



Please could you provide me with the following for the financial year 2024/25.

We would like to understand the progress in offering Individual Service Funds in your area. To do this, we have been gathering data from local authorities with social care responsibility over the last 5 years and asking them several questions:

1. How would you describe ISF progress in your area? (ISFs are available / ISFs are being trialled / ISFs are not available)

There are currently no ISF in the borough, only those that are with their current supported living provider
2. If ISFs are available in your area, how many individuals aged 18-64 have used them in the last 12 months?

Currently we don't have people who have ISF unless with their care provider
3. Do you have a policy for Direct Payments (DPs) and Individual Service Funds (ISFs) that cover: (please provide links or a pdf)
 - a. What DPs and ISFs can be used for?
 - b. How rates are set?
 - c. Whether you have annual uplifts for your rates?
 - d. How much is paid to administer or manage an ISF?
 - a. DPs can be used to meet peoples care and support needs but allow creativity and the opportunity to meet the needs when and how people need support. See attached DP policy
 - b. We utilise an 'open book' approach with Providers. Using this information, and any changes in Government legislation (taxation, National Living Wage etc) to agree rates for services provided through a Direct Payment
 - c. Yes, as part of 'B'
 - d. Currently do not pay for the administration of the ISF.

Direct Payment Policy

1.0 Introduction

- 1.1 Wigan Council has a real commitment to ensuring that there is a person-centred approach to care. Offering choice and control over services available and allowing better access to meet individual needs. Looking at a person's life holistically considering their needs in the context of their skills, ambitions, and priorities is fundamental to our asset-based approach.
- 1.2 Direct Payments provide an opportunity to give people choice and control to support people to live their best life using their personal budget. At its best, Direct Payments offers real flexibility and creativity in support of choice and control - to meet support needs in a cost-effective way, rooted in outcomes.

2.0 What are direct payments?

- 2.1 A personal budget is a sum of money allocated to a person following an assessment of needs. This can be taken in the form of a direct payment for the recipient to arrange and pay for their own care and support or in the form of a service provided by the council (or a combination of both)
- 2.2 There are other forms of personal budgets, for example, a personal health budget. The council will work with individuals who are, or will be, in receipt of a personal health budget and a council direct payment to ensure that a joined health and social care budget works in the best way for them. For information about personal health budgets visit the NHS website <https://www.england.nhs.uk/personal-health-budgets/>
- 2.3 The council cannot force anyone to accept a direct payment but can encourage and support as many people as possible to take control over their own care and support by use of a direct payment.
- 2.4 If individuals wish, councils can arrange mixed packages with some commissioned services and direct payments for other needs. This can, for example, give somebody the opportunity to familiarise themselves with managing direct payments before taking on responsibility for arranging support to meet all their needs.
- 2.5 As a general principle, the council will aim to leave choice in the hands of the person by allowing them to meet their own needs as they consider best, whilst satisfying itself that the agreed outcomes are being achieved to meet their assessed care and support needs.

3.0 Policy Context

- 3.1 This policy is intended to cover direct payments for adults.
- 3.2 The purpose of this policy is to make clear the council's approach to direct payments, and the responsibilities of the direct payment recipient.
- 3.3 The Care Act 2014 requires local authorities to 'consider the person's own strengths and capabilities, and what support might be available from their wider support network or within the community to help' in considering 'what else, other than the provision of care and support, might assist the person

in meeting the outcomes they want to achieve'. This is done by taking an asset-based approach that looks at a person's life holistically, considering their needs in the context of their skills, ambitions, and priorities.

- 3.4 Wigan Council is committed to this asset-based approach (i.e., identify the individual's gifts and skills, personal, community and social networks, and help to achieve their desired outcomes).
- 3.5 Any suggestion that support could be available from family and friends should be considered in the light of their appropriateness, willingness, and ability to provide any additional support and the impact on them of doing so. This is also subject to the agreement of the adult or carer in question (see 6.64 of the Care Act guidance).
- 3.6 Supporting the person's strengths can help address needs, whether they are eligible for support in a way that allows the person to lead, and be in control of, an ordinary and independent day-to-day life as much as possible.
- 3.7 Every adult who is eligible for care and support will have a personal budget identified. This is equivalent to the amount of money that the council believes is reasonable to buy services/ provision to meet those eligible needs. They can request that the council makes all the arrangements for meeting those needs and manage the budget on their behalf; or they can ask for a direct payment to be paid to themselves or to a Nominated or Authorised person.
- 3.8 A direct payment is the mechanism for personalised care and support and is one of the available options offered by Wigan Council when there is assessed but unmet eligible needs stated within an individual's support plan. A direct payment must be used to meet the needs and outcomes that have been agreed with a social care worker, in a way which they can exercise choice and control over who provides their support, and when and how it's provided. The direct payment should be used to support the asset-based approach to facilitate the individual's wellbeing, independence, resilience, and ability to make choices.

4.0 Legislative framework

- 4.1 The legislative framework to make adult direct payments is contained within Sections 31, 32, and 33 of the Care Act 2014, the Care and Support (Direct Payments) Regulations 2014, s117 (2c) of the Mental Health Act 1983, and the Care and Support Statutory Guidance.
- 4.2 Local councils have a duty to provide direct payments when the person or their authorised person requests a direct payment, and the conditions are met to provide a direct payment.
- 4.3 Direct payments will be made to all individuals who are eligible to receive them and who want them. The council cannot however force someone to have a direct payment against their will.
- 4.4 The person in receipt of the direct payment does not have to manage the direct payment themselves (either the financial aspects or the organisation of the service) – this can be undertaken by a third party – as an individual or a formal network or a trust.

