



PERSONAL BUDGET POLICY

SEND Personal Budgets and Direct Payments Guidance

CONTENTS

Introduction	1
Background	1
Personal Budget Delivery	3
Difference between Personal Budget and Direct Payment	4
The Personal Budget Process	5
Process to put a Direct Payment in place	6
Scope of a Personal Budget	8
Monitoring Direct Payments	13
Repayment of Funds	18
Ceasing a Direct Payment	18
References	19
Appendix	20
Document Review	31



Introduction

This guidance provides information on personal budgets for children and young people (CYP) who have an Education Health Care (EHC) plan in Suffolk in respect to special educational provision.

Background

When an EHC Plan is finalised, it is the responsibility of the local authority (LA) to ensure that the special educational provision and social care provision described in the plan is made for the CYP. This policy is concerned with special educational provision under Section F only.

Most frequently, provision is secured by the local authority providing the funding to the CYP's school or post-16 provider in order that they provide the provision as detailed in section F of the EHC plan. However, as set out in the SEND Code of Practice (from section 9.95), the parents or carers of the CYP with the EHC plan can be involved themselves.

If they wish to do this, then a personal budget is an amount of money identified by the LA to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.

To do this the LA may consider making a payment to a parents or carers on behalf of a young person, the young person directly (if over the age of 16 years) or another nominated person. Before being able to make such a payment, the LA must first identify a personal budget. This is based on how much it costs to deliver the special educational provision detailed in the CYP's EHC plan. Only children or young people with an EHC plan are eligible for a payment through education. However, all CYP with additional needs, including those without an EHC plan, may be eligible for other types of payments via Activities Unlimited, Social Care and/or Health. Links for these organisations can be found at the end of this policy.

There are three elements to funding the special educational provision set out in the CYP's plan. Generally, if the special educational provision can be provided within the school's own budget of Elements 1 and 2 then this is indicative that the CYP does not need an EHC plan, but their needs can be met through SEN Support. Therefore, where a CYP is attending a school or post-16 institution then a personal budget for special educational provision is usually only related to Element 3. Further, if the provision is to occur at the school or post-16 institution then if funded by a personal budget this can only be if the educational provider agree.

ELEMENT 1

AWPU*1 per pupil
from DSG**
(School's budget)

ELEMENT 2

SEN Notional Budget
£6,000 per pupil
(School's Budget)

ELEMENT 3

Top up funding (LA's
"High Needs Funding"
budget)

Personal Budget Delivery

The SEND Code of Practice 2015 (the Code) suggests four different ways in which a personal budget can be delivered, in paragraph 9.101. The ways parents or carers can be involved in securing provision are through:

- **Direct payments:** This is where parents or carers receive payments to enable them to contract, purchase and manage the services themselves that provide the special educational provision that is described in the EHC plan.
- **An arrangement:** The LA, school or college, would hold the funds for the CYP and commission the special educational provision that is described in the EHC plan. An arrangement can sometimes be referred to as a "notional budget".

Suffolk use a High Needs funding process, information and the policy can be found here - [High Needs Funding – Suffolk Learning](#)

- **Third party arrangements:** The funds would be paid to and managed by an individual or an organisation on the CYP behalf.

Suffolk use a Rolling Select list of AP providers, the list of providers and the information can be found here - [Alternative provision - Suffolk SEND Local Offer](#)

- **A combination of the above:** It is possible for a personal budget to be delivered through a combination of the above three methods.

