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## Direct Payments

### DIRECT PAYMENTS AGREEMENT For Suitable Appointed Person

This agreement sets out the responsibilities and obligations of:

**Durham County Council** (the council) **and**

Name: \_\_\_\_\_ (the Suitable Appointed Person)

Address: \_\_\_\_\_

In relation to the provision of Direct Payments for:

Name: \_\_\_\_\_ (the Service User)

Address: \_\_\_\_\_

**I consent to receive Direct Payments on behalf of the above named service user and confirm that I understand and will comply with the conditions contained in the attached agreement.**

**I understand that this may include repaying to the council any money spent on activities outside of my agreed Care and Support Plan.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Suitable Appointed Person)

Signed on behalf of Durham County Council: \_\_\_\_\_

Name and position of Officer: \_\_\_\_\_

Date: \_\_\_\_\_

### **Responsibilities of the council:**

1. To make Direct Payments at an amount estimated by the council as a reasonable cost for securing adequate services in order to meet the assessed eligible needs as outlined in the Service User's Care and Support Plan.
2. To make Direct Payments, at the agreed frequency.
3. To increase or decrease the amount of Direct Payments paid at any time following a reassessment of the Service User's needs which results in the revision of their Care and Support Plan and to give the Suitable Appointed Person appropriate notice of any changes.
4. To ensure that regular checks are undertaken on your Direct Payments and provide advice and support or take corrective action where issues are identified.
5. To provide support and advice in relation to the use of Direct Payments.
6. To undertake a final financial audit and take appropriate action for the recovery of any money due as the result of ending the Direct Payments.

### **Responsibilities of the Suitable Appointed Person:**

7. To use the Direct Payments for the purchase of goods and services that are safe, legal and meet the Service User's needs as agreed with their social worker/care coordinator and set out in the Service User's Care and Support Plan.
8. Following an increase or decrease in the service user's Direct Payments to manage any changes with agencies, organisations or employees from which you obtain services.
9. To open a separate bank account solely for Direct Payments. The account must be clearly identified as a Direct Payments account and include the name of the Service User.
10. To use any interest earned from Direct Payments toward the cost of services to meet the assessed needs.
11. To be liable for any bank charges which arise as a result of your own mismanagement of Direct Payments.
12. To keep and make available to the council on request documents relating to the Direct Payments including bank statements, invoices, receipts and timesheets (if relevant) in order for financial audits to be carried out on expenditure.

## **Responsibilities of the Suitable Appointed Person (continued):**

13. **Following an audit of the Direct Payments to pay any invoices which are issued as a result of money which may have been accrued or money which has been misspent from the Direct Payments bank account.**
14. To pay all invoices and costs relating to the purchasing of services via Direct Payments on time, including employee costs, any services purchased from an agency or organisation and any managed bank account or payroll services.
15. To ensure that all the legal obligations and requirements which relate to the purchase of services and people employed using the Direct Payments are met. This includes ensuring that employees work in an environment which does not compromise their health and safety.
16. To ensure that when the Direct Payments are used to employ staff directly that all necessary steps are taken to ensure this is safe including carrying out appropriate recruitment and Disclosure and Barring Service checks, purchasing Public and Employer's Liability insurance, arranging for relevant training, ensuring employees are working in a safe environment and keeping these up to date.

**Durham County Council recommends that appropriate checks be made by yourself in line with Disclosure and Barring Service regulations (DBS) for all prospective employees.**

17. Not to use the Direct Payments to secure services from a partner, a close relative or anyone else that lives in the same household as the service user unless otherwise agreed by the council, in writing.
18. To support the service user to pay any financial contribution towards the cost of their services, assessed in accordance with the council's charging policy.
19. To notify the council at the earliest opportunity of any material changes in circumstances which would affect the assessed needs of the service user, their entitlement to Direct Payments or the management of the Direct Payments.
20. Not to use the Direct Payments to buy health services, long term residential or very frequent 'short break' care in a residential facility, to pay household bills or other personal expenses
21. Not to use the Direct Payments to pay any other charges owed to the council.
22. To act at all times in the best interests of the service user and where necessary to consult other parties who have an interest in the welfare of the service user.
23. Following the ending of Direct Payments to provide, or arrange for your next of kin/executor to provide, documents relating to the Direct Payments in order for a final financial audit to be undertaken and recovery of any money due.

## **Suspension and Termination**

24. The council has the right to suspend or stop the Direct Payments if any of the terms and conditions of this agreement have not been met.
25. The council has the right to stop the Direct Payments if it is decided that the arrangements made for securing services are not adequate to meet the needs and outcomes of the Care and Support Plan.
26. The council has the right to suspend the Direct Payments where the need for services is temporarily not required.
27. The council will stop the Direct Payments when the entitlement to Direct Payments has ended or Direct Payments are no longer required. This will include for example on the death of the service user or when there is no longer an assessed eligible need for social care or when the financial contributions are more than the amount of Direct Payments.

The Suitable Appointed Person may, on behalf of the Service User, request to stop the Direct Payments at any time, following which, a final audit will be carried out to ensure that all liabilities are paid and unspent monies recovered