5.0 Who can receive a Direct Payment

- 5.1 A request for a Direct Payment can be made at any time by an adult or carer who has been assessed as eligible for care and support from Wigan Council.
- 5.2 To receive a Direct Payment the following conditions must be met:
- The individual has capacity to request a Direct Payment
 - Wigan Council is not prohibited from making a Direct Payment as outlined in Section 2 and Schedule 1 of The Care and Support (Direct Payments) Regulations 2014
 - The Direct Payment is not used for the purpose of securing long term care in a care home.
 - Wigan Council is satisfied that the eligible individual or nominated/authorised person can manage a Direct Payment with or without support.
 - Wigan Council agrees that a Direct Payment is appropriate to meet eligible needs.
- 5.3 There are cases where a Direct Payment cannot be made to meet needs, these are set out in Section 2 and Schedule 1 of The Care and Support (Direct Payments) Regulations 2014. For example:
- The person lacks capacity to manage their finances and Wigan Council is unable to **authorise** a suitable person to manage it on their behalf.
 - When a person is subject to drug or alcohol rehabilitation treatment/testing or Orders or released from prison on licence.
 - Offenders on a community order or serving a suspended sentence under the Criminal Justice Act 2003 which includes a requirement to accept treatment for drug or alcohol dependency.
 - An offender on a community rehabilitation order under the Powers of Criminal Courts (Sentencing) Act 2000, which includes a requirement to accept treatment for drug or alcohol dependency
 - Offenders released from prison on license under the Criminal Justice Act 1991, the Criminal justice act 2003 or the Crime (Sentences) Act 1987 subject to an additional requirement to undergo treatment for drug or alcohol dependency; and
 - People subject to equivalent provisions under Scottish criminal justice legislation.
- 5.4 Wigan Council does not approve an individual onto a Direct Payment if they wish to nominate a family member to administer the Direct Payment, who is being paid to deliver their support. In exceptional circumstances a senior Manager may approve an arrangement contrary to this provision; however, this is in exceptional circumstances (see Appendix C for Exceptional Circumstance request form). A Direct Payment must be an appropriate way to meet the needs and outcomes set out in the Care and Support Plan. The individual in receipt of the Direct Payment or the authorised/nominated person must be able to manage the Direct Payment with or without support.

6.0 Direct Payments for adults lacking capacity to consent.

- 6.1 Anyone who accepts a Direct Payment is responsible for managing it either independently or with help.
- 6.2 Individuals who request a Direct Payment who have capacity to manage their finances may nominate a third party to assist them. The third party is usually a family member or close friend and is known as the Nominated Person.
- 6.3 Wigan Council may decide that a person with capacity is unable to manage a Direct Payment, having taken into consideration the individual's views and circumstances. If the person disagrees with the

Council's decision, the service will provide access to an advocacy service to ensure their views have been fully considered.

- 6.4 Where there is any doubt about a person's ability to manage a Direct Payment, Wigan Council will assess whether the individual has capacity to consent to a direct payments agreement before making a Direct Payment available. Individuals who would otherwise have no one to support them will be offered an advocate during the assessment process. In such cases, advocates will carry out their duties as outlined in the Mental Capacity Act 2005 and the Care and Support Statutory guidance.
- 6.5 Inability to manage a Direct Payment does not mean an individual with eligible needs cannot receive a Direct Payment. Where an individual has been assessed as lacking capacity to request a Direct Payment, an Authorised Person can request the Direct Payment on their behalf.
- 6.6 An Authorised Person is a suitable person who agrees to manage the Direct Payment for the person who lacks capacity on their behalf or has the power, such as a lasting power of attorney or deputy for welfare, for the person as outlined in the Mental Capacity Act 2005.
- 6.7 The Authorised Person should be party to all the information, advice, and guidance that the individual in receipt would usually receive in managing the Direct Payment. The Authorised Person will sign the Direct Payment Agreement to manage the payments on behalf of the individual and be responsible for paying in the assessed contributions. By doing so they take on the legal responsibility related to employing and managing paid staff employed through the Direct Payments scheme.
- 6.8 The Authorised Person, in signing the Council's agreement to act as a suitable person on behalf of the individual and fulfil their duties, responsibilities and will be personally responsible if they misuse funds.
- 6.9 Consideration will be given as to whether individuals whose capacity is fluctuating or known to fluctuate are able to manage a Direct Payment with or without assistance from an Authorised Person on a case-by-case basis.
- 6.10 If the council decides that it is not appropriate to agree to direct payments, it will put the reasons for the decision in writing and make a written record available to the individual. It will also inform the individual about how to complain if they are not satisfied with the decision of the council. [Adult Social Care complaints compliments and comments \(wigan.gov.uk\)](https://www.wigan.gov.uk/adult-social-care-complaints-compliments-and-comments)

7.0. What can direct payments be used for?

- 7.1 Where a person is eligible to receive services from the council, they may be eligible to receive direct payments in order that they can organise their own care and support either as an on-going provision or as a one-off direct payment for such things as respite care.
- 7.2 Direct payments can be used to purchase most services for persons who are ordinarily resident in Wigan that meet the needs and outcomes agreed in their support plan.

For example, the types of services / equipment that can be purchased, can include:

- Personal care
- Community activities

- Purchasing equipment
- Short-term breaks, such as respite care
- Help with maintaining a hygienic and habitable home where they are incapable of doing it themselves.
- Community care services for disabled parents to assist with parenting tasks.

This is not an exhaustive list and can include anything that supports an individual's assessed needs.

7.3 This may involve a person contracting with an agency to provide services or becoming an employer and recruiting their own personal assistant through the support of the Local Authority

8.0 What can direct payments not be used for?

8.1 Direct payments cannot be used for any of the following purposes: -

- To purchase items that do not meet the agreed outcomes in a person's support plan.
- To pay for personal or household expenses, such as personal loans, utility, and household bills, rent or mortgage payments.
- Direct payments cannot be used to purchase long term care in a care home, as Wigan is not a designated area within schedule 2 of the 2014 regulation.
- To purchase services or equipment that should be funded by other types of financial support, such as health services the NHS provides, or disabled facilities grants.
- To purchase a service for someone who is no longer an ordinary resident of Wigan other than by prior agreement in writing from adult services and the person's funding authority.
- To secure services from a spouse or a partner with whom they live, or from a close relative or their spouse or partner who live in the same household as the direct payment recipient. This does not include close family members who live elsewhere.

Examples of personal relationships include:

- your spouse (husband or wife)
- your civil partner
- your partner whether you are unmarried or part of a same sex couple or
- a close relative who lives with you or the spouse or partner of that close relative A close relative is a person that you are related to including one of the following: parent or parent-in-law, aunt or uncle, grandparent, son/daughter, son in law/daughter in law, stepson or daughter, brother or sister and partner of any of the above. This restriction does not apply where a close family member is providing management and/or administration support to the direct payment's holder in cases where the council deems this to be necessary.

If a family member is being paid for administration services any payment made to them must comply with HMRC regulations.

In 'exceptional circumstances' where the council is satisfied that it is necessary to meet a person's needs satisfactorily, the council will allow people to use direct payments to secure services from a family member or partner living in the same household.

- 8.2 The direct payment cannot be used to pay for the services of a self-employed personal assistant unless proof of their self-employed status has been evidenced. This includes proof they are self-employed, written confirmation of the services they will provide, a copy of the letter issued by HMRC identifying their UTR – a 10-digit Unique Tax Reference, and Public Liability Insurance Cover.

9.0 Direct payment support

- 9.1 The council has a team of direct payment officers who can help adults with direct payment queries, including information on the services and support available. There is also information on the council's website or from a direct payment officer, providing information on: using an agency; employing a personal assistant; acting as an authorised person; carer's direct payments as well as general advice and information.

