a support plan will be created to show how the person's needs and outcomes (as per the Care Act) will be met and it will also state the amount of the Direct Payment. People have the option of producing a support plan with an assessor; on their own or with someone else's help, such as an advocate. In all those circumstances, the assessor will have a responsibility to work in partnership with the person, to ensure that the support plan is appropriate to meet their needs and outcomes fully and safely, as identified during the assessment process.

What this means for you

- I have co-produced my support plan and it reflects how I want to live my life safely doing the things that are important to me, in the places where I feel comfortable and with the people I care about.
- I am confident that if I need help with organising my support plan, people who I trust [me](#) are involved.
- I am confident that there is a reasonable amount of flexibility in my support plan, so I do not feel restricted and can make the same choices in my day-to-day life as anyone else.
- I am not worried about the review process being difficult or my Direct Payment being changed in a way that makes life harder for me.

What this means for Kirklees Council

- We work with people as equal partners, actively listening to their preferences, to make sure that their support plans promote wellbeing; enable them to be as independent as possible and are person-centred.
- We clearly and accurately explain the support planning process, including how Nominees can be involved.
- We work flexibly to meet people's fluctuating requirements for care and support, enabling the flexible use of Direct Payments over time,

with minimal restrictions.

- We regularly work in partnership with people (or their Nominee) to review support plans, focusing on whether they are doing the things and achieving the outcomes they identified as important to them.

It is a collaborative process, between equals, whereby people with care and support needs and/or their Nominee, work together with social care practitioners to discuss:

- what is important to the person, setting goals they want to work towards
- things they can do to live well and stay well
- what support they need for self-management, agreeing actions they can take for themselves
- what care and support they might need from others and how this can best link in with other aspects of day to day living
- what good support looks like to them as an individual
- what flexibility is needed to ensure that care and support is both effective; practical and safe
- preparing for the future, including making choices and stating in advance preferences for care in the event of a temporary/permanent deterioration in health and in relation to end of life care (where relevant and appropriate).

How do I get a Direct Payment?

Any person who has been assessed as having care and support needs (as defined by the Care Act) and as needing financial support from the Council can request a Direct Payment, through their allocated worker.

It is important that all relevant parties: the person; their Nominee (where appropriate), and the Council are confident that the person (or their Nominee) can manage the Direct Payment to meet the needs and outcomes identified in the support plan.

The following things will be considered, to ensure that a Direct Payment is the most appropriate option:

- whether the person can make their own decisions about having and managing a Direct Payment (we call this having mental capacity to request; agree to and manage a direct payment)
- the Council are confident that the person who will deal with the Direct payment can appropriately manage it (this includes your Nominee, where relevant)
- the Council must be sure that the use of a Direct Payment is the most appropriate way to fully meet the assessed needs and achieve the outcomes that matter to the person, as agreed in the Support Plan.

Sometimes the Council cannot offer a Direct Payment. There are regulations which prevent the Council from agreeing a Direct Payment in some circumstances, which include where a person is required to attend drug or alcohol rehabilitation, as part of a court order.

There may be times when the Council considers that a Direct Payment is not a suitable way to meet the needs and outcomes identified in the Support Plan, for example: when someone, even with support, will struggle to manage and use the Direct Payment effectively. This decision not to provide the Direct Payment will need to be

explained by the Council, to enable the person and/or their Nominee to understand why, and to challenge the decision if they choose to do so.

The Council will always make considered and quick decisions on Direct Payments, within 28 days of the request being made.

How much will the Direct Payment be?

The Direct Payment will be enough to support the agreed outcomes identified in the support plan, and this will be different for everyone, depending on individual circumstances. The care and support paid for by a Direct Payment should be of the same quality as Council-organised services.

If you choose to employ a Personal Assistant, the amount of the Direct Payment will include employments costs such as: wages; holiday pay and sick pay (more information on employing a personal assistant can be found further on in this guidance).

How will my Direct Payment be paid?

Direct Payments are paid four weeks in advance. This means that the money is paid to you before you need to pay for support, to make sure there aren't any gaps in your support.

Your Direct Payment can be paid in a few different ways.

