



# Direct Payments Policy

Effective from:  
September 2023



**TRAFFORD**  
COUNCIL

# How to read this document?

## Sections

This policy provides an overview of Direct Payments for adults within Trafford. This Policy will be adapted to capture both Childrens Direct Payments and Personal Health Budget funding. You may not need to read it all as not every section may be relevant to you. You can use the section titles within the contents page to go directly to the sections that apply to you.

## Understanding terms

If there is a term you do not understand, there is a glossary on page 19 which explains many common terms used throughout the policy.

## Allocated Social Care Worker

This policy applies to Trafford Council practitioners who carry out the role of practitioner for social care assessments. This Policy will use the term 'Allocated Worker' to describe those professionals. In Trafford Council, allocated workers tend to be made up from a combination of Social Workers, and Social Care Assessors, who will support you through the process.

## Support Broker

This policy applies to Trafford Council Support Brokers who carry out the role of setting up the Direct Payment funding with you and who work within the Direct Payment Team. Support Brokers will work with you to establish how you want your care to be delivered. They assist with directing you through the process, help you to secure care services, inform you of your choices when arranging, administrating, and managing Direct Payment monies.

## Audit Assistant

This policy applies to Trafford Council Audit Assistants who carry out the role of auditing your Direct Payment Account and work within the Direct Payment Team. The Audit Assistants look at how you have spent your Direct Payment funding within certain time periods. The Audit Assistants will look at the expenditure within your Direct Payment Account, cross reference the expenditure against your Support Plan, and help guide you with regard the performance of your budget.

## Additional help

Your Allocated Social Care Worker will provide you with initial information and advice about Direct Payments. Your Allocated Social Care Worker will also refer you to the Direct Payment Team for further information to enable you to make an informed choice with regards choosing to pursue Direct Payment funding to meet your needs

and outcomes. A Support Broker will then contact you to discuss in greater detail how Direct Payment funding may allow you to meet your needs in a more personalised way than that of a Commissioned Service, directly arranged by Trafford.

For further information, please contact the Direct Payment Team:

0161 912 2701

[direct.payments@trafford.gov.uk](mailto:direct.payments@trafford.gov.uk)

<http://www.trafford.gov.uk/directpayments>

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## 1. What is this Policy for:

Trafford Council wants people to live independently, have control over their lives, be as well as possible for as long as possible, and feel safe. A Direct Payment can be a very good way of helping people to achieve that – whilst also taking into account the person's own support networks, assets and strengths to meet their needs.

This document sets out the way we (Trafford Council) provide Direct Payments to adults who have eligible care and support needs.

It covers a range of topics including:

- What Direct Payments are
- Who can get them
- How they are calculated
- How they are paid
- What they can and cannot be used for
- How they are monitored
- When a Direct Payment may be cancelled or suspended

The policy has been written to provide a source of information for people who already have a Direct Payment or are thinking about getting one.

### **The Legal Framework**

The main legislation, regulations, and guidance that apply to this policy are:

- [The Care Act 2014](#)
- [Care and Support \(Direct Payments\) Regulations 2014](#)
- [Care and Support Statutory Guidance issued with the Care Act 2014](#)
- Section 117(2C) of the [Mental Health Act](#)
- [Children and Families Act 2014](#)
- [Mental Capacity Act 2005](#)
- [Special Educational Needs \(Personal Budgets & Direct Payments\) Regulations 2014](#)
- [Chronically Sick and Disabled Persons Act 1970](#)
- [Children Act 1989](#)
- [Equality Act 2010](#)

You can see these acts and guidance on the Government website, [www.gov.uk](http://www.gov.uk). Your Allocated Worker will be able to provide you with further information and ensure you are actively involved in the planning of your care and support to meet your individual outcomes.

## **2. What is a Direct Payment:**

A person who has eligible care and support needs – which cannot be met through their own assets and support networks – has an amount of money we set aside to pay for the person's care and support: this is their personal budget. A Direct Payment is one of the ways the person can choose to use their personal budget to buy the care and support themselves, rather than have us do this for them.

If a person is eligible to have a Direct Payment and wants one, we will ensure that the personal budget is enough to buy the support they need.

We support the use of Direct Payments to help people achieve greater independence, choice, and control in meeting their eligible needs.