10. Disclosure and barring service (DBS) checks

- 10.1 Wigan Council recommends that DBS checks are carried out on all employees who are not direct family members, including when you recruit new employees. The council will organise for a DBS check to be undertaken when an Individual, Nominated or Authorised person is to directly employ a person using a Direct Payment and the Direct Payment Advisor will explain this process.
- 10.2 At present, when employing people via direct payments a DBS check must be undertaken when:
- working with vulnerable adults
 - where there is a child aged 18 or less living in the household
 - where a Personal health Budget is in place
 - where the social care practitioner has assessed that a person may be vulnerable or other vulnerable people living in the household may be putting themselves at risk
 - where there is an authorised person appointed the regulations specify that if the authorised person is not the spouse, civil partner, partner, close relative (or spouse or partner of a close relative) or friend involved in the provision of care of the person lacking capacity, then the council will obtain a DBS check for that authorised person, as a further protective measure for the person lacking capacity. For example, the authorised person may be an independent care broker or a solicitor acting as a professional deputy, who may not previously have been personally known to the service recipient.

11. Role of the person receiving a direct payment.

- 11.1 The person receiving the direct payment, their nominated, or authorised appointed person is entering into a contractual agreement with adult social care, so it is important that they make sure they fully

understand the terms of the agreement and what is involved. A copy of the agreement can be found at Appendix A.

- 11.2 The council can give advice to the recipients on the responsibilities of managing a payment and whether the person in receipt of a direct payment needs to register with HM Revenue & Customs (HMRC) as an employer.
- 11.3 Becoming an employer carries responsibilities and obligations, to HMRC, and people must be aware of this before agreeing to take up a direct payment, as they are accepting responsibility to act legally as an employer including:
- registering as an employer
 - operating PAYE
 - checking that the potential employee has the right to work in the UK
 - ensuring that any employees have undergone DBS checks before they start work
 - ensuring that they pay their employees at the real living wage
 - complying with working time directives and adhering to legislation around holiday, sickness, maternity, and paternity pay
 - enrolling eligible employees into a workplace pension scheme
 - putting personal liability insurance in place before a person works in their home.
- 11.4 Once direct payments have started, the Individual or the Nominated/Authorised Appointed Person, will have to organise care to meet the agreed needs as set out in the support plan. This can include recruiting staff, employing an agency maintaining records, managing the direct payment, and providing evidence to the council that the money is being used to meet their agreed needs and that the person is central to the management of the direct payment. An initial review to ensure the Direct Payment is working will usually be undertaken by 12 weeks this is in addition to the social care initial review that will usually occur at 6-8 weeks. Regular contact will be made with the Direct Payment recipient to ensure that recruitment and the process is working well. If an individual is struggling to manage a direct payment after 12 weeks there will be continued monitoring and support provided for up to an additional 12 weeks. If then the Direct payment isn't working, then the Direct Payment recipient will be referred to a social care worker to re review and provide an alternative package of care.
- 11.5 Where there appears to be a change of need and/or the support plan appears to no longer meet the needs, the Individual and/or the Nominated/Authorised Person, must ask for a reassessment and a new support plan to be agreed.
- 11.6 The person receiving the direct payment must ensure (if appropriate) that services purchased meet an outcome specified in the support plan. Services that do not meet an outcome may be considered a breach of the direct payment agreement and could result in the direct payment being suspended or withdrawn.

12. Temporary and short-term residential care arrangements.

- 12.1 Direct payments cannot currently be used to pay for people to live in long-term care placements. They can be made to enable people to purchase a short stay in a care home for themselves provided that the stay does not exceed a period of four consecutive weeks in any 12-month period.
- 12.2 The Regulations specify that where the interim period between two stays in care homes is less than four weeks, then the two stays should be added together to make a cumulative total, which should also not exceed four weeks if it is to be paid for with direct payments. On the other hand, if two stays in care homes are more than four weeks apart then they are not added together.
- 12.3 People can receive additional weeks in a care home once they have reached the four-week maximum. They cannot purchase the stay using their direct payments, but if the council and the person agree that a longer stay is needed, it can still be arranged through a directly commissioned service.

13. Client Contributions

- 13.1 The council will carry out a financial assessment with the person or their financial representative to establish how much, if any, a person must contribute towards their direct payment.
- 13.2 The assessed client contribution must be paid into the direct payment account via a standing order so there are sufficient funds to pay for the care and support required to meet assessed needs, as outlined in the support plan.
- 13.3 Any arrears in client contribution will be highlighted in the direct payment monitoring report and should be paid into the account within 14 days. If there is a change in circumstance that affects a person's ability to pay the assessed charge, the financial assessment team should be notified immediately. If the arrears are not repaid into the direct payment account, we will consider terminating your direct payment and an invoice for the debt will be raised. The council will consider an arrangement to pay the debt in instalments.

14. Personal additional payments

- 14.1 If the direct payment recipient chooses to secure the services of an agency that does not use the Local Authority rate and the agencies on the ethical framework had availability and could meet the persons needs then, the individual will need to make a payment from their personal funds for the difference in costs. If the invoice is being paid in total from the direct payment account, the cost difference must be paid in before any additional costs are paid for.
- 14.2 If a person chooses to arrange **extra support** from their personal assistant/s they are also responsible for additional employment costs incurred, such as accrued holiday, national insurance contributions, employers' national insurance, pension contributions, and redundancy payments, if appropriate. These additional costs must be paid as an additional payment to the direct payment account.
- 14.3 Any non-payment of additional payment will be highlighted in the audit review. The direct payment recipient will be asked to repay any shortfall in the account due to overspending of direct payment funds, because of not paying in their personal additional payment. If the additional payment funds are not repaid, an invoice will be raised.

