

# **Staff Guidance in the Accounting and Monitoring for Payments made under The Carers and Direct Payments Act (NI) 2002**

The purpose of this guidance is to assist with the accounting and monitoring of Carers Direct Payments Act 2002 and the policy behind it.

The guidance should be read in conjunction with:-

1. The Carers and Direct Payment Act (NI) 2002
2. Direct Payments - Legislation and Guidance for Boards and Trusts issued by the Department of Health, Social Services and Public Safety.
3. DHSSPS A Guide to Receiving Direct Payments April 2005 Revised November 2008
4. DHSSPS Guidance on Accounting and Monitoring Requirements for Payments made under the Carers and Direct Payments Act (NI) 2002 June 2005 and November 2008
5. SEHSCT Direct Payment Staff guidance pack (Sept 2014)

## **1. Roles and Responsibilities for Direct Payments**

Good governance in relation to Direct Payments requires a clear understanding by service users, carers, advocates (where appropriate) and Trust staff of their roles and responsibilities and a commitment to work together in an open and transparent environment.

## **2. Responsibilities of Direct Payment Users**

It is important that Keyworkers make the service users/ nominated representative aware of the responsibilities associated with Direct Payments before they agree to manage the associated processes. Service users/carers need to understand that Direct Payments are public funds and that they are accountable for the way they are spent. Services purchased by Direct Payment recipients should be in accordance with their agreed assessed need and individual goals outlined in the persons Support/ Care plan. Service users/carers financial requirements and responsibilities for Direct Payments are set out below:-

### **2.1 Contract / Agreement**

Having explained the Direct Payment responsibilities and processes to service users/carers, the Key Worker should prepare a contract for the administration of the Direct Payment arrangement (Appendix A) All DP paperwork can be found in the DP staff guidance and is also available on the SDS site. Copies should be given by keyworker to the Individual, Financial Assessments Department & to client file.

The following finance related matters should be explicitly covered in the contract:-

## 2.2 **Banking Arrangements**

Service users will be advised to have a separate nominated Bank Account in operation prior to Direct Payment services commencing in order to ensure timely payments of Direct Payments and avoid administrative delays in Bank transfers etc. The bank account should be one with a cheque book facility and be able to facilitate direct debits and bank transfers, on line banking

Details of this account should be obtained from the individual / other by the keyworker and the DP recipient or nominated other should sign the appropriate form (Appendix H) Copies to Individual, Financial Assessments Department & to client file.

It is recognised that in some instances this Bank Account will also be used to administer the Independent Living Fund monies that Direct Payment users have secured for their care needs. In this instance it is important that the Direct Payment user annotates the Bank Account Statement to indicate expenditure in relation to the Direct Payment. These Bank records will be used for monitoring and accounting purposes

## 3. **Record Keeping**

Direct Payment recipients must make appropriate payments (within the required timescales) to HMRC in respect of PAYE and National Insurance for employees liable for income tax and national insurance payments. Records and returns should be completed and kept to fulfil their statutory obligation as an employer.

Direct Payment users will be required to return on a quarterly basis Bank Statements to the Direct Payments Monitoring Officer, for monitoring and accounting purposes. It will be required that Direct Payment users indicate on the Bank Statement information in relation to each transaction (annotated statements) which clearly identify the name of the worker and states the reason for each transaction. The Bank Statements should cover the transactions for relevant quarter.

In the exceptional event that cash withdrawals are made Direct Payment users must provide invoices/receipts for how this cash has been used. It is expected that generally transactions will be made by cheque / bank transfer.

## 4. **Quarterly Bank Statements**

It is the responsibility of the service user/ nominated other to forward on a quarterly basis their bank statements to the Direct Payments Monitoring Officer in SEHSCT (March, June, September and December).

Finance staff should ensure that quarterly Bank Statements are received from Direct Payment service user by the prescribed deadline of 10 working days at the quarter end and the service user/carer has annotated beside each transaction details of the payments.