## **3. Who can get a Direct Payment:**

In principle, any person assessed as being eligible for care and support from us can ask for a Direct Payment. However, there are some criteria set out in the Care Act that must first be met:

- You or your authorised representative has capacity to make the request
- There is a nominated person (someone you or Trafford can choose) who agrees to receive the payments
- We are not prohibited from offering a Direct Payment under [The Direct Payment Regulations](#)
- We are satisfied, that the person who intends to deal with the Direct Payment can manage one (with support from others if required); and
- We are satisfied that the use of a Direct Payment is an appropriate way to meet your outcomes.

Direct Payments may not be suitable for everyone. You may decide to have a service arranged for you by us. This will normally be the case if you want to have your support provided by an organisation that we already buy support from.

Your Allocated Social Care Worker will offer the option of a Direct Payment to you, as the person who has eligible needs, or the person who represents you. A Support Broker will then work with you to find an option for you to use a Direct Payment, if that is what you want.

There will be times where a person wants a Direct Payment, but it may be concluded that this is not suitable. Reasons for this could be that the person wants to spend money on things that would not meet assessed needs or if the person does not have the ability or capacity to manage the budget and there is not a suitable person to do

this on their behalf. When becoming an employer, a person needs the right understanding and approach to manage a Direct Payment.

## **4. How do I know if I have eligible needs:**

If you are new to services or are unsure if you are eligible:

<https://myway.trafford.gov.uk/web/portal/pages/home>  
[AdultSocialCare@trafford.gov.uk](mailto:AdultSocialCare@trafford.gov.uk)

An advisor will have a conversation with you to find out about your situation and begin the process of establishing if you have care and support needs that require long term support to help you live your day to-day life.

If you already have an Allocated Social Care Worker – they are the best person to discuss eligibility and Direct Payments with. If you have eligible needs, your Allocated Social Care Worker will complete a Needs Assessment with you to discuss:

- What is important to you/them
- What you/they can do for yourself/themselves
- Where you/they have difficulties
- Any care and support needs, and the impact of those needs on your/their wellbeing
- Any formal or informal support received, and if this will continue
- What outcomes you/they want to achieve.

The Allocated Social Care Worker will establish what help and support is available to you and which of your needs are eligible for support to be provided from us.

### **4.1 More information on eligibility for support to meet care and support needs:**

The Care Act sets out national eligibility to ensure that all Councils meet the same minimum level of social care needs for adults. The Care Act states that we must provide for needs that meet the following three conditions.

1. The needs arise from or are related to a physical or cognitive impairment or illness;
2. As a result of those needs the person is unable to achieve two or more of the specified outcomes:
  - Managing and maintaining nutrition
  - Maintaining personal hygiene
  - Managing toilet needs
  - Being appropriately clothed

- Being able to make use of the home safely
  - Maintaining a habitable home environment
  - Developing and maintaining family or other personal relationships
  - Accessing and engaging in work, training, education, or volunteering
  - Making use of necessary facilities or services in the local community, including public transport, and recreational facilities or services
  - Carrying out any caring responsibilities the adult has for a child.
3. As a result of not being able to achieve these outcomes there is, or there is likely to be, a significant impact on the person's wellbeing. This includes where the person can achieve the outcome but it takes them significantly longer than would normally be expected, it causes them significant pain, distress or anxiety, or it risks health or safety.

More information about eligibility is available online from the Trafford website [here](#).

## **5. Available support with Direct Payments:**

Your Support Broker has a key role in ensuring that you are given relevant and timely information about Direct Payments, so that you can decide whether you wish to request a Direct Payment, and that you are supported to receive and use it.

Your Support Broker will help you understand your responsibilities and what support is available to you. This will include contact information for the Direct Payment Service, Skills for Care, independent sector agencies, care providers, and any other information relevant to you.

### **5.1 Direct Payment Team**

Trafford Direct Payment Team offers a free service which will give you advice and support in using your Direct Payments.

#### **Support provided by Trafford Direct Payment Team:**

- Support and advice in setting up and maintaining your Direct Payment (agency or personal assistants), including financial records, time sheet recording, budgeting skills
- Producing and maintaining an accurate and up-to-date list of local provider agencies or available Personal Assistants (PAs)
- Setting out the option of accessing care through an agency and support for contacting and finding an agency that can best meet your care needs

- Making you and/or your representative aware of the advantages of the use of a care agency in terms of not taking on employer responsibilities and cover when your usual carer(s) is on leave or ill etc.