1. **Into a Bank Account** – if you would like your Direct Payment to be paid directly into a bank account, you will need to arrange a separate bank account to keep your personal money separate from the money the Council pays to you.
2. **Prepaid Card** – a pre-paid card is an alternative to a bank account and looks like a normal debit card. Your Direct payment is preloaded onto the card by the council.
 - If you have been assessed as needing to pay towards your care you will also pay this amount onto the card.
 - When the funds are transferred onto your Prepaid Card, they are available for you to use instantly.

- You can view all your activity online. You can also telephone the Prepaid Card Services to find out your account balance.
 - The Council can also view all your activity online, to monitor how the Direct Payment is being used.
 - The card is MasterCard enabled, which means it gives you greater flexibility when paying for your support requirements including online and over the telephone.
 - The Council will set up the card on your behalf. The Council will ask you for information to do this and once done, we will post a card to your address. (It usually takes up to 10 working days to set up your account and deliver your card).
 - Before you can start using your card you will need to activate it - instructions on how to do this will be issued with your card.
 - You will have a unique PIN for your card which you should not share with anyone else.
 - If you would like support with your Prepaid Card, please contact Prepaid Card Services on 02071 274276.
3. **Managed Account Service** – if you would prefer to not to take on the full administrative responsibility that comes with a separate bank account or prepaid card, you can also receive your Direct Payment using a managed account whereby a company would manage your funding for you.
 - Managed account providers are only authorised to make payments following your instructions.
 - You (or your Nominee) keep control over your support and are still responsible for managing the Direct Payment.

What can I spend my Direct Payment on?

Direct Payments can be used for many types of support, so you can do the things that matter to you, in the places you feel comfortable, enabling you to live a good life.

What this means for you

- I am encouraged and enabled to use my Direct Payment flexibly and creatively to meet the needs and outcomes outlined in my support plan.
- I am supported by people who understand me as an individual, who listen carefully so they know what matters to me and how to support me to live a good life.
- I enjoy the things I choose to spend my Direct Payment on, and it enables me to have the same choice and control over my life as someone who does not have care and support needs.

What this means for Kirklees Council

- We don't make assumptions about what people can or cannot do and we don't limit or restrict people's options on what they can spend their Direct Payment on – as long as it is legal and meets the needs and outcomes identified in their support plan.
- We know how to have conversations with people to explore what matters most to them and how they can achieve their goals including: keeping safe; being part of the local community and enjoying their life.
- We use empathy to understand what the person with care and support needs is experiencing day-to-day. We believe that people with care and support needs should live with the same dignity; choice and flexibility as those who do not have those needs.

Direct Payments are all about enabling you to meet the needs identified in your support plan and empowering you to be independent and in control.

The most important thing to consider, when choosing what to spend your Direct Payment on, is what has been agreed in your support plan. This doesn't mean that your options will be very restricted, as there are many ways to meet the needs and outcomes identified in your plan.

Below are some examples to give you an idea of the many ways Direct Payments can be spent:

- social opportunities, including personal interest/hobby clubs; sport activities; music events; cinema/theatre visits; meeting up with friends, day opportunities
- help to access training, employment, and voluntary work
- employing a personal assistant or contracting with a provider for support with daily living
- costs associated with employing a personal assistant e.g.: recruitment; insurance; payroll; advocacy; Disclosure and Barring Service check costs
- paying for a care agency or social enterprise
- equipment and assistive technology, including smart technology and virtual reality devices
- support to take a break from caring
- support for independent living e.g.: personal care/daily living; support with cleaning; cooking; gardening; DIY; getting out and about; support to go on a holiday; management of finances
- support to attend appointments
- pooling funds (taking some of your direct payments and adding it to funding from one or more people to purchase a service together).

Please note: Whilst Direct Payment monies cannot be used to purchase tobacco, alcohol, or for gambling, you can use your Direct Payment to pay for support to access these products/services, for example, your Personal Assistant can support you to go to the pub, or to shop.

Being an Employer to a PA

A personal assistant (PA) is someone who is employed to provide personal and domestic support to help someone to lead an independent personal and social life.

What this means for you

- I am supported to be a good employer and to meet all my legal duties, regardless of whether I employ staff directly or via a Payroll Company.
- I trust my Personal Assistant (PA), have a genuine connection with them and I am comfortable letting them know how I would like to be supported.
- I can develop support with my Personal Assistant (PA) to make sure that my evolving needs and outcomes are met.

