

Having a direct payment agreement with us on behalf of someone else (social care)

If you have a direct payment to buy help to meet someone else's needs, we will ask you to sign an agreement with us. This is so that you and we will understand what we are each responsible for. You **MUST** read the agreement in full before you sign it. You can get advice on the agreement first if you want to.

Here is a quick summary of what you need to know about the agreement:

1. The right way to meet needs

We will only make, or continue to make, a direct payment where we think it is the right way to meet a person's needs. This means we must agree that a direct payment is value for money



2. Being authorised to receive a direct payment

If a person is not able to make their own decisions about direct payments, we can authorise someone else to receive it for them. If we authorise you to receive the direct payment on behalf of a person with needs, you have all the same duties as the person would have if we paid it to them. You will receive the direct payment, make arrangements to meet the person's needs, and make payments from the account. You are in a position of trust and must act in the person's best interests. You must act honestly, avoid conflict between the person's interests and your own, and use at least the same level of care/ skill with the direct payment money as you would with your own money



3. Making payments to a direct payment card account

Unless we have agreed differently with you, we will make the direct payments to a direct payment card account which you will hold for the person with needs. The direct payment card provider (EML) asks for an additional set of terms and conditions to be signed on top of our agreement with you



4. Financial contributions

We will make the direct payments minus any financial contribution the person has to make to the costs of their social care. The person's financial contribution must be paid to the account every four weeks



5. What you must spend the direct payment on

You must only use the direct payment to meet the needs set out in the person's support plan. You are responsible for any money you spend, or arrangements that you make, using the direct payment. You must keep records of what you spend, and show them to us if we ask



6. Checking the background of the people you pay

We strongly recommend that you get criminal record (DBS) checks for anyone you employ or buy services from using the direct payment. In some circumstances you must get DBS checks. You cannot use the direct payment to pay for the checks, unless we have agreed it with you



7. People who you can't pay using a direct payment

You must not use the direct payment to

- pay the person's partner or a family member living in the same house as them
- pay the same person to give the person care and to help manage the direct payment. This includes you unless we have agreed it with you



8. Using registered care organisations

Any organisation you buy personal care from (for example, help with washing and dressing) using the direct payment must be registered with the Care Quality Commission (CQC)



9. Being an employer

If you employ someone, you must make sure that you have the right insurance and comply with your duties as an employer. We may ask for evidence that you are complying with your duties



10. Using self-employed people

If you use people who are self-employed, you must make sure that they are properly registered with HMRC ('the tax man'). We may ask for evidence that this has been done



11. Paying at the minimum wage

You can only use the direct payment to pay people at the minimum wage, unless we have agreed something different with you. If you have authority to do so (as attorney or deputy) you can decide to pay more from the person's own money if this is in their best interests



12. Regularly reviewing your direct payment

We will review the direct payment with you regularly. When we review it, we may need to ask others for information about the person, for example people who are caring for them. We will use the agreement as evidence that you have consented to us asking for this information



13. Making changes to your direct payment

You must keep doing what you agreed to do by signing the agreement, or we may stop making direct payments to you. In some circumstances, we might reduce the amount we pay, or we might ask you to repay the direct payments to us. The direct payment might be paused or ended. We won't do that without a good reason, and we will try to give you at least 28 days' notice before we make any change.



This is only a summary. You **MUST** read the agreement in full before you sign it. You can get advice on the agreement before you sign it if you would like to.

If you have any questions about direct payments or the role of authorised person, please contact your usual worker, or the Single Point of Access on **01472 256256**. You can find out more about direct payments here: <https://livewell.nelincs.gov.uk/adult-social-care/direct-payments/>