15. Discontinuing direct payments

- 15.1 If terminating a direct payment, the council will ensure there is no gap in the care and support. Where a decision has been made to terminate a direct payment, the council will conduct a revision of the support plan to ensure that the plan is appropriate to meet the needs in question. Either the direct payment recipient or the council can **give four weeks' notice to terminate the direct payment but in exceptional circumstances this timescale may be shorter.**
- 15.2 Where the direct payments are used to employ personal assistants the council will give sufficient notice of termination to ensure the direct payment recipient/employer is able to give the employee appropriate notice of 4 weeks under their contract of employment.
- 15.3 Direct payments will be discontinued when a person no longer needs the support for which the direct payments are made. This might happen in situations where the direct payments are for short-term packages when leaving a care home or hospital. Direct payments for after-care services under section 117 of the Mental Health Act would also cease once the Integrated Care Boards (ICB) and council are satisfied that the person concerned is no longer in need of such services.
- 15.4 Where direct payments are discontinued because of criminal justice legislative provisions, the council will make timely arrangements for services to be provided in lieu of the direct payments, to ensure continuity of support.
- 15.5 The council may suspend the direct payment pending investigation of inappropriate spend, where funds have been spent on goods or services which do not meet the person's assessed needs identified in the support plan/child in need plan. We will write to you advising you of this course of action and seek to remedy any issues and explore whether additional support in the management of the direct payment is appropriate. The Direct Payment team will liaise with the social work team to identify a different care provision to meet an individual's needs in the interim.
- 15.6 Where a direct payment is used to employ a personal assistant a direct payment may be suspended when there is evidence that the employer is not acting legally by complying with HMRC regulations or working time directives, whilst the options of the persons suitability to act as employer is considered and additional support explored.
- 15.7 The council will only terminate a direct payment as a last resort unless there is clear and serious contradiction of the Regulations or where the conditions in sections 31 or 32 of the Care Act are no longer met (except in cases of fluctuating capacity). Wigan will take all reasonable steps to address any situations without the termination of the payment. This may include exploring additional support with management of the account and employer responsibilities.
- 15.8 The council will discontinue payments if the person fails to comply with a condition imposed under regulations to which the direct payments are subject, or if the council no longer believes it is appropriate to make the direct payments.

16. Recovering direct payments

- 16.1 Direct payment recipients will be asked to repay funds into the direct payment account if it has been used to pay for goods or services which do not meet the agreed assessed outcomes in the support plan.

- 16.2 When the direct payment ends the closing balance, of the direct payment must be returned to the council.
- 16.3 The council will arrange an invoice for any funds that are not repaid to the direct payment account or directly back to the council. Non-payment of the invoice may be pursued through the council's debt recovery process and take legal action.

17. Discontinuing direct payments in the case of persons who lose capacity to consent

- 17.1 Where someone with capacity was receiving direct payments but then loses capacity to consent, the council will discontinue direct payments to that person and consider making payments to an authorised person or a nominated person that may be identified as part of the mental capacity assessment process. In the interim, the council will make alternative arrangements to ensure continuity of support for the person concerned.
- 17.2 If the council believes the loss of capacity to consent to be temporary, it may continue to make payments if there is someone else who is willing to manage payments on the person's behalf. This situation should be treated as strictly temporary and closely monitored to ensure that, once the person has regained capacity, they are able to exercise overall control over the direct payments as before. If the person's loss of capacity to consent becomes prolonged, then the council should consider making more formal arrangements for an authorised person to take over receipt of the direct payments on that person's behalf. The council should make clear that the arrangement is designed to be temporary, so that the person managing the direct payment does not enter any long-term contractual arrangements.

18. Discontinuing direct payments in the case of persons lacking capacity to consent

- 18.1 Direct payments will be discontinued if the council is no longer satisfied for reason that the authorised person is acting in the best interests of the beneficiary, within the meaning of the Mental Capacity Act 2005. The council might also wish to discontinue the direct payments if it has sufficient reason to believe that the conditions imposed under regulations on the authorised person are not being met. The authority may wish to consider if someone else can act as an authorised person for the person lacking capacity, or whether it will have to arrange services for them in place of the direct payments.
- 18.2 Section 32 of the Care Act 2014 direct payments will be discontinued where the local authority has reason to believe that someone who had lacked capacity to consent to direct payments has now regained that capacity on a long-term or permanent basis. The authority should not terminate direct payments to the authorised person before beginning to make direct payments to the service recipient themselves or to arrange services for them, according to their wishes. If the local authority is satisfied that the regaining of capacity will only be temporary, then it can continue to make direct payments to the authorised person if during the period that the adult has the capacity to make the request and can manage the direct payment, the adult will manage the payments for him or herself.

19. Reviewing the direct payment

- 19.1 It is necessary as with any new package of care to monitor and review direct payments closely in the first few months. The direct payment review usually takes place 12 weeks after the direct payment agreement has been signed and will include discussions, such as managing the direct payment, and long-term support arrangements that may be appropriate, such as payroll, insurance cover, use of support services. An initial review by social workers will usually be undertaken between 6-8 weeks to check the care plan is being met. The 12 weeks (from the initial set up) for Direct payment is to ensure it gives people time when employing a personal assistant to get everything in place and that payroll is working and client contribution is being played0 etc.
- 19.2 If there are concerns about stability of the care package or the ability of the person to manage their care it will be necessary to undertake a risk matrix. A copy of our risk matrix can be found in Appendix B. This will weigh the relative gains for the person and risks involved. It may mean that if people are not confident managing the direct payment, then we will continue supporting and review within a further 12 weeks.
- 19.3 If the direct payment recipient is employing people, the council will within the first 12 weeks check to ensure that the individual is fulfilling their responsibilities as an employer, that they are submitting PAYE returns to HMRC as well as paying tax and national insurance contributions. As an employer the DP recipient will need to ensure personal assistants have a probationary period of 6 months, this is in accordance with statutory guidance. This means that if the Personal Assistant needs to be made redundant, the DP employer does not have to meet any redundancy costs.

20. Financial Reviews / Audits

- 20.1 The council is accountable for the public money it manages. This includes direct payments funding. As such accurate records are required to identify how this money is used to provide services to individuals.
- 20.2 In addition to ensuring that the person's care and support needs are being met by the direct payment, Financial Reviews / Audits will be undertaken to assess the person's ability to manage the financial responsibility for purchasing services such as employing a Personal Assistant. All new direct payments will usually be reviewed within the first 12 weeks of starting, in addition to a social care support review, to ensure that all legal obligations are met e.g. HMRC payments and to identify if any additional support is needed to manage the direct payments. Support will be available from the Direct Payment Team to ensure people feel supported and confident in managing their Direct Payment.
- 20.3 The initial financial review will include reviewing income and expenditure to ensure there is sufficient money to pay for employment related responsibilities (where applicable) and to check the client contributions that are being paid into the account.
- 20.4 Financial reviews / audits are also carried out to safeguard direct payment recipients from financial abuse or lack of care provision through insufficient funds.
- 20.5 All direct payment recipients will be required to submit receipts and bank statements to the direct payment auditor as part of an annual audit. If it is identified that additional support is needed or there are concerns about the management of the direct payment, e.g. unpaid client contributions, unpaid employment liabilities, unauthorised spending etc. The account may be audited on a more regular

basis i.e., 3months / 6months. If problems persist with the operation of direct payments the local authority may review whether the continued operation of direct payments is the most appropriate way of meeting the person's assessed needs.