What this means for Kirklees Council

- We support people to understand what being a good employer means and ensure that the Direct Payment is enough to pay the Personal Assistant the National Living Wage.
- We make sure that being employed as a Personal Assistant in Kirklees is an attractive job which pays well, is valued, and allows people to develop their skills.
- We support people and their Personal Assistant to have ongoing access to training and workforce development resources.

Finding the right Personal Assistant (PA) is important and it can be difficult to know where to begin to find that person. If you wish to employ your own Personal Assistant, and do not have somebody already in mind, you will need to recruit somebody to be employed directly by you.

Employment related support

Generally, where directly employed Personal Assistants are used, the Insurance Provider may offer employment advice. There are also several external agencies such as In2Care Kirklees. The service from other organisations may have a charge.

In some situations, an employment issue can be extremely complex and cannot be resolved after seeking advice from all the usual channels. In these circumstances, the person will be able to ask the Council to consider funding the cost of specialist employment advice as a one-off payment.

Whilst the Council cannot directly assist by offering formal legal advice with employment issues, they can provide general guidance or signpost to where this can be found. If you are using a Payroll Provider, they can help with the following aspects of Direct Payment management:

- how to draft adverts and job descriptions
- advice on how to short list and interview candidates
- advice on how to get and check references
- how to access the Disclosure and Barring Checking Service, as required
- how to create contracts of employment
- what to include in a Grievance and Disciplinary Policy
- how to find suitable training providers for PAs, if required
- how to access an Employer Liability Insurance provider
- how to do a risk assessment.

There are a few different companies available, and they can support you to ensure that all aspects of being an employer are covered. You will still have legal responsibility for being an employer.

There is also a lot of information about employing a Personal Assistant on the [Skills for Care Information Hub](#).

In2care Kirklees can support you to draft adverts, they can be contacted by email at in2carekirklees@kirklees.gov.uk or phone at 01484 221000 extension 79969.

If you decide to employ your own personal assistant to provide care services, you will have legal responsibilities as an employer under employment law.

Disclosure and Barring Service (DBS Checks)

The Council strongly advises that you carry out appropriate checks before employing a personal assistant. This is one of the best ways to make sure that the person you would like to employ is safe to work with. Disclosure and Barring checks are mandatory for services provided to children and these are carried out by the Council's Children & Young People's Department.

There is an in-house Kirklees DBS team who can help you carry out these checks.

The cost of the Disclosure and Barring Service check will be covered by the Direct Payment.

Tax and National Insurance

As an employer you are required, by law, to operate Pay as you Earn (PAYE) on the pay of your employees and pay the correct National Insurance contributions to HM Revenue and Customs. Every employer must give their workers the opportunity to join a workplace pension scheme that meets certain standards. Depending on how old they are and how much they earn, many workers will be automatically enrolled into the scheme. Other workers will be entitled to join the scheme if they wish to do so.

Employer Insurance

This is a legal requirement that covers you if your personal assistant has an accident, and you are considered responsible. It also gives cover for possible legal and industrial tribunal costs. There are insurance providers offering special policies for people employing Personal Assistants. The cost for Employer Insurance is included in your Direct Payment.

Equality Act 2010

The Equality Act 2010 is a law that is designed to protect people from discrimination, harassment, and victimisation.

As an employer, under the Equality Act 2010, you will need to make sure your employees work in an environment where their age, disability, sex, gender reassignment, religion, race, sexual orientation, pregnancy and maternity status, marriage, and civil partnership are not subject to:

- less favourable treatment (discrimination)
- threatening, intimidating, offensive or humiliating behaviour (harassment)
- further detriment because of a complaint of harassment or discrimination being raised (victimisation) .

Annual leave

Your employee will be entitled to paid holidays from work, known as annual leave. This should be agreed when an employee starts work and included in the employee's written contract. Almost all workers are legally entitled to 5.6 weeks paid holiday per year. If you employ a replacement Personal Assistant to cover the annual leave of your regular Personal Assistant, please provide details of the replacement Personal Assistant, to the Council, to enable an additional payment to be made.

Pay Rates

In Kirklees all Personal Assistants should be paid a Living Wage. This is reviewed and updated by the Government every April, which can be found online at [National Minimum Wage and National Living Wage rates - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Statutory Payments

Statutory means something is required by rule or law. This is money you need to pay your employee under employment law, including wages.