In the event that a return is not received within the time frame Finance Department will issue a reminder letter to the Direct Payment recipient / representative (copy to key worker) advising them of this (see Appendix 1). **Staff should adhere to procedure (Appendix R)** in the SEHSCT Direct Payment staff guidance.

The Keyworker must escalate non-compliance to Line Manager / Senior Manager's / AD if quarterly monitoring returns and Bank Statements have not been received.

No Direct payment service should be ceased due to non-compliance unless escalated and approved by the Assistant Director in individual programs of care

The Key Worker should consider ceasing the Direct Payment within 28 days if two quarterly Bank Statements are outstanding and endeavour to have an alternative package of care in place. Finance Department will issue a letter to the Direct Payment recipient / representative (copy to Key Worker and their line manager) advising them of this (see Appendix 2). On receipt of this copy the Key Worker should **urgently** contact the Direct Payment recipient / representative to discuss.

Monitoring Officer within Financial Governance Department should be advised in relation to the decision and where payment is to cease notification should be forwarded to Financial Assessments Department to stop payment.

Non-compliance at quarter two will also be escalated to Assistant Directors within relevant POC via the SDS Implementation Group.

## **5. Accumulated Balances**

Balances in excess of 3 times the monthly payment should be investigated by the Key Worker/Care Manager on receipt of the quarterly Finance Monitoring Checklist to establish reason for surplus. On occasions where named worker agrees to balances in excess of three months being used for the provision of additional AGREED care, respite etc, DP Monitoring Officer needs to be informed so that file can be updated accordingly. If no additional care is required suspension of payments should be placed until the value of the agreed excess funds has been reclaimed. Financial Assessments should be advised immediately of suspension period.

Accumulated balances should not be used to purchase additional services. Applications for additional services should be based on assessment / reassessment of need and application for additional services should proceed through usual resource / funding panels for consideration.

Accumulated balances should not be used to purchase equipment, gloves, and aprons, or to purchase training for Personal Assistants. Applications for these requirements should be made through usual resources / funding panels.

The Key worker should escalate concerns / issues through line manager and seek appropriate approval before suspending payments.

## **6. Insurance**

Through SDS the DP recipient / representative are responsible for purchasing insurance from their personal budget. The key worker will ensure that appropriate enhanced Employers Liability Insurance is in place before the commencement of the Direct Payment. The DP recipient / representative is responsible to send a copy of this certificate to the key worker. On receipt of this certificate the keyworker will send a copy of the insurance certificate to the finance department requesting that the DP commence and a copy of the certificate is retained in the individuals file.

The insurance is required to be renewed on a yearly basis and it is the DP recipient/representative's responsibility to send a copy of this insurance certificate on renewal to the key worker. The keyworker will send copy to Finance Dept & retain a copy in the individuals file.

The Keyworker should ensure on signing of agreement that the DP recipient / representative is aware of this responsibility.

The Keyworker should check status of insurance at review and remind recipient / representative of their responsibility to renew on a yearly basis.

In the event that Insurance is not purchased or renewed the service user will be advised in writing by the key worker (Appendix 3). Keyworker must check status of insurance on initiating services and at review. If the insurance is not in place within 28 days the Direct Payment will cease and the Trust will endeavour to put an alternative package of care in place

The Key worker should escalate concerns / issues through line manager.

No Direct payment service should be ceased due to noncompliance unless escalated and approved by the Assistant Director in individual programs of care

Where the service users circumstances dictate that they are unable to pay the insurance in advance of the commencement of the Direct Payment, the insurance companies may be able to offer assistance through a monthly plan or a period in which to pay.

## **7. Reviews**

The named worker will be responsible for ensuring that reviews take place in a timely manner. Good practice guidance would indicate that reviews should take place after six weeks, and again after the next six weeks and 6 monthly thereafter once the Direct Payment is in place, and in accordance with need or individual POC protocol.