- 20.6 The Direct Payment Team will contact the direct payment recipient when documentation is required. If documentation is not submitted following reminders, this may put the Direct Payment at risk.
- 20.7 When the direct payment has been audited if there are any areas of concern identified the auditor will contact the Direct Payment recipient to discuss. They will outline any action that needs to be taken within a two-week timescale.
- 20.8 If surplus funds are identified in the Direct Payment Account, the Auditor will ask for the funds to be returned to Wigan Council via Bank Transfer. Sufficient funds will remain in the account to cover contingency, outstanding invoices, or wages, HMRC liabilities and any other employer liabilities e.g. PA annual leave cover.
- 20.9 If a direct payment is made to a third party managed account the council will have access to all transactions made and (will use this information to complete the financial reviews and annual audit).
- 20.10 All documents related to expenditure from the Direct Payment Account must be retained as the council will ask to see these as part of an annual audit. If information is not provided to verify expenditure, the council may consider transferring the direct payment to a managed account or explore other care delivery options.
- 20.11 Individuals who have private accounts will be asked to send a bank statement in as part of an annual review (August statement) to ensure oversight of public funds but in addition, it also helps to identify if there are any issues with the Direct Payments i.e. balances in deficit may indicate the need for additional support or a high balance could mean that there may be an issue with lack of staff. Identification of areas of concern may require additional support from a social care worker.

21. Advisory Panel

- 21.1 Direct Payments are an enabler to allow greater choice and control for individuals with their care and support. In enabling a person-centred approach, it is important that we can facilitate exceptional circumstance requests that are unique to an individual in a consistent way.
- 21.2 The advisory board provides a mechanism for this and ensures a consistent approach to any exceptional circumstances considered and risks managed. This will include, but not exclusive to, the consideration of expenditure of items outside traditional direct payment funding and employment of family members. See Appendix D for Advisory Panel application form for request that are not related to employing a family member.

22. When a direct payment is refused

- 22.1 In some circumstances it may not be possible for adult services to agree a direct payment for an individual. This may be because the individual is exempt under legislation, there may be evidence of inability to manage the budget, or there may be concerns that a person isn't able or willing to act legally as an employer.

- 22.2 The reason for the decision will be clearly documented, discussed, and communicated in writing within 14 days to the person and where appropriate with any family or friends.
- 22.3 An individual will also be advised of their right to challenge the decision and how to use the complaints procedure to do this.
- 22.4 In cases that are not barred by statute a meeting of the parties may be held to try to find a solution to the issues raised in the formal rejection. This could include the individual and their representatives, and representatives from the relevant council department.

23. Complaints procedure

- 23.1 This is available to all direct payment recipients and can be used to make a complaint about decisions or procedures relating to direct payments by the council.
- 23.2 A person who is considering direct payments may use this procedure to formally complain about the process, the decision making, or the amount offered as a direct payment but not about the services they have purchased.
- 23.3 Individuals, their families or carers who wish to make a complaint, comment, or compliment should contact the Adult Social Care Complaint Team, PO Box 100 WN1 3DS or call 01942 486175. A complaint can be made in writing to the above address or online using the link below.

[Adult Social Care complaints compliments and comments \(wigan.gov.uk\)](https://www.wigan.gov.uk/adult-social-care-complaints-compliments-and-comments)

Appendix A

Direct Payment Agreement

1. Introduction

This Agreement sets out the responsibilities and obligations of:

a) Wigan Council

And

b) The Direct Payment Recipient for the receipt, use and management of the Direct Payment.

2. Service user or carer details

Name:	
Date of birth:	
Address:	
Post code:	
Telephone:	
Mobile:	
Email:	
Mosaic number:	

3. Who will manage the Direct Payment?

a) The person will manage their own Direct Payment (Go to Section 5)	
b) The person has identified a suitable person (e.g. friend or family member) to manage the Direct Payment on their behalf (nominated person) (complete to Section 4a)	
c) The Direct Payment will be managed by a Direct Payment Support Provider commissioned by the Council and the care responsibilities will be overseen by an identified suitable person (authorised) (complete Section 4b)	

4a Nomination of a suitable Representative

This Section should be completed where an individual has been chosen to manage the Direct Payment on behalf of the Service User or Carer (nominated person)

Name of Representative or Organisation:	
Address:	
Post code:	
Telephone:	
Email:	

4b. Nomination of a suitable Organisation/ authorised representative

This section should be completed where an organisation has been chosen to manage the Direct Payment on behalf of the Service User or Carer. The organisation will manage the budget, but the representative is responsible for the overseeing the care.

Name of Representative or Organisation:	
Address:	
Post code:	
Telephone:	
Email:	

5. Terms of this Agreement

The Council has completed an assessment of your needs and agreed that you are eligible for care and support. You have agreed with our assessment and are aware of your eligible needs. You have told us what support you want and have completed your Support Plan. The Council has agreed this Support Plan to meet your eligible needs.

5.1 It is agreed between the parties as follows:

You have told us that you would like to arrange some or all your support yourself and that you and/or your representative(s) are willing and able to secure support to meet your agreed outcomes as outlined in your Support Plan.

The Council has agreed to make a Direct Payment to enable you and/or your representative(s) to purchase the Services agreed in your Support Plan. The money advanced to you and/or your representative(s) in this way is solely for the purchase of the Services / technology to achieve the outcomes identified in your Support Plan. **The Council will be entitled to recover any underspend or misappropriation (theft) of Direct Payment funds from the Account as a debt and this may result in a review of your eligible needs.**

The Direct Payment will be paid every 7 days into your Direct Payment account or a Third Party Account . You will need to pay your client contribution either weekly or 4-weekly into your direct payment account. You will receive a letter telling you how much this is and how it has been worked out. This will be reviewed through the lifetime of your Direct Payment. You will need to set up a Standing Order from your personal account to your Direct Payment account for the amount you need to pay (your contribution). If your client contribution changes it is your responsibility to ensure the standing order is of the correct amount. **Should your client contributions not be paid, you understand that you are putting your direct payment at risk.**

5.2 Details of Direct Payment Bank Account

The Direct Payments will be paid into the following:

Direct Payment Bank Account:	
Name of account holder:	
Name and address of bank:	
Account number:	
Sort code:	

5.3 Third Party Account

The Council will make the Direct Payment by **BACS** into the **Disability Direct** managed bank account , as agreed by the Individual, Nominated or Authorised person and the Council. In exceptional circumstances alternative arrangements may be made for payments to be made by cheque for the Individual, Nominated or Authorised person to be paid into the aforementioned account.

5.4 You agree to undertake as follows:

You and/or your representative(s) acknowledge that you have received sufficient information and support relating to the receipt and use of your Direct Payment and that you are aware of your obligations in receiving the Direct Payment from the Council.

