

Having a direct payment agreement with us – you and your nominated person (social care)

If you have a direct payment to meet your social care needs, we will ask you to sign an agreement with us. If you want to nominate someone else to receive the direct payment for you, your nominated person will need to sign the agreement too. This is so that we, you and your nominated person will understand what we are each responsible for. You and your nominated person **MUST** read the agreement in full before you both sign it. You can both get advice on the agreement first if you want to.

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

1. The right way to meet your needs

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



2. Being a nominated person

You must agree with the nominated person what level of help they will give you and what their responsibilities are. As a minimum, your nominated person will receive your direct payment, and make payments from the account to meet your needs. Your nominated person is in a position of trust. They must act honestly, avoid conflict between their interests and yours, and use at least the same level of care/ skill with the direct payment money as they would with their own money



3. Making payments to a direct payment card account

Unless we have agreed differently with you, we will make your direct payments to a direct payment card account, which your nominated person will hold for you. 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. Your financial contributions

We will make your direct payments minus any financial contribution you make to the costs of your social care. You must pay your financial contribution to the account every four weeks. Your nominated person must make sure the money in your direct payment account is enough to meet your needs, and tell us about any problems or changes that they know about



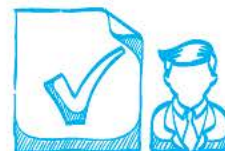
5. What you must spend the direct payment on

You and your nominated person must only use your direct payment to meet the needs set out in your support plan. You are both responsible for money spent using your direct payment. You must work together to keep records of what is spent, and show them to us if we ask



6. Checking the background of the people you pay

We strongly recommend that you or your nominated person get criminal record (DBS) checks for anyone you employ or buy services from using your direct payment. 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 your direct payment to

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



8. Using registered care organisations

If you use your direct payment to buy personal care from an organisation (for example, help with washing and dressing), the organisation must be registered with the Care Quality Commission (CQC)



9. Being an employer

If you employ someone (for example a personal assistant), you must make sure that you have the right insurance and comply with your duties as an employer. Although you will be the employer, your nominated person will make the payments needed to comply with your duties as an employer, for example, by paying wages. 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 your direct payment to pay people at the minimum wage, unless we have agreed something different with you



12. Regularly reviewing your direct payment

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



13. Making changes to your direct payment

You and your nominated person must both keep doing what you agreed to do by signing the agreement, or we may stop making the direct payments. In some circumstances, we might reduce the amount we pay you, or we might ask you to repay your direct payments to us. Your 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 and your nominated person **MUST** read the agreement in full before you both sign it. You can both get advice on the agreement before signing it if you would like to.

If you have any questions about your direct payments or the role of nominated 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/>