

## Appendix 1

### **Excess Funds Policy**

#### Inclusion Services - Activities Unlimited

**Suffolk County Council must account for how the money is being used.**

**It is expected that the whole offer received will be spent, spent and evidenced within our Spending Guidelines.**

**Direct payment funds will be recovered in line with Suffolk County Council's debt recovery policy.**

**Suffolk County Council reserves the right to recover direct payments, in the following circumstances:**

- If the direct payment has not been used to meet agreed outcomes, as set out in the Spending Guidance
  - If the direct payment recipient fails to meet any terms of the Direct Payments Agreement, or fails to respond to any correspondence relating to the management and monitoring of the Direct Payment;
  - If a Direct Payment has been overpaid or paid in error;
  - If the Direct Payment agreement ceases and any direct payment monies remain in the direct payment account / prepaid card account;
  - In the event of unspent direct payments, monies will be recovered by Suffolk County Council. The Funds can be returned to Suffolk County Council, either by sending a cheque, on-line transfer or a redemption transaction will take place on your prepaid card account into Suffolk County Council's bank account.
1. If the direct payment has not been used to meet agreed outcomes, as set out in the Spending Guidance
    - i. Activities Unlimited may challenge direct payment usage, which could impact significantly on future financial support.
  2. If the direct payment recipient fails to meet any terms of the Direct Payments Agreement, or fails to respond to any correspondence relating to the management and monitoring of the Direct Payment
    - i. For prepaid card users, receipts must be retained and provided upon request to Activities Unlimited but do not need to be routinely supplied.
    - ii. For direct payments paid into own account, spending records and receipts must be submitted on a quarterly basis (at least every 12 weeks)
  3. If a Direct Payment has been overpaid or paid in error

**i.** If an overpayment has occurred due to an error on the part of Suffolk County Council, the direct payment recipient will be notified that this overpayment will be recovered. Funds should be returned on demand at the request of Activities Unlimited, as agreed upon contact.

**4.** If the direct payment agreement ceases and any direct payment monies remain in the direct payment account;

**i.** A young person or parent / carer to whom direct payments are made, whether to purchase a short break for themselves or on behalf of someone else, may decide at any time that they no longer wish to continue receiving direct payments. This will not influence further funding in the future if eligible

**ii.** Suffolk County Council shall cease making direct payments if a service user or parent / carer requests that the direct payment should cease, the reasons for this should be provided to Suffolk County Council, who will work with the young person or family to plan how their assessed eligible care needs will be met in an alternative way e.g. prepaid card or personal allowance.

**iii.** Suffolk County Council will stop making direct payments if it is not satisfied that the child or young person's short breaks needs can be met appropriately using direct payments.

**vi.** In circumstances where the Council suspends or ceases the direct payments, the Council will discuss the reasons with the young person or parent / carer and will write to them to confirm the outcome.

**v.** If a decision is made to recover the direct payments by Suffolk County Council, verbal contact will be made, and a written notice period of four weeks will be given.

**vi.** In event of death, 18th birthday or relocation out of county, the Council will cease direct payments and undertake a final reconciliation of the Funds. When requested, the service user or parent or carer shall repay to the Council any monies remaining in the account within seven days of the receipt of a written request, or in the case of prepaid cards, we will reclaim the funds from the account.

**vii.** Suffolk County Council reserves the right to and may discontinue payments if the young person or parent / carer fails to comply or breaches the terms and conditions set out to which the direct payments are subject or if any of the terms as set out within the Direct Payment Easy Guide document.

**5.** In the event of unspent direct payments, monies will be recovered by Suffolk County Council. The Funds can be returned to Suffolk County Council, either by sending a cheque or by on-line transfer into Suffolk County Council's bank account.

**i.** Any balance that is left unspent/unaccounted for according to our records as of 16.59pm on 31st March will be reclaimed by the council. This can be done by cheque, BACS, or in the case of prepaid cards, we will reclaim the funds from the account.