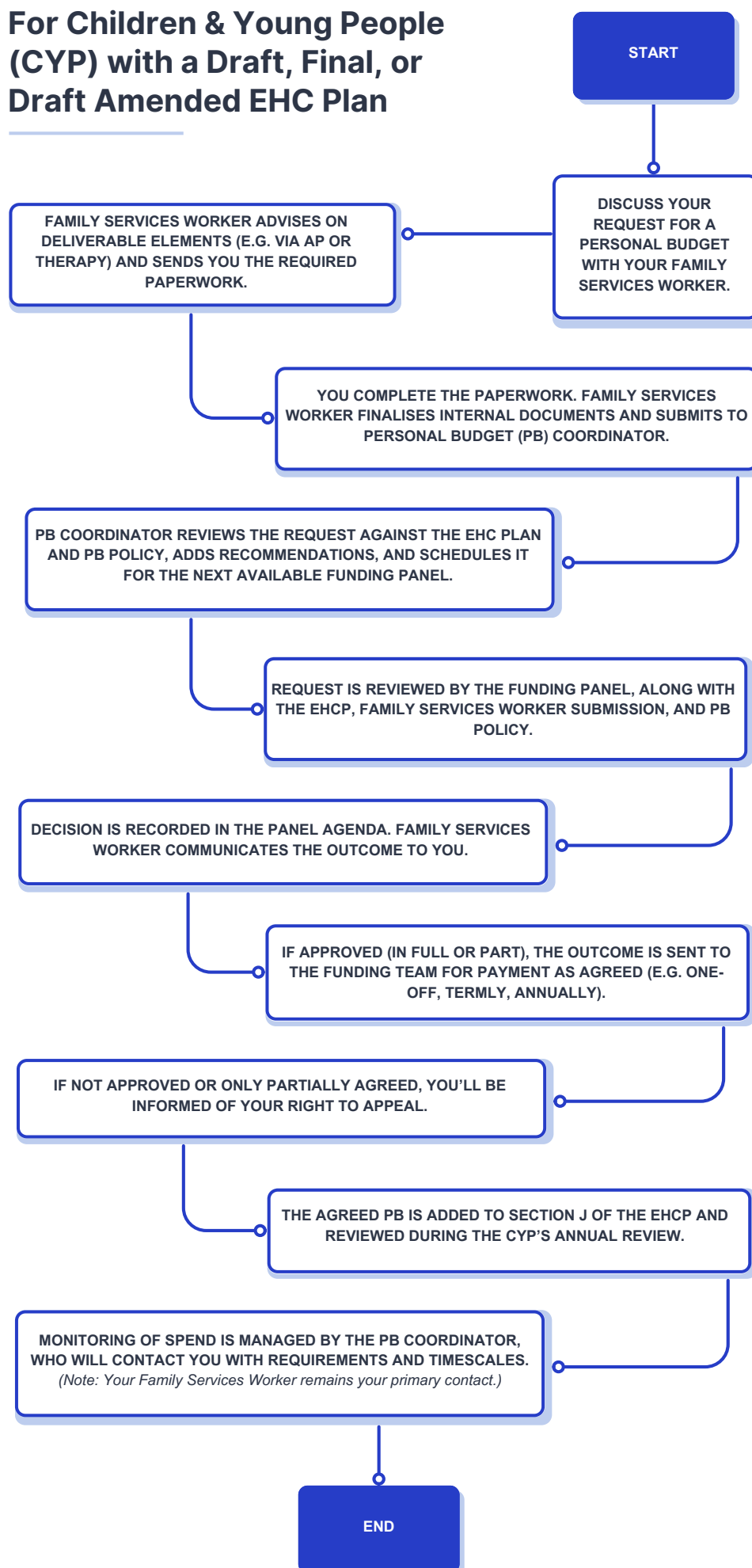
Most personal budgets are delivered through sums of money being given to the parents or carers of the CYP, known as “direct payments”, and this guidance will concentrate on these.

Different between a Personal Budget and a Direct Payment

Personal Budget	Direct Payment
A personal budget is the identified amount of money which would be needed to cover the cost of making the special educational provision specified in the EHC plan.	The LA can, on request, identify the personal budget, in order that a direct payment can be considered. This request can be made via the named coordinator when the LA issues a draft EHC plan following an EHC needs assessment or reassessment, or when the LA is reviewing an EHC plan.

The term “personal budget” is often used interchangeably to describe both personal budgets and direct payments, but it is important to remember that the personal budget is the estimated cost that has been identified to be able to secure the special educational provision in the EHC plan, while the direct payment is the actual sum of monies paid to an individual to provide some or all of that provision.