### **When employing PAs:**

- Supporting you and/or your representative to arrange carer cover including emergency and holiday replacement cover when regular carers are not available
- Providing support and advice about the legal responsibilities of being an Employer
- Provide recruitment support via a dedicated PA recruitment web platform: <https://trafford.paweb.org/>
- Provide information to draft job descriptions and person specifications for PAs
- Provide information to draft application forms and other methods of application
- Support for conducting interviews including providing information and advice on questions, advantages and disadvantages of interviewing in your home or in other venues
- Provide information with regards references, including guidance on what to ask for and how to verify references
- Providing support and advice on the safeguards needed when employing people including undertaking Disclosure and Barring Service (DBS) checks
- Providing support and information about being a good manager of staff
- Support you to find information with regards contracts of employment including disciplinary procedures
- Ensuring you understand the need for adequate insurance for your PAs and where to obtain such insurance
- Providing a payroll service and an accountancy service (if applicable) via Trafford's Payroll, Accountancy and Fully Managed Accountancy Framework
- Providing information on PAYE, Income Tax, and National Insurance
- Providing advice on health and safety issues including moving and handling
- Provide information with regards training for Carers/PAs
- Signposting to other services such as welfare benefits
- Direct you to Support Services who can provide Human Resources support and advice at disciplinary, capability, and grievance meetings, to ensure that these are properly conducted.

## **6. Who pays for my social care support?**

Support from Social Care (unlike most health care) is not free. We will charge adults who have care and support needs based on the outcome of a financial assessment. Many people will pay some or all of these costs. The amount you pay will depend on your financial circumstances.

Some people may get some help towards the cost of their care and support, while others will have to pay for their care from their savings and income.

The financial assessment will consider your ability to contribute towards your care cost. To work out how much you may need to pay, the assessment considers income, any savings or investments, and expenses (e.g. rent, mortgage, household bills).

The Adult Care Charging Policy 2019 sets out the financial assessment rules, how charges are calculated, and financial assessments, reviews, and appeals processes. For detailed information on the financial assessment, please see the [Trafford Council, Paying For Your Support](#).

## **7. How is a Direct Payment calculated?**

The Allocated Social Care Worker will work with you to decide about the amount and level of support you need. We take an approach of maximising a person's independence. In some cases, there are things a person can do for themselves or have help from family/friends or community organisations.

Where this needs to be supplemented by support that needs to be paid for, we will agree with you how much support is required. This is then set out in a care and support plan with you. Your plan should be written with you and be clear about what has been agreed. A Support Broker will then provide clarity on what your Direct Payment can be used for and avoid any confusion.

A Support Broker will talk to you to understand how you would like to arrange your care and support. They will be guided by our standard rates to give a budget for you to spend. We review these rates every year.

The rate for employing Personal Assistants (PAs) is based on the Real Living Wage (as the starting point) plus an allowance that gives you enough money to meet the costs of being an employer, known as "on-costs". This includes National Insurance, Pension Costs, Holiday Pay, Mandatory Training, Statutory Sick Pay, Payroll costs, and Employer's Liability Insurance. The allowance will meet these costs for most care packages.

We will increase rates of pay for Personal Assistants based on the Real Living Wage increase each year. We will also review the on-cost allowance to ensure it remains enough to meet employers' costs.

If you choose to buy services that are more expensive than the rates used to calculate your Direct Payment, you have the option of "topping up". This means meeting the cost difference from your own money. However, you should bear in mind that if you choose to pay more (for example a higher cost provider/PA) and your income reduces and you can no longer afford it, we will not be responsible for paying for a more expensive service and would normally offer an alternative, less expensive

option. We would discuss these arrangements with you to make sure that they are sustainable and an appropriate way to meet your needs.

We are required to and will consider our responsibility for fair treatment of people with care and support needs and our responsibility for managing public money, when making any decision to agree a budget in excess of standard rates.