You may need to pay your employees' Statutory Payments even when they are not actually working for you – for example, if they are ill and entitled to Statutory Sick Pay. Your Direct Payment will cover Statutory Payments.

You will typically need to set aside 27-30% of your Direct Payment to cover the above costs.

PA Expenses

It is important to make sure that your PA does not 'pay to work'. This means that your PA may need to be paid for things other than their statutory payments. This usually happens when you are supported outside of your home. These will in the first instance, need to be paid out of your Direct Payment, and if not via the Direct Payment, out of your own monies. For example, if you would like to be supported to go out and about, and you will be eating outside of your home, you will need to pay for your PA's meal also, if they choose to eat with you. Your Direct Payment can cover up to:

- 5 hours away from the home: £5
- 10 hours away from the home: £10
- 15 hours (and ongoing at 8pm) away from the home: £25.

The above rates are in line with HMRC limits for tax purposes. PAs should only be paid expenses with a completed claim form and with supporting receipts.

Car Insurance and Mileage

The PA will need business car insurance if they will be using their car within paid working time to support you. It doesn't usually cost anymore to add this to their policy. The Direct Payment cannot be used to pay for your PA's car insurance.

You will need to pay your PA for their mileage used whilst supporting you (but not for commuting to and from their shift). If you receive Mobility Benefit, you will need to use this in the first instance to cover your travel costs, including any mileage you pay your PA. 45p per mile is the standard suggested rate from HMRC. If you have any concerns about paying for mileage or travel costs for your PA, please speak to your social care practitioner.

Breaks

It is important that your PA is able to take an uninterrupted break during their working hours, where they are working 6 hours or more. This still applies if you ask your PA to accompany you on a day trip or something of a similar length of time. The break should be at least 20 minutes every 6 hours ([Rest breaks at work: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/rest-breaks-at-work)), where the PA is not required to

support you. Sometimes, it is understandable that it is not possible for the PA to take a genuine break from work. In this instance, the PA should be given time off later to reflect the missed break or should be paid for the extra time.

Self-Employed Personal Assistants

The Council advises that it is usually better to employ someone directly. However, we understand that sometimes people prefer to receive support from someone who is self-employed. It is important to understand that, in this case, there are still some responsibilities for both you and the care worker to understand before they can start working with you.

If the Personal Assistant is self-employed, they need to:

- provide you with a Unique Tax Reference number (UTR) issued by HMRC on HMRC headed paper stating they are self-employed
- arrange their own insurance to cover against public liability and, where needed, employer's liability insurance
- provide a contract agreeing the terms and conditions of the support provided, prices charged/cost of service, which would be mutually agreed by you, including when and where to undertake the work
- provide you with invoices quoting their HMRC registration number to request payment from you for the specific service(s) they have undertaken
- arrange payment of income tax, National Insurance, and production of their general accounts
- prove their own equipment (unless agreed otherwise in contract agreement)
- provide other workers to support you if they are unable to provide the service themselves.

You can check if the Personal Assistant has registered themselves as self-employed by asking to see their letter from HMRC which states their Unique Tax Reference Number (UTR).

If you choose to contract with a self-employed person, the Council's Finance Team will ask to see the Unique Tax Reference (UTR) documents (full details will be included in the Direct Payment Agreement).

Working with Care Agencies

You can also choose to hire staff through an agency. In most cases if you use an agency, the staff who will work with you will be employed by the agency, but you will still need to check that this is the case.

The benefits of hiring staff through an agency include being able to say how, when and where you want your support to be provided so you maintain choice and control over the arrangements, without the added responsibility of directly employing them yourself.

We recommend that you talk to several agencies to compare costs and the terms and conditions of services before you decide which one is best for you. We recommend that you ask each agency:

- to show you the details of its registration with the Care Quality Commission (CQC). The CQC regulates this type of service and requires that certain minimum standards are met. (You can check CQC reports online or on the provider's website, to see how a service is performing)
- to see a copy of their insurance policy
- how much it will cost you to use their services and whether there are any additional costs, e.g., mileage, working on bank holidays
- if you will be asked to verify hours worked so that you can track that you are being invoiced for the correct amount
- about the terms and conditions of the contract that you will sign
- if they employ the staff and meet all their tax and national insurance payments
- if all their staff have been screened through the Disclosure and Barring Service which checks criminal records and ensures that there is no known reason why staff should not work with vulnerable people
- what qualifications and experience their staff have and what training and support the agency provides to its staff
- if it will carry out a risk assessment for you and the staff who will work with you
- how it manages its staff and how often someone will visit you to check you are happy with its services

- how you can tell them if you are not happy with their service and how they would deal with your complaint
- how they arrange cover when your regular personal assistant is on holiday or on sick leave. You also need to know how the agency will let you know when there is a change like this – so that you are not surprised if someone that you do not know comes to your home.

