

Question 1: What do you think?

Tell us what you think about the rules in Part 2 for

Checking how much someone can pay towards their support

Rule 3: Should it not be that “the local council WILL check.....” rather than “can”?

Can some indication be given of what “the check” will be?

It would seem appropriate that a person who is determined as being able to contribute is made aware of why this has been deemed the case ie what has been taken into account in calculating this, and given the opportunity to query/appeal.

Paying the direct payment

Rule 4: In spite of it's title doesn't actually tell you how much they get, rather tells you what happens if people have to make a contribution.

The last para seems a bit confusing. Is it saying anyone can choose to have the full amount and then payback the council? If so, presumably on some agreed basis?

Rule 5: Sounds rather arbitrary. Will there be clear criteria people will be made aware of/can challenge?

Rule 6: Presume the 2 bullet points need to apply so suggest link with “AND”.

Stopping the direct payment

When council deciding date to stop payment, in addition to the 2 bullet points there might there be a need to consider if they need to put in place any interim/longer term support ie, that someone is not left without any support while sorting out new support.

Question 2: What do you think?

Tell us what you think about the rules in Part 3 about when you can and cannot use a direct payment to employ a family member to give support.

Rule 9: Suggest linking the first 2 bullet points with “AND”.

5th bullet point suggest replacing “it is better” with “the person prefers”.

Rule 10: Suggest adding “where” at the end of the first sentence and 2nd and 3rd para are indented bullet points (deleting “sometimes” and replacing “will be” with “is” and “will have” with “has” and then no need for final sentence in 3rd).

Is there also an issue if, under Rule 6, they were the person to which payments were to be made on behalf of the individual?

Question 3: What do you think?

Tell us what you think about not giving direct payments to people who need care and treatment as part of an order by the courts.

These people have no choice but to get care and treatment , but questionable as to whether they should also have choice removed with regard to who provides that. If the issue is about their compliance with the order and concern that by giving them control some sort of collusion with a provider obviates this, would this not be picked up through monitoring/usual follow up re criminal justice SW for example? Could also be argued that by giving the person some choice, compliance and commitment to a programme might be improved?

Question 4: What do you think?

Tell us what you think about not giving direct payments to people who:

Are homeless

Are getting away from abuse at home

Need help to stop taking drugs and alcohol.

Rule 12: This is a little confusing. Title says can't use DP for some services but then goes on to describe specific circumstances, rather than services, which would preclude the use of a DP. Or could also be read that it would be withheld only for services relating to that condition. As currently written could seem to be an extension of categories in Rule 11 (without the compulsion element).

Again would ask the question why choice is being restricted because of particular circumstances...and why only these?

The wording of the introductory sentence says "does not have to give" so suggesting they could, is there an element of discretion?

Question 5: What do you think?

Tell us what you think about not giving direct payments to people who need to stay in a care home or nursing home.

Again, wording suggests element of discretion. Is this what is anticipated? If someone needs long term residential care, would seem sensible for that to be met directly according to current rules etc rather than through DP – although it would be important that the element of choice for the person is not lost if that were to be the case.

Question 6: What do you think?

The rules do not say exactly when and why the council can say No to children and families if they want to use direct payments for care and support. Do you think the rules should be more specific?

Recognise the difficulty in being specific. Perhaps some sort of reference assessment of risk /use of child protection tools / getting it right for every child type considerations might be helpful. Welfare of the child is paramount and where a local authority thinks this would not be met through the use of a DP, it should be able to say why.