## **8. Receiving my Direct Payment:**

### **8.1 Process – from assessment to payment:**

We will endeavour to meet the target times included in the flowchart below:

- 1. Your needs assessment is completed and you are eligible for care and support.**



- 2. Financial assessment referral is made by the Allocated Social Care Worker. You receive the financial assessment form to complete and return.**



- 3. Your care and support plan is completed and Direct Payment is identified as the right option.**



- 4. Financial assessment is completed informing you of your personal contribution.  
Target time: 28 days from all information received.**



- 5. A Support Broker meets with you to discuss how you want to receive your care needs, support you to find care and support if required, assist you with regards how you want to manage the Direct Payment funding, and inform you of your roles and responsibilities.**



- 6. You sign and return your Direct Payment Pay Calculation and Direct Payment Agreement.**



- 7. You receive your first payment.**

**Target time: 10 business / working days from all information signed and received.**

## **8.2 Process – After initial Payment:**

- 1. 8 weeks from the first payment made, your Support Broker will support you with sourcing any additional care providers, offer help and guidance with any administration and general management of your Direct Payment Budget.**



- 2. 12 weeks from the first payment made, an Audit Assistant will discuss with you the performance of your Direct Payment Budget and offer support with any financial transactions you may require. Subsequent Audits will be in 6 or 12 months periods, dependant on the performance of your Direct Payment Budget. In some circumstances, more frequently if required.**

## **8.3 How is the Direct Payment paid:**

Direct Payments can be paid to you, a role called a “Suitable Person”– if you are assessed as needing support, someone you choose (called a “Nominated Suitable Person”) or, if you cannot make decisions about this, a Support Broker can arrange for a Fully Managed Accountancy Service to do this on your behalf (called an “Authorised Suitable Person”).

There are a number of ways that you can receive and manage your Direct Payment. You will be offered support from Trafford Direct Payment Service to help you understand each of those. It is your choice as to how you are supported with the payment:

- **Dedicated bank account** – you will need to open a bank account in your name (or the name of the Nominated Person) and manage the Direct Payment yourself. This account should only be used for the Direct Payment. The Direct Payment can be administrated by you via a high street or online bank account provider of your choice. The Direct Payment Audit Team will require copies of the bank statements and all transactions upon request.
- **Pre-paid Card** – a pre-payment card that looks like a debit card; this is a virtual bank account that is set up by us and is pre-loaded with money from us and yourself (if you are assessed to pay a contribution). The card includes an account number and sort code which gives you the facility to pay directly to anyone with a bank account. The account can be administrated by you or your

Nominated Suitable Person via telephone banking, or by an online banking facility that allows you to upload any invoices. The Direct Payment Audit Team have remote visibility of this account, therefore will not ask you for details of the account statements.

- **Accountant Administrated Account** – an account held and administrated by an accountant under your management. The accountant receives your Direct Payment monies for you, makes payment for your care and support needs once you have authorised the payments. They will process any Audit information requested by the Direct Payment Audit Team. Your Support Broker can assist in the application of additional administrative support, based on your needs. The choice of Accountancy Service Providers will be offered to you via the Direct Payment Teams; Payroll, Accountancy and Fully Managed Framework (PAFM). If you employ personal assistants, or engage with any other support services, you remain the legal employer of any PA's and hold contractual rights with any other support services.
- **Fully Managed Account** – A third party who manages your Direct Payment on your behalf. The Fully Managed Service Provider acts as a third party and holds the Direct Payment monies on your behalf, ensuring care providers / personal assistants are paid, checking your contributions are paid, that the account doesn't go overdrawn, and highlighting any unexpected income or outgoings. If you employ personal assistants, or engage with any other support services, they can support you to be the employer, or can assume the employer role of any PA's and hold contractual rights with any other support services.

Whichever method you choose, Direct Payments will be paid into that account either annually or every 4 weeks, in advance. You will need to pay any charges you are responsible for into your Direct Payment account. Having a separate account for Direct Payments means you can pay for all your support needs from one account without us having to see your own personal bank account statements.

You can see an example of a Direct Payment below:

#### **DP Example 1:**

Based on your assessed needs, your Personal Budget has been calculated as £5200 for the year

- that is £100 per week (We refer to this as a "Gross Weekly Payment").

Your contribution has been assessed as £40 per week.

Your Direct Payment from us will be:

**£100 - £40 = £60 per week (We refer to this as your Net Weekly Payment)**

**£60 x 4 = £240 every 4 weeks**

We will pay £240 into your account every 4 weeks. You then pay your charge of £40 a week (£160 every 4 weeks) into the account giving you the full **£100** per week (£400 every 4 weeks) to pay your provider directly.