The DP Monitoring Officer will inform and escalate to Team Leaders when the quarterly monitoring return documentation has not been received. It is the responsibility of the named worker to ensure when completing their review that service users have forwarded all returns, eg Quarterly Bank Statements, Insurance and final Bank Statements

#### **8. Final Bank Statement**

It is imperative when a direct payment ceases that the Financial Assessments Department is informed (within 3 working days) Upon receipt of this information the payments will immediately cease and a letter will be issued to the DP recipient /representative advising them of the overpayment that has been made and asking them to repay all surplus funds in addition to final bank statement. Copy of letter will be forwarded to Key Worker to trigger contact with the DP client / representative.

If after 28 days no payment has been received Finance will e-mail Key Worker and their line manager to advise and ask them to urgently make contact with the client to agree and arrange final refund.

#### **9. Suspension of Direct Payment**

Where a suspended direct payment exceeds 3 months Financial Assessments will contact the Key Worker for an update and to agree how to progress this case, discussions should include the cessation of the DP and the reclaiming of overpayments.

#### **10 Escalation Protocol**

The Key worker should escalate concerns / issues immediately through line manager.

No Direct payment service should be ceased due to noncompliance unless escalated and approved by the Assistant Director in individual programs of care

More detailed guidance in regards to Cessation of a Direct Payment and noncompliance procedure (Appendix R) can be found in the SEHSCT Direct payment guidance document

Escalation protocol is found in Direct Payment Guidance Appendix R

XXXXXXX  
XXXXXXX  
XXXXXXX

XXXXXX

Dear XXXXX

**Re: Direct Payment quarterly returns in respect of XXXXXX**

According to our records we have not received your returns for period ended XXXXXX

Please forward your outstanding return(s) to the address below within 7 days. Failure to comply with financial accountability requirements may result in suspension of payment as per your direct payment agreement.

If however you are experiencing difficulty providing your returns please contact your named key worker.

Thank you for your assistance in this matter.

If you have sent your returns within the last few days please disregard this letter and accept our apologies.

If you have any queries, please contact me on XXXXXX

Yours sincerely

XXXXXXX  
XXXXXXX  
XXXXXXX

XXXXXX

Dear XXXXX

**Re: Direct Payment quarterly returns in respect of XXXXXX**

I note that for the past two quarters XXXXX no Bank Statements have been produced evidencing the use of the payments made to you. This is in breach of the contract set up between you and the South Eastern Health and Social Care Trust.

In order to maintain a clear and transparent use of these funds I would ask you to submit these statements as a matter of urgency to:

Direct Payments Monitoring Officer  
Cash Office  
Ards Community Hospital  
Church Street  
Newtownards  
BT23 4AS

In the event of the Trust not receiving the outstanding two quarterly Bank Statements within 28 days of the date of this letter your Direct Payment will cease and the Trust will endeavour to provide an alternative package of care. It is therefore imperative that you contact you key worker immediately to discuss.

Yours sincerely

XXXXXX  
XXXXXX

APPENDIX 3

XXXXXXXXXX

Address  
Address  
Address  
Address

XXXXXX

Our Ref:

Your Ref:

Dear,

**Re: Insurance Renewal**

I write to inform you that the Trust has not received a copy of

**Your insurance certificate / your renewal insurance certificate**

\_(Delete accordingly)

in respect of your Direct Payment. This was due on the **XXXXXX**.

It is imperative that the appropriate enhanced insurance is in place to provide insurance cover for the staff you employ to delivery your service. As a Direct Payment recipient / representative it is your responsibility to send a copy of this insurance certificate or renewal to your key worker.

We ask that you contact the keyworker on receipt of this letter to confirm that the appropriate enhanced insurance is in place and make arrangements to forward a copy of the certificate as confirmation. Without this assurance the Trust will no longer be in a position to continue with your direct payment and will endeavour to put an alternative package of care in place.

Yours sincerely

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