You and/or your representative(s) agree to only use your Direct Payment to meet the outcomes outlined in your Support Plan.

You can use the money flexibly to meet your eligible care and support needs, provided you achieve value for money, and you can demonstrate how your support is contributing to your agreed outcomes.

You and/or your representative(s) agree to take responsibility for making reasonable and sensible arrangements to meet the outcomes agreed in your Support Plan and complying with all legal requirements.

You agree not to use your Direct Payment for illegal purposes.

Direct Payments cannot be spent on:

- Anything that does not help to meet the outcomes set out in the plan.
- Anything that makes life worse for the person or place them at intolerable risk
- Anything illegal, including paying people cash in hand.
- Any services provided directly by the local authority.
- Support provided by a spouse, partner or family members who lives with the person.
- Long-term stays in care homes, excluding short stays such as respite.
- Household bills, clothes, food, paying off debt or anything not related to their assessed eligible care and support needs.
- Major daily living equipment or adaptations to your house.
- Anything that does not represent value for money, for example where a valid cheaper alternative is available.

- Services which should be provided by the NHS.
- Service which would normally be funded through other government benefits or schemes.

5.5 Employing workers.

You and/or your representative(s) shall be responsible directly for the day-to-day management of your Direct Payment including that of employing suitably qualified workers where required or necessary, to provide the support identified within your Support Plan in the manner agreed with your employees.

When employing any persons referred to above, you and/or your representative(s) shall comply with all the legal duties and obligations as an employer in the United Kingdom including payment of tax, National Insurance, Statutory Maternity Pay (SMP) or Paternity Pay (SPP), National Living Wage, Pensions, and statutory sick pay.

You and/or your representative(s) agree to enter into a written agreement of employment or contract for these services, which clearly sets out the roles and responsibilities of each party.

You and/or your representative(s) agree that the Council is not a party to any such contract of employment or for services between you and a personal assistant or service provider. When employing any persons referred to above, you and/or your representative(s) would be responsible for all matters relating to the recruitment, right to work in the UK, health and safety, training, day to day activities, supervision, suspension and termination of employment or services from persons providing support and care.

It is your obligation to ensure that you only employ people who have the right to work in the UK. This means that you will need to obtain and check the validity of the person's original documents showing their right to remain and work in the UK, such as passport, national identity card or other acceptable documents and other supporting documents (e.g. documents confirming change of name), make and retain clear copies and record the date the check was made.

These checks shall be conducted before the employment starts. You will need to conduct follow-up checks on employees who have time-limited permission to live and work in the UK shortly before their permission to work expires.

You shall not employ anyone you know or have reasonable cause to believe is an illegal worker.

Further guidance on the acceptable documents and verification process can be found in An Employer's Guide to Right to Work Checks as might be amended from time to time and available in a Publications section at www.gov.uk.

You and/or your representative(s) must confirm the identity of the employer of any care provider and to take all reasonable steps to ensure that any persons employed by you shall not be of the impression that they are an employee or agent of the Council.

5.6 Buying Services from family members or friends.

You and/or your representative(s) shall not use your Direct Payment to employ a spouse (i.e. husband or wife or Civil Partner), a family member (i.e. son, daughter, step son/daughter, aunt, uncle, parent, parent-in-law, grandparent, brother, sister), or a partner (the other member of an unmarried couple) **who lives in the same household** as you unless the Council has provided prior written consent under 'Exceptional Circumstances'.

5.7 Safeguarding

You and/or your representative(s) shall ensure that when employing persons that will have unsupervised access to children or other vulnerable people while providing the service that a Disclosure and Barring Service (DBS) check **must** be carried out to ensure that the person has no **relevant** criminal convictions that would preclude them from working with children or vulnerable people. The council will support in this process.

You and/or your representative(s) acknowledge that it is an offence under the Criminal Justice and Court Services Act 2000 and Safeguarding Vulnerable Groups Act 2006 for anyone to knowingly offer or procure work with children or vulnerable people to any individual who is disqualified from working with vulnerable people or children or allow such an individual to continue in such work.

You and/or your representatives(s) agree to fully cooperate with the Council and persons undertaking investigations for and on behalf of the Safeguarding Adults Board and to disclose information requested to assist such investigations.

5.8 Insurance

When employing persons referred to above, you and/or your representative(s) shall ensure you have adequate Employer's Liability and Public Liability insurance in place to cover any employment related claims, including redundancy and liability associated with the employment of staff and care provided in your home. The relevant insurance policy must be in place when employment of Personal Assistant(s) commences and produced as part of the 12-week initial review and annually during the period of this agreement.

5.9 Liabilities

The Council shall not be responsible for any claims, losses, liabilities or demands of any kind whatsoever (including property damage) arising out of or in relation to this agreement except for that which may arise due to the negligence of the Council, its officers, or agents and for death or personal injury any person employed by you occurring in the performance of the Service. You agree to indemnify the Council against any claims relating to acts or omissions by you or personal assistants engaged by you and funded by Direct Payments.

5.10 Retention of Records for Audit

Her Majesty's Revenue and Customs (HMRC) will require you to retain financial records for 6 years for auditing purposes. This means that you and/or your representative(s) will need to keep any other documents and/or records generated in connection with the provision of the Services for up to a period of six years.

For more information about which records to keep, please visit,

<http://www.hmrc.gov.uk/record-keeping/>.

The Council will require access to your financial records, when carrying out regular checks to monitor the management of your Direct Payment.

5.11 Emergency cover

You and/or your representative(s) shall make the necessary provisions to ensure appropriate cover in an emergency, such as when a worker is unable to support you including annual leave and sickness. This should form part of your contingency plan.

If your contingency arrangements break down, in an emergency the Council shall endeavour to ensure that you receive appropriate care and support to meet the outcomes in your Support Plan until such time that your usual arrangements resume.

Any such emergency cover will result in the need for repayment to the Council of any funds already paid into the Direct Payment Account for the relevant period. The Council will notify you and/ or your representative(s) in writing of the amount to be repaid prior to recovering the funds.

5.12 Periods away from home

You and/or your representative(s) retain responsibility for ensuring that arrangements are in place to pay the wages of any employee(s) in the UK if you wish to retain them while you are away from home.

If you employ someone overseas while you are away outside the UK, you and/or your representative(s) shall be responsible for ensuring to comply with the country's employment rules and regulations.

The Council may temporarily suspend your Direct Payment if you are unable to receive the Services for a period, such as for long stays in hospital.

The Council shall consider individual circumstances and may continue to make the payments during short stays in hospital to ensure retention of workers providing care and support to you.