## **9. Spending my Direct Payment:**

Direct Payments are an excellent way for you to choose how to arrange your care and support. However, they can only be spent on things agreed as meeting the needs and achieving the outcomes in your care and support plan.

Most people who have Direct Payments choose to use them to employ Personal Assistants. They can be used in other ways, examples include using:

- A care agency
- Day services
- Support to be able to access activities
- A respite break for carers. This includes and is not limited to: providing care in the person's home, accessing day opportunities, short stays in care homes (up to 4 weeks consecutively) or supported holidays for the cared for
- A one-off payment for a service or a good or item to meet your needs – an example could be a laptop to enable you to keep in contact with friends and family

We encourage people to be creative in how they use their Direct Payment to meet their eligible needs. We will support creative use of Direct Payments to meet needs through our assessment and audit processes.

Your Support Broker will discuss with you what you want to spend the money on. They will be able to assist you to produce an additional Support Plan Request. Your Support Broker will then present the request to the Senior Support Broker for authorisation or escalate the request to the Quality Assurance Panel for consideration. There are some important principles to guide those decisions:

- The proposed use of money must, in the professional opinion of the Senior Support Broker or the Quality Assurance Panel, upon recorded information (the additional Support Plan Request), be appropriate to meet your assessed needs and outcomes
- The amount of money spent cannot exceed the Direct Payment budget. However, if you want to "top up" to purchase something more expensive, you can do this with your own money, via "topping up" your Direct Payment

account. The Direct Payment Team will take this into consideration when completing your audit.

There are restrictions on what Direct Payments can be spent on, for example: anything against the law, cigarettes, alcohol, drugs, gambling. However, as long as the Direct Payment is being used to meet eligible care and support needs identified in your care and support plan, there should be no unreasonable restriction placed on the use of Direct Payments.

Under the Care Act, we have a duty to ensure that – in exceptional circumstances – employing a family member (living in the same household) is a suitable and safe use of the Direct Payment and that the support will meet your needs. You can discuss this with your Allocated Social Care Worker as part of the assessment and support planning process or with your Support Broker at a later stage. A decision to agree that a close relative (living in the same household) can be employed can be made by the Quality Assurance Panel. Regardless of the outcome, the decision needs to be clearly communicated to you/your family.

If you want to change how you spend your Direct Payment after it has been agreed, you must talk to us and get agreement before you make any changes. This could include stopping an agency service to employ a Personal Assistant. It is essential to have a discussion with us as payment rates may not be the same, or the proposed changes may not meet your care and support needs.

You may wish to join with others to pool your Direct Payment – for example, where support may be expensive, it is possible to join with other people who use Direct Payments to form a group and combine Direct Payments. You could use the pooled budget to buy support and services that would not normally be accessible to the people individually and it could help achieve better outcomes for everyone.

An agreement for pooled Direct Payments needs to be signed by, or on behalf of, everyone sharing the collective arrangement.

## **10. Employing a Personal Assistant (PA):**

Direct Payments give you the opportunity to employ or engage with Personal Assistants (PAs). They can support you to live more independently in your own home, in the community, at leisure, or at work.

### **10.1 Employing a PA – your responsibilities:**

If you decide to employ a PA, you need to be fully aware of your responsibilities. These include, but are not limited to:

- Advertising and recruitment to employ the PA;
- Legal responsibilities you will have as an employer, including but not limited to:
  - Employment checks (including Disclosure and Barring Scheme\* checks)
  - Tax and National Insurance
  - Contract of employment
  - Employer's Liability Insurance – you can find more information whether it is required in your circumstances [here](#).
  - Pensions
  - Keeping employee information safe, secure, and up to date
  - Maintaining records of hours worked, payments made, training undertaken etc.
  - Health and Safety policy and risk assessment if you employ more than 5 PAs
  - Accident records
  - Redundancy payments – paid via your employment liability insurance providers in the first instance and topped by an additional payment into your Direct Payment account by Trafford for any qualifying employees.

\*We strongly recommend Disclosure and Barring Scheme (DBS) checks to be completed when you employ PAs.

You still have these responsibilities if it has been agreed that you may employ a family member.

We will discuss with you the responsibilities of being an employer and support available when starting a Direct Payment.

