

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY 24 MARCH 2003 AT 2.00 P.M.**

Agenda Item No.

**12**

**DIRECT PAYMENTS SCHEME TO SUPPORT DISABLED CHILDREN,  
YOUNG PEOPLE AND THEIR FAMILIES.**

Report of the Director of Children, Schools and Families

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Executive Member: Robert Gordon

**1. Purpose of the report**

- 1.1 To present for approval the Direct Payments Policy (Appendix 1) which outlines the commitment that the County Council will make to those with a parental responsibility for a disabled child and young disabled people ages 16/17 following the implementation of the Carers and Disabled Children Act 2000.

**2. Summary**

- 2.1 The Carers and Disabled Children Act came into force on the 1 April 2001. The Direct Payments Scheme is mandatory from April 2003.
- 2.2 Hertfordshire's Policy follows the guiding principles of the Act, that Direct Payments should be introduced in a flexible and creative way, fully encompassing the legislation, whose intention is to enhance self determination and User control.

**3. Conclusions**

The Policy was considered at the meeting of the CSF Strategy Panel on the 27 February 2003, who unanimously endorsed it. The Cabinet is asked to approve the Policy and its implementation with effect from 1 April 2003.

- 4.1 **The Community Care (Direct Payments) Act 1996** came into force on 1 April 1997, giving Local Authorities the power to make cash payments for community care direct to individuals who need services. The Act at the time specified that it would only be available to people aged between 18-65 years who had a physical disability, sensory impairment, mental health issue or learning disability. On 1 February 2000, The Community Care (Direct Payments) Amendment Regulations 2000 came into force.
- 4.2 The Carers and Disabled Children Act 2000 came into force on 1 April 2001, which enables Direct Payments to be made available to a wider group of people:
- Parent carers can receive Direct Payments in lieu of services for the child as well as in lieu of services for themselves as part of the family.
  - Disabled young people (16-17) can receive Direct Payments in lieu of services to them. (This is set out in the newly introduced Section 17a of the Children Act 1989.)
  - All carers will be eligible for Direct Payments in lieu of carer's services.
- 4.3 The Government's aim in promoting Direct Payments, is to increase user's independence and choice by giving them control over the way the services they receive are delivered. The local council makes the payment instead of arranging the services it has assessed the person as needing.
- 4.4 The aim of Direct Payments is to promote independence, and they must do so effectively when they are introduced in a spirit of partnership between the council and the user.
- 4.5 A Direct Payment must be able to meet the assessed need of the disabled child and cost no more than it would cost the County Council to provide an equivalent service. It will need to demonstrate value for money.
- 4.6 Direct payments can only be provided to those families and young people who would otherwise be receiving services under section 17 of the Children Act 1989.
- 4.7 Local councils should not arrange a direct payment for a person with parental responsibility for a disabled child unless they are satisfied that the support purchased with the money is designed to safeguard and promote the welfare of the child.

## **5. Relevant additional information**

- 5.1 The Strategy Panel recommended that the CSF Scrutiny Committee should receive a report on the effectiveness of Hertfordshire's implementation of the CSF Direct Payments Scheme. This has been provisionally timetabled for the meeting of the Scrutiny Committee in June 2004.

## **6. Financial Implications**

- 6.1 Within the CSF Plan (2003/04) a sum of £120,000 is allocated to support the implementation of this service. This money will provide funding for a support agency and the delivery of the service via the disability quadrant teams.

### **Background information referred to by the author:**

- Children Act 1989 (Section 17/17a).
- Community Care (Direct Payments) Act 1996.
- Community Care ( Direct Payments) Amendment Regulations 2000.
- Community Care ( Direct Payments) Act 1996 Draft Policy and Practice Guidance. Consultation Paper – Department of Health August 2002.
- Carers and Disabled Children Act 2000.
- Health and Social Care Act 2001
- Direct Payments in Hertfordshire: Policy Practice and Guidance. (SSBN:98D292)