5.13 Payment of Direct Payments

The Council will confirm in writing the total amount of your Direct Payment, the amount of financial contribution you have been assessed to make and the date when you can expect the first payment. The Council will pay your Direct Payment (less any contribution you must make) directly into the Account weekly, in advance.

5.14 Client Contribution

You and/ or your representative(s) agree to pay your financial contribution directly into the Direct Payment Account. This contribution should be paid weekly/ 4-weekly, preferably via a standing order from your personal account.

The Council will monitor the payment of any assessed financial contribution and Council staff will contact you if they notice any irregularity. Where the Council becomes aware that the client contribution has not been paid, reassessment of your care and support needs may be required. The Council will notify you and/ or your representative(s) in writing if there are any funds to be repaid and/ or any changes to the amount of Direct Payment you receive. Failure to pay the client contribution may lead to the ceasing of the Direct Payment and alternative provision considered.

5.15 Monitoring, Audit and Review

The Council has a duty of care to ensure the outcomes of your Support Plan are achieved, that the charges for your care and support are reasonable and that Council funds are being used efficiently.

You agree to the Direct Payment team auditing and monitoring the direct payment to ensure the direct payment is being managed and used properly. You will make records available to us on reasonable request. Failure to comply with reasonable requests may result in the direct payment being suspended or ended.

When the direct payment is reviewed you agree to share relevant and accurate information with us about your care needs and the direct payment. You also agree to us speaking to:

- people who are providing your care (including personal assistants, care provider organisations or agencies) to ensure that support is being provided in line with your support plan and the direct payment is being managed and used appropriately.
- anyone who is acting as your representative or helping you in any way to manage the direct payment including helping you manage direct payment monies. This includes third party support providers.

5.16 Unauthorised use of Funds

You and/ or your representative(s) shall not use the Direct Payment to pay for any items or services that do not meet the outcomes identified in your Support Plan or knowingly use the Direct Payment funds for anything illegal. Any such misuse of the Direct Payment will be deemed a breach of contract requiring the repayment of Direct Payment funds. In some cases, misuse of Direct Payment funds may lead to the termination of the Direct Payment. If fraud, abuse, or misuse is suspected, the Council will refer the matter for investigation and offer support to you to reduce the risk of further loss occurring. The Council will not be responsible for any losses incurred by you and/ or your representative(s) and will not therefore reimburse you unless or until cleared of any involvement in the loss.

5.17 Reviewing the Service

The Council retains responsibility to review your care and support needs and will therefore arrange a review of the Service at intervals of (ordinarily) no more than twelve (12) months to assess that the outcomes as agreed in your Support Plan are being achieved. You and/ or your representative(s) agree to fully cooperate with the review of your eligible care and support needs and your Direct Payment. Failure to do so may result in the suspension or ending of the Direct Payment. As a result of your review there may be times when your social care worker may increase or decrease the amount of your Direct Payment.

5.18 Recovery and Repayments

The Council allows you to keep up to eight (8) times the weekly value of your Direct Payment as a reserve in the Account to help meet your assessed eligible care and support needs in a flexible way. Should the balance in your Direct Payment account exceed this amount, your Direct Payment has not been appropriately used, or in case of overpayment, the Council will discuss the matter with you before recovering the excess amount.

The Council reserves the right, after consultation with you and/ or your representative(s), to review your Direct Payment and adjust future payments where a significant under-spend of your Direct Payment has occurred. Without prejudice to the rights outlined in this agreement, the Council retains the right to recover Direct Payments in full or in part if it is satisfied that the money has been diverted from the use for which it was originally intended.

We will require you to repay us any surplus monies in the direct payment account, having considered any agreed outstanding financial commitments. We will also recover any overpayments made. If a requested repayment is not made, this may mean the direct payment ends and your care is provided in a different way.

5.19 Termination of Contract

The Council may discontinue payments and terminate this agreement with immediate effect if you and/ or your representative(s) fail to comply with the terms of this Agreement and the Council has reason to believe that future monies would be misspent and/or mishandled.

This Agreement may be terminated by you by giving four (4) weeks' notice in writing to the Council.

This Agreement may be terminated by the Council by giving four (4) weeks' notice in writing to you and/ or your representative(s) on the following events occurring:

You notify us that you no longer wish to receive direct payments.

You are no longer able to manage your Direct Payment, even with support, or your needs can no longer be met by a Direct Payment.

You are no longer eligible for care and support from Wigan Council.

You have failed to use your Direct Payment to meet the outcomes of your Support Plan appropriately.

You have failed to comply with any of the terms and conditions of this Agreement.

You are placed by the courts under a condition or requirement relating to drug and /or alcohol dependency.

You are subject to compulsory measures under the Mental Health Act (1983) and are no longer eligible to receive a Direct Payment. Where this agreement is terminated and you continue to have eligible care and support needs, the Council will work with you and/ or your representative(s) to meet your needs in a different way.

Your client contributions are not made to the direct payment account on a regular basis.

You fail to comply with the review or financial auditing/ monitoring process, including failing to provide requested information.

You are admitted into a care home on a long stay basis.

You have failed to disclose any relevant information that should have been considered when calculating the direct payments.

If we suspect fraud or any other criminal activity has taken place concerning the direct payment, we may refer the matter for investigation including to the police.

5.20 Death of the Service User or Carer

In the event of the death of the Service User or Carer, the Council shall arrange to recover any amount of Direct Payment remaining in the Account after fulfilment of any payment due for Services already delivered to meet the outcomes identified in the Support Plan.

6. Consent

You now need to tick that you agree with everything in this list.

	Please tick
I agree to all that is set out in this agreement.	
I understand that the Council may need to share information with other Council services and others who check and look after public money.	
I will keep all records about my Direct Payments for 6 years.	
I understand that if I do not give the Council the information it asks for my Direct Payment may be stopped and I may have to give back some money.	
I will tell the Council of any changes that affect my care and support.	
I will pay my Client Contribution every week/ 4-weeks.	
If I do not pay the Client Contribution or if I pay less than the assessed amount, the Council will give me an invoice which I must pay.	
I also understand that my Direct Payment may be stopped.	
I will allow the Council to see any records about the money spent for my care and support.	
If I choose to look after my own Direct Payment, or if an organisation or third party looks after it for me, I agree to the Council being given the information it needs.	
I agree that if I am asked to, I will repay any money owed back to the Council	
If I do not have enough money to pay the Council, I agree that I will pay it back as a debt. I agree not to move money from the Direct Payment account to any other bank account unless it is for something that has been agreed in my Care and Support Plan.	
I agree not to take out cash from my Direct Payment account.	
I agree that the Direct Payment will only be used for the outcomes that matter to me to meet my needs set out in the Care and Support Plan.	
I agree to carry out my duties as an employer as explained in the Welcome Pack.	
I understand that if the Direct Payment is ended, I am still responsible for payments due to Personal Assistants or any other providers I have used.	
I understand that the Council has a duty to protect public money and to prevent fraud.	
I understand that it is a crime and legal action may be taken, if I give false and/or misleading information	

7. Your agreement about how the Council will use your personal data.

You agree to the Council sharing your Personal Data in line with the Data Protection Legislation with relevant health and social care partners when it needs to share this to meet your social care or health needs. You have been and agree that the Council can hold and use your Personal Data to provide the Direct Payment, including this Agreement.

