

**DIRECT PAYMENT AGREEMENT BETWEEN:**

**BURY COUNCIL**

**AND**

**The CARER (AS NAMED BELOW)**

***OR***

**THE ASSIGNED PERSON MANAGING THE DIRECT PAYMENT (AS NAMED BELOW)**

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| **Carer name:**   |   |
|  **Address including Postcode:**  |      |
| **Name of person  managing the Direct Payment: (if applicable)**    |   |
| **Address of person managing the Direct Payment: (if applicable)**  |      |

**Note** that this is a legally binding agreement therefore you should read it carefully and seek legal advice should you be unclear regarding any of the terms.

This Agreement outlines your responsibilities and the Council’s responsibilities when using your Carers Direct Payment. No payments can begin without this agreement having been signed and received by the Council.

**YOUR CARERS DIRECT PAYMENT**

* To receive a Carers Direct Payment, you will be a carer with eligible needs as outlined by a carers assessment.
* You will have completed an assessment form and had an assessment by a Council representative.
* If you are a carer, the Council will have prepared a Carers Support Plan showing how your assessed support needs will be met.
* You have agreed that the support described in the Carers Support Plan is to be provided wholly or partly through a Carers Direct Payment.

**HOW WILL YOUR CARERS DIRECT PAYMENT BE PAID**

Your Carers Direct Payment will be paid via prepayment card except in exceptional circumstances as listed in the Carers Direct Payment Policy.

* Your Carers Direct Payment can only be used for the items listed/support services set out and agreed as per your support plan. This account must not be used for any purpose other than for receiving the Carers Direct Payments and making payments for your assessed support needs/support needs under your Carers Support Plan. If you wish to use your Carers Direct Payment for an alternative service that meets your needs, you must get agreement from the social care team (contact 0161 253 5151).

* You must not make any cash or ATM withdrawals from this account.

* You must not make any transfers to your own bank account. Please note: t*here will be no reimbursement of funds if you pay for services/goods with your own money rather than using the Carers Direct Payment account.*

**GENERAL RULES ABOUT HOW TO USE THE CARERS DIRECT PAYMENT MONEY**

* Your Carers Direct Payment is to enable you to buy the support required to meet the outcomes as detailed and agreed in your Carers Support Plan.
* You must notify Bury Council if you wish to change anything in your Carers Support Plan and obtain approval in writing from Bury Council prior to purchase.
* You must inform Bury Council at the earliest opportunity of any material changes in circumstances which would affect your assessed needs or entitlement to Carers Direct Payments. This will include any changes in capacity to manage Carers Direct Payments or in the event of the death of the person in receipt of the Carers Direct Payment or the cared for person

* You cannot use your Carers Direct Payment to buy anything other than goods/services which meet your outcomes as agreed in your Carers Support Plan. Although not an exhaustive list, you **cannot** spend your Carers Direct Payments on the following items:
* Anything that is illegal
* Anything that will harm your health, safety or wellbeing
* Alcohol, tobacco, drugs or gambling
* Items relating to regular day to day living expenditure (e.g. food and drink)
* Rent, mortgage payments or household bills (e.g. gas, electricity, TV, Broadband)
* Payments for subscriptions e.g. mobile phone contracts
* Purchase of long term residential or nursing care
* Payment of a close relative/partner/friend that lives with you
* Payment for any health care needs that should be provided by the NHS
* Payment for any other charges owed to Bury Council.
* Services, equipment or minor adaptations that are the responsibility of other public bodies.
* For spend incurred outside of the UK unless authorised by a Head of Service within Bury Council.
* Ensure any one-off items are looked after and maintained

**REVIEWING THE CARERS DIRECT PAYMENT**

* If there is a change in your circumstances, you must notify the Council.
* You can request a review of your Carers Support Plan at any time. Your review should take place no later than 12 months from when your carers support plan takes effect, however, should you wish to discuss your carers PB with the social work teams, you can do so via contacting Connect and Direct on 0161 253 5151
* The Council’s responsibility remains to provide a review of your assessed care needs on a regular basis.
* It is also the Council’s responsibility to address any concerns in respect of your safety and welfare should they arise.
* You must keep accurate financial records (and retain these for a period of at least 6 years).
* You must keep the following records: -
* If you use a service provider, then you will need to keep copies of all the invoices and receipts you have received from the service provider
* Any other receipts or invoices related to your Carers Support Plan expenditure.
* You must submit all documents requested by the Council for audit purposes promptly. Failure to do so may result in the Carers Direct Payment being suspended or the agreement being terminated.
* If the Council decides that you are not keeping proper financial records it will consider terminating this Carers Direct Payments Agreement

**ENDING THE CARERS DIRECT PAYMENTS AGREEMENT**

* In the event of your death, those dealing with your affairs need to be aware that any Carers Direct Payments money remaining in the prepayment card does not form part of your estate and cannot be used to pay for expenses such as funeral costs. This money will need to be returned to the Council subject to a final audit.
* If Carers Direct Payment's money is used in an inappropriate or fraudulent way, the Council will take appropriate action to recover any money spent in this way.
* If an audit identifies there is surplus or unused money the Council will arrange for the return of surplus money.
* If you do not keep to the terms and conditions of this Carers Direct Payments Agreement the Council may stop your Carers Direct Payment and you will be required to return all or part of the money you have received.
* The Council may take any necessary legal action it deems appropriate if the terms of this agreement are breached.

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| **Signatures:**   |
| **CARERS NAME:**  |
| **Signed:**  |   | **Date:**  |   |
| **Print Name:**  |   |
| **Person managing direct payment:** (where applicable, ie if different to Carer)  |
| **Signed:**  |   | **Date:**  |   |
| **Print Name:**  |   |
| **Relationship to the Carer:**  |   |
| **ON BEHALF OF THE COUNCIL:**  |
| **Signed:**  |   | **Date:**  |   |
| **Print Name:**  |   |
| **Designation:**  |   |
| **DIRECT PAYMENT START DATE:**  |   |
|   |