



## Discontinuing Direct Payments

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A person receiving Direct Payments can decide at any time that they no longer wish to continue with Direct Payments.

The council can also cease making Direct Payments if the person is assessed as no longer being eligible to receive social care services.

Direct Payments may also cease if the person is assessed as being no longer capable of managing Direct Payments, with or without support. However, Direct Payments may continue if the difficulties being experienced are considered as temporary or that there is someone else who is prepared to accept and manage the payments on behalf of the person.

The council may suspend the Direct Payment if the service user goes into hospital or is otherwise temporarily unable to receive this type of support. Where a service user is in hospital, the Direct Payment will not generally be suspended for the first 10 weeks of the hospital stay. If a hospital stay extends beyond the 10-week period, payments will be suspended pending further reassessment and review.

The council will cease making payments if it is not satisfied that the person's assessed needs can be met by using Direct Payments or if the arrangements are not safeguarding or promoting the welfare of the child, young person or vulnerable adult.

Direct Payments may also be withdrawn if the person fails to co-operate with a condition to which Direct payments are subject, for example that the payments have not been used to obtain services that the service user is assessed as needing or that the council has reasonable reason to suspect that further payments may be misspent.

In the first instance, the council will work with the person to negotiate specific actions to be taken to prevent future misuse and will plan for how their needs can more appropriately be met in the future. Where Direct Payments have been misspent, through the audit process, the council will identify the funding that should be returned either to the person's Direct Payments account or to the council directly. Written notification of any requirement to return Direct Payments monies will be issued to the service user or their representatives. Such situations may also be referred to the council's legal services to invoke the debt recovery process.

The council may end the agreement with immediate effect if it is found that the Direct Payment is being used illegally or not in the person's best interests.

The Direct Payment agreement can be ended by either the person or the council by giving 4 week's notice (in writing) to the other party.