The agency will invoice you for the cost of the services. You should check that the details are correct before paying the invoice from your Direct Payment account. Please keep copies of invoices and correspondence.

Please note: Some Care Agencies restrict the hours staff can work, please consider if this will impact on your ability to meet your social outcomes.

Can I employ someone who lives with me?

Generally, the Direct Payment cannot be used to employ family members who live with you to meet your care and support needs. This applies to your spouse, partner, or civil partner, as well as relatives who live in your house.

However, if following a discussion between you and the Council, it is agreed in writing that it is either necessary or beneficial to permit Direct Payments to pay someone who lives with you to either:

- meet care needs, or
- provide administrative and management support to meet the Direct Payment legal obligations and day to day financial management.

Then employing someone who lives with you is possible.

Decisions to allow a family member who lives with you to administer a Direct Payment should be recorded in the care plan and include the amount of the payments, their frequency and activities covered. The arrangement must be considered during allocation of the personal budget, so the amount remains sufficient to meet your needs and outcomes.

Please note: If your partner or relative does not live with you, the above restrictions do not apply.

Monitoring the Direct Payment

To make sure that your Direct Payment is working for you, to meet the needs and outcomes you have agreed in your Support Plan, the Council will work with you to check that everything is going ok. This is known as monitoring the Direct Payment.

What this means for you

- I am encouraged to use my DP flexibly and in creative ways to meet my needs and achieve the outcomes identified in my support plan.
- I find the Direct Payment monitoring process manageable and not over-complicated or intrusive.

What this means for Kirklees Council

- We use a proportionate approach to monitoring Direct Payments focusing on whether needs and outcomes are being met rather than prescribing how they should be met.
- We work collaboratively with people to establish mutual trust and understanding regarding management of the Direct Payment.

When a new Direct Payment is set up, an initial light touch review will take place to ensure you are comfortable using it and experiencing no initial issues, usually after six weeks. Thereafter, the Direct Payment will be reviewed at 6 months, and then annually. Please note, those who use the Prepaid Card option should be aware that the Council will be able to monitor your account remotely.

The Council may ask you to provide the following information within 28 days of a request being made:

- copies of bank statements for your Direct Payment account. This will not be necessary if you have a Prepaid Card account
- evidence of the payroll service for any employees. You can do this by providing either a receipt from the Inland Revenue for tax returns or payroll provider invoices

- copies of invoices paid for care support - if you purchase services directly from an agency then you can send copies of invoices showing the number of care hours purchased
- receipts for goods purchased using Direct Payment monies.

How long do I need to keep records?

You will need to keep records for two full tax years (The Tax Year runs April-April).

If you employ a Personal Assistant, you will need to keep records for six years.

Financial checks can feel intimidating, but the Council is committed to developing a trusting relationship with you and will always seek to request the minimum amount of information, in the first instance.

This reflects Care Act Guidance which states that Councils 'must not require information to be provided more often and in more detail than is reasonably required for the purpose of enabling the authority to know that making Direct Payments is still an appropriate way of meeting the needs, and that conditions upon which it is made are being met.' (Care Act Guidance 12.24)

Review and Reassessment

Every person who is in receipt of a Direct Payment (including Nominee/ Parent) will have a review of their care and support needs annually. This is so that:

- the individual can reflect on how things are working
- all parties agree any changes needed at this time
- the person identifies the key outcomes and goals for the coming period
- the person understands how well they are doing in meeting the original outcomes as set out in the assessment

- further or alternative means of increasing the individual's independence and control over the way support is arranged including consideration of direct payments are fully explored
- your social care practitioner can check that the Direct Payment is being used in line with your agreed outcomes.

The Council will in the first instance take a light-touch and proportionate approach which is sensitive to your individual circumstances and focussed on achievement of outcomes.

Sometimes following a review, or if your situation has changed before a review, the Council will need to work with you to complete a reassessment of your needs.