There is detailed information about responsibilities when employing a PA available through Skills for Care [www.employingpersonalassistants.co.uk](http://www.employingpersonalassistants.co.uk). You can also find free information and advice on workplace rights, rules, and best practice by visiting ACAS website: [www.acas.org.uk](http://www.acas.org.uk).

## **10.2 Self-employed PAs:**

If you choose not to employ your own Personal Assistant and instead use a self-employed PA, they will be responsible for dealing with their own tax and National Insurance (NI).

You should ask them for copies of the following documents as proof of their status:

1. Unique Tax Reference Number (UTR), issued by the HR Revenues & Customs (HMRC) to the self-employed worker
2. The results from the Employment Status Indicator (ESI) Tool, available via the HMRC website saying that the PA is self-employed for care work: [Check employment status for tax - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-employment-status-for-tax)

If you do not obtain this proof, then you could be liable for back pay in tax and National Insurance Contributions if it turns out later that they should have been *employed* rather than *self-employed*. **You need to obtain these documents even if you are using self-employed PAs provided by a care agency.**

If you use the services of a self-employed PA then you should check that they provide:

- Public Liability Insurance (up to £5 million)
- Current DBS Check – it is advisable that these are updated on a 3 yearly basis
- Service Contract/Agreement (incl. complaints procedure etc)
- Professional invoices for payment of work completed

Invoices from self-employed PAs are one of the types of evidence you need to keep to show us that you are keeping records and to continue to use a Direct Payment. They will be requested by the Direct Payment Audit Team, in conjunction with each Self Employed Care Workers UTR number and ESI tool result.

A person who works for themselves and finds many customers who will buy their services (which could be you) is an example of how a self-employed person may work.

- They will run a business as a self-employed person
- They choose the way they want to work and you purchase their services
- They will have their own business insurance
- They should provide references for you to see
- They should also provide major pieces of equipment needed to do their job
- They will usually dictate their terms and conditions of services and provide a service contract for you to sign.

You would not usually need to pay them sick pay or holiday pay because you are not the employer and a self-employed person will usually provide you with emergency cover if they are sick, for example.

## **11. How is the Direct Payment monitored:**

We are required to monitor the Direct Payment to make sure:

- You are being given the right amount of money to meet your eligible care and support needs

- That the Direct Payment is being managed well
- The money is being used as agreed.

Your Allocated Social Care Worker will perform an initial review of your needs once the Direct Payment is in payment.

Your Support Broker will also perform a review with you in the first 8 weeks to ensure that the account is set up and being managed, and that appropriate support is in place.

Further reviews will be completed by your Allocated Social Care Worker at least every 12 months in accordance with section 27 of the Care Act. Reviews will be proportionate and should be a face-to-face meeting. Allocated Social Care Workers will utilise any information available about Direct Payment usage through audit information and Support Broker input as part of their review of how needs are met. This will include monitoring of the payment of contribution amounts.

If a face-to-face review cannot be completed due to circumstances beyond our control, a telephone review may be deemed sufficient.

You, or the person who is managing the Direct Payment, may invite anyone you wish to be present at the review, but we request you advise the Allocated Social Care Worker of who will be in attendance.

You can ask for a review at any time if your needs or circumstances change. If the changes are significant, this may require a new assessment to be completed. If we decide that your needs are not being met through using a Direct Payment, this may be suspended, and you would be offered an alternative way of meeting your care and support.

For Auditing purposes, on all types of account, you will need to:

- Provide proof of payment for any personal contribution you have been assessed as needing to pay towards your care and support
- Keep copies of all receipts and invoices and supply these to us on request
- Keep bank statements for your Direct Payments account (not applicable for Prepaid Card accounts or Accountant Administrated/Fully Managed accounts)
- Keep timesheets and summary slips if you employ staff
- Keep receipts for any pre-agreed payments that you have made. The receipt should state the name and address of the provider, what has been purchased or provided, the date, and the amount paid. The provider should sign to say they have been paid
- Keep a copy of your Employer's Liability Insurance certificate if you employ staff
- Show proof of Tax, National Insurance, Pension, holiday and sickness payments (detailed in your employee's payslips).

We will need to check how the money is being spent and what it is being spent on. If your needs change, you need to get in touch with us to ensure you are getting the right amount of money.