This Personal Data will be used as part of assessing and reviewing the Direct Payment ongoing and to make sure it is used in the right way to keep you safe You have been informed of Your right to know what Personal Data is being held and how the Council may use it and that the Council has a Policy on this which you can read here or ask to be sent a copy.

<https://www.wigan.gov.uk/Council/DataProtection-FOI-Stats/What-is-GDPR.aspx>

8. Complaints

You have a right to complain about how this agreement is working and should use the Council's complaints procedure which is accessible online on the Council's website:

<https://www.wigan.gov.uk/Council/Contact-us/Adult-social-care.aspx>

If you wish to complain about the Services that you have received, **you** must contact the provider of the Services directly.

9. Signatures

Signature of Direct Payment Recipient:

I confirm that I understand and will comply with the terms and conditions set out in this Direct Payment Agreement.

Name	
Signature:	
Date	

Tick which one you are:

1. The adult with care and support needs	
2. The Nominated Person	
3. The Authorised Person	

Signature on behalf of Wigan council:

Name	
Signature:	
Date	

Appendix B

Direct Payment – Risk Matrix

If there are concerns about stability of the care package or the ability of the person to manage their direct payment, it will be necessary to undertake the below risk matrix. This will weigh the relative gains for the person and risks involved. It may mean that if people are not confident managing the direct payment, then we will continue to support and review within a further 12 weeks

Risk Matrix Questions	Score
Is the direct payment via a managed or private account?	
Managed Account	2 points
Private Account	4 points
What is the weekly value of the direct payment?	
Below £250 per week	2 points
£250-£500 per week	4 points
£500+ per week	6 points
Has the direct payment been managed appropriately?	
Good	1 point
Requires improvement	3 points
Poor	5 points
Does the client have up to date employment liability insurance?	
Yes	0 points
No	2 points
Not applicable	0 points
Has the client made regular payment of the client contribution?	
Yes	0 points
No	3 points
Not Applicable	0 points
Has there been any unauthorised spending from the direct payment?	
Yes	6 points
No	0 points
How many staff are employed via the Direct Payment?	
1-2	1 point
3-5	2 points
6 or above	4 points
Not Applicable	0 points
Are there relatives employed via the DP?	
Yes	3 points
No	0 points
Not Applicable	0 points

Any other risks identified at review?	
Yes	2 points
No	0 points
Results:	
<ul style="list-style-type: none"> • 0 - 11 (Low risk) - Finance Direct Payment Audit • 12 - 15 (Medium risk) - DP Team Set Up Further Review • 16+ (High risk) - DP Team Set Up Further Review 	

Appendix C

Exceptional Circumstances Request Form

Direct Payments – Exceptional Circumstances

1. Background:

Government guidance states that the local authority may at its discretion agree to the employment of a family member, or partner living in the same household as the individual 'in exceptional circumstances' (family members living elsewhere are permitted to be employed through Direct Payments).

Such agreements will not be agreed by Wigan Council, unless as the funding authority we can be certain that:

- There are genuine, overwhelming reasons why the family member needs to be employed,
- There is a contractual arrangement for the care-giving by the family member,
- There is no substantial risk of financial or other abuse.

2. The following may be accepted as exceptional circumstances if adequate evidence can be furnished to substantiate the situation:

- For reason of ethnicity or religious beliefs, specific limitations apply to who may acceptably be employed to deliver the care, and there is no likelihood of being able to recruit an appropriate carer locally.
- That delivery of personal care by a third party would cause genuine distress to the cared for person.
- There is a need for live-in care but no appropriate accommodation available.
- Care needs are intermittent and unpredictable, and recruitment or use of an agency to meet such needs is impracticable.
- This was the only practicable way of meeting the care needs during a temporary breakdown of other service arrangements.

3. How we substantiate and record exceptional circumstances:

Any decision to allow the employment of a person that resides with the individual receiving the support, will need be fully documented on their electronic care record, their support plan and relayed to the Direct Payments Team and Auditors for when they are monitoring the account.

The following information will be required for a decision to be made -

- The reason for the application of exceptional circumstances (this should be one or more of the reasons listed above).

- The name/s of co-resident to be employed,
- Other options/actions considered by the individual to overcome the need for an exceptional circumstance’s arrangement.
- A date for review of the exceptional circumstance’s agreement.
- Authorisation from Service Manager to apply exceptional circumstances and its duration.
- For children, authorisation is required from the Team Manager, Targeted Disability Service.

4. Review of Exceptional Circumstances:

All situations where exceptional circumstances have been applied should be subject to regular reviews (not exceeding 6 months). This will ensure that the circumstances and delivery of care remain appropriate. Any concerns will be documented and immediately addressed by the allocated social worker/social care officer. (Where the reason is short-term in nature and the individual has agreed actions to overcome the problem, the review may be held within a shorter timescale).

At each review the information listed above should be verified and if necessary the arrangement renewed for a defined period pending further review in consultation and agreement with Service Manager/Direct Payment Team manager.

Direct Payments – Exceptional Circumstances request

Individual’s name	
Mosaic id ref	
Weekly Direct Payment	
The reason for “Exceptional Circumstances” (please refer to section 2)	

Name of co-resident		
Relationship to individual		
No. of hours to be considered for "Exceptional Circumstances"		
Please list options considered to overcome need for "exceptional circumstances"		
Approved/ Declined by	Signature	Name
Service manager		
Direct Payment manager		
Date		
Comments		
Review date		

Please return the completed form to dasdirectpayments@wigan.gov.uk

Appendix D

Advisory Panel Application Form

Advisory Panel Application

Panel Date:

Individual's Name:	Mosaic ID:
Social Care Worker:	Date of Submission:

Overview About Me
Last Review Date and Summary:
Request to advisory panel:

Panel Discussion and Outcome:

Attendees:

Recommendations:

Decision -

Service Manager Name

Nicola Lowe

Signature

Date

*Form to be completed by allocated Social Care Worker after panel discussion.
Agreed panel decision(s)/ recommendations to be signed off by Service Manager
Form to included to case file in Mosaic.*