If your care and support needs, financial situation, or support network change, please get in touch with the Council as soon as possible, so we can work together to make sure you can continue to be supported safely and in a way which promotes your wellbeing. To Contact gateway to Care please call **01484 414933**.

Please note: The person who undertakes the review with you will often be different to the assessor you first worked with.

Transition into Adult Services from Childrens Social Care

The provision of a Direct Payment changes as a young person becomes an adult, at the age of 18. All recipients of Direct Payments from Children and Family Services will be allocated to the relevant transitions' worker by the age of 17. A social worker will contact the young person / their parent or carer to arrange to meet. In some cases, a young person of 16 or 17 years may wish to take control of a Direct Payment that has been managed by their parent or carer, as part of their transition to Adult Services.

Where the young person lacks the mental capacity to consent to and manage the Direct Payment, a Best Interest decision will be made to determine who is most appropriate person to manage the Direct Payment.

If a young person has been receiving a Direct Payment, and they have reached the age of 18, the Council is responsible for continuing to provide support whilst the assessment process is being carried out by Adult Social Care. The Care Act 2014 requires the Council to ensure there is no gap in provision. Support from Children and Family Services will continue until support from Adult Social Care is in place, or until it is clear after the assessment, that adult support does not need to be provided.

Ending a Direct Payment

You may want to end a Direct Payment agreement because it is not working for you. If you want to do this, contact the Council, and ask for a review of your support plan and Direct Payment. If there is a crisis, explain why and ask for the review to be undertaken urgently.

Sometimes, the Council may need to consider ending your Direct Payment. This can be because your situation has changed, and it is no longer an appropriate way to meet your needs.

The Council will carry out a review and ensure any outstanding issues are dealt with. There must be no gap in the services you receive when you change from one method of support to another.

There are many different reasons why a Direct Payment may need to be ended:

- it has been used for things which the person receiving the Direct Payment cannot evidence as meeting their needs and/or outcomes
- the Council is concerned that the person is no longer able to manage a Direct Payment, even with support
- the Council is no longer allowed to pay a Direct Payment because of the rules regarding court orders with a requirement to attend drug and alcohol rehab
- the Council has tried to resolve financial concerns and carry out checks of the account, but the person has not responded to any communications
- the Council has evidence for financial abuse
- the person hasn't told the Council about an important change in circumstances which affects the Direct Payment, such as a change in benefits or savings within 28 days
- the person does not pay for the cost of their care, even after support and assistance has been provided. (This is only relevant if the person has been assessed as needing to pay towards their care following the financial assessment.)
- the person has moved out of the Kirklees Council area

- the person has moved into residential care permanently
- the person is in hospital for longer than 28 days
- if financial circumstances have changed and person is no longer eligible for financial assistance from the Council.

Unless the legal requirements are no longer being met, Direct Payments should only be terminated as a last resort. Before that happens, you should be offered help or a revised support plan to help you manage better. Everything should be discussed with you as an equal partner in coordinating your care, in a way you understand, and with the people you trust to support you.

If the Council does need to bring the payments to an end, we will give you a reasonable period of notice. The standard is 28 days. However, sometimes what is reasonable depends on your circumstances, for example if someone is in crisis and there is an urgent need to arrange alternative care and support to keep the person safe and well.

What happens if I am unhappy with a decision about my Direct Payment?

Direct Payments should always be organised in partnership with you. However, if you are not happy with a decision, you can ask for it to be looked at again. This should first be discussed with the relevant Social Care Manager. If you are still unhappy with a decision, please follow the below.

Adults Social Care:

The Social Care and Wellbeing for Adults Appeals Process is a simple way for you to ask for a decision to be reviewed and reconsidered and to receive a quick reply. To access this and to find more information on appeals, please go to [Adult Social Care Appeals | Kirklees Council](#).

FREEPOST: RTHS-EUEY-ZYCB, Customer Services Unit,
Civic Centre 1, 4th Floor North, Huddersfield HD1 2NF

Telephone: **01484 225115**

Email: SSCU@kirklees.gov.uk

Childrens Social Care:

Families and carers of children and young people complaints form can be found here.

FREEPOST, Kirklees 1479, HD1 2HG

Call **01484 225140** or text COMPLAIN and your question to **80800**

Email: childrens.complaints@kirklees.gov.uk