If the Direct Payment money starts to build up because it is not being used, we will get in touch to find out why. There may be good reasons for this such as unspent contingency or training funds, or because you are awaiting an invoice from a care provider. But if it is not going to be used to meet care and support needs and the outcomes as specified in your care and support plan, the money must be returned to us.

If money has been used outside the terms of the Direct Payment Agreement, we will consider the circumstances before deciding in accordance with the agreement.

## **12. Can the Direct Payment be suspended or taken away?**

If, after speaking with you and considering the evidence, it is found that the Direct Payment is being misused, we can suspend or stop the Direct Payment and will offer an alternative way of meeting your care and support needs. This will usually be through a service commissioned by us. You will also have to pay back any money that has been misused and return any unspent money from the Direct Payment account.

We can also decide to stop a Direct Payment if, for example:

- We believe that you are no longer able to manage it
- You do not keep to the terms of the Direct Payment Agreement
- You do not respond to communications from us within time limits set (14 day period)
- You do not pay any personal contributions that you have been assessed as needing to make towards the cost of your care and support
- If Safeguarding concerns are raised which could be affected by the provision of a Direct Payment.

We will use appropriate necessary means to recover monies and may consider court action after all other reasonable avenues have been exhausted.

## 13. Complaints:

Where there are difficulties around setting up Direct Payments these can be resolved between the Allocated Social Care Worker, your Support Broker or Audit Assistant, and yourself as a first step. If you remain unhappy about any action or decision within this process, you have the right to complain and you can make a formal complaint.

For complaints:

[Trafford Directory | Trafford Council Integrated Customer Engagement Team](#)

Customer Relationships Team - Adult Social Care

Trafford Council

Trafford Town Hall

Talbot Road

Stretford

M32 0TH

Email: [ice@trafford.gov.uk](mailto:ice@trafford.gov.uk)

Telephone: 0161 912 2000

Fax: 0161 912 5774

If you need support to appeal or complain you should be referred to the appropriate advocacy service by your Allocated Social Care Worker.

## 14. Further information:

Further information about Direct Payments and general information about all adult care services, available from our Direct Payment web page, or by calling/email the team.

Please see below for our contact details.

### 14.1 Our contact details:

Team	Contact details
Trafford Council Adult Social Care	<a href="mailto:AdultSocialCare@trafford.gov.uk">AdultSocialCare@trafford.gov.uk</a> <a href="#">Trafford Directory   Trafford Council Adult Social Care - help for adults</a> Safeguarding referrals and queries: <a href="mailto:AdultSafeguardinghub@trafford.gov.uk">AdultSafeguardinghub@trafford.gov.uk</a>

<p>Trafford Council Financial Assessment Team</p>	<p>Financial Assessments Department 0161 912 2106 Sale Waterside PO Box 543 Sale M33 0GE <a href="mailto:financial.assessments@trafford.gov.uk">financial.assessments@trafford.gov.uk</a> <a href="#">Trafford Directory   Paying for support</a></p>
<p>Direct Payments Team</p>	<p>Support Brokerage: 0161 912 2701 <a href="mailto:directpayments@trafford.gov.uk">directpayments@trafford.gov.uk</a></p> <p>Direct Payment Audit Team: 0161 912 2787 <a href="mailto:directpaymentsaudit@trafford.gov.uk">directpaymentsaudit@trafford.gov.uk</a> <a href="#">Direct payments (trafford.gov.uk)</a></p>
<p>Customer Relations Team (ICE)</p>	<p>Customer Relationships Team - Adult Social Care Trafford Council Trafford Town Hall Talbot Road Stretford M32 0TH <a href="mailto:ice@trafford.gov.uk">ice@trafford.gov.uk</a> 0161 912 2000</p>
<p>The Local Government Ombudsman</p>	<p>The Local Government Ombudsman PO Box 4771 Coventry CV4 0EH 0300 061 0614 or 0845 602 1983 024 7682 0001 <a href="http://www.lgo.org.uk">www.lgo.org.uk</a></p>
<p>Care Quality Commission</p>	<p>Care Quality Commission Finsbury Tower 103-105 Bunhill Row London EC1Y 8TG Email: <a href="mailto:enquiries@cqc.org.uk">enquiries@cqc.org.uk</a> Telephone: 0300 061 6161 Website: <a href="http://www.cqc.org.uk">www.cqc.org.uk</a></p>