For Children & Young People (CYP) with a Draft, Final, or Draft Amended EHC Plan





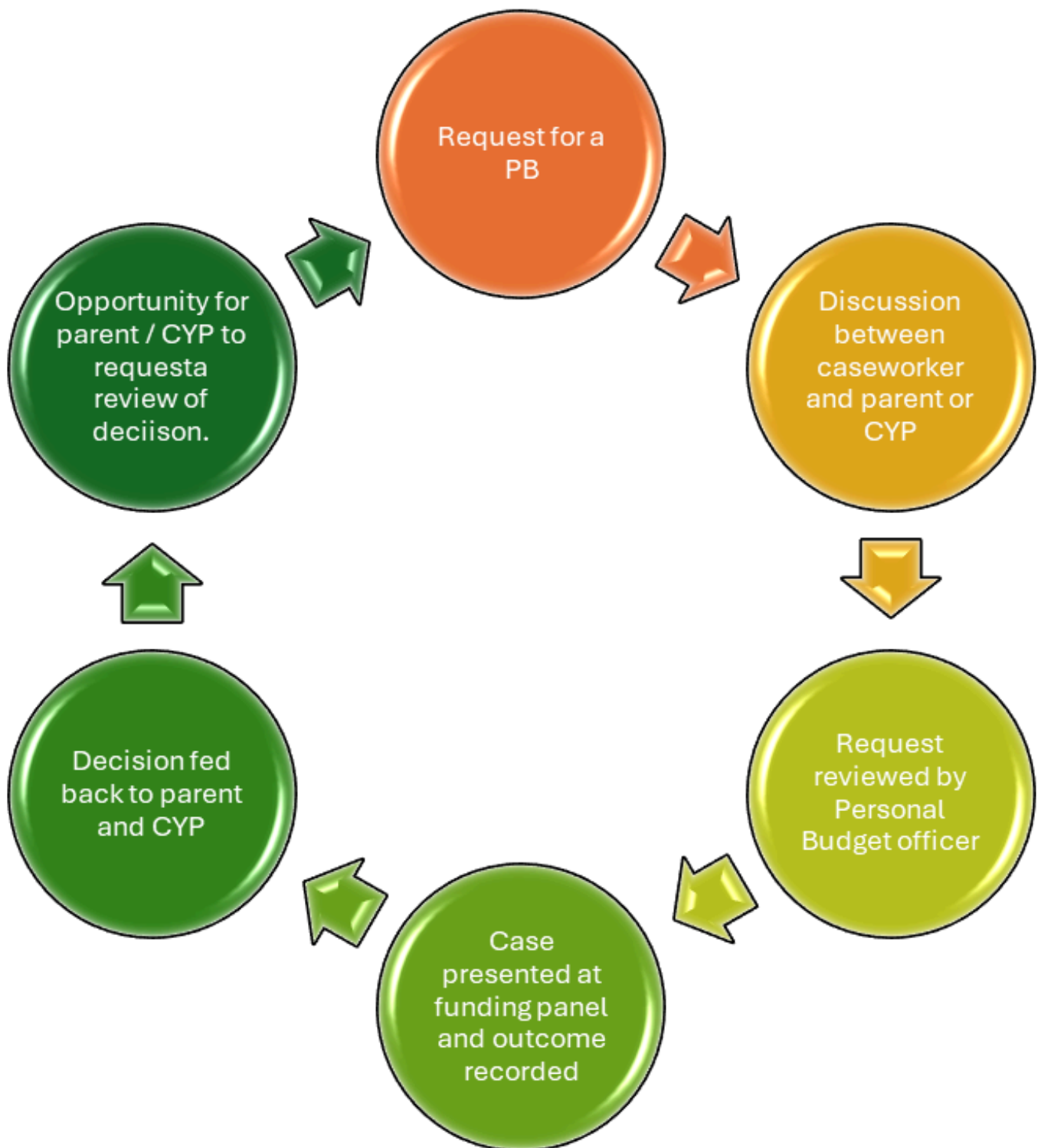
Process to put a Direct Payment in place

Once the CYP has received the personal budget parents or carers will discuss with the named coordinator the request for a direct payment for all, or some, of the special education provision detailed in Section F of the EHC plan. The caseworker is responsible for managing the request and will be able to offer advice and guidance. The caseworker cannot authorise the direct payment. Instead, this request will be presented at a “funding panel” to ensure that it meets the requirements listed below.

- Ensure the efficient use of public funds
- Provide three quotes for comparison, where appropriate.
- Confirm the link to specific provision in section F and that the application will fulfil this requirement

A personal budget, and direct payment, can only be requested at the following time points:

- At the draft plan stage, following EHCP needs assessment
- Following a re-assessment at the draft stage
- At the draft amended stage following an annual review.



Scope of a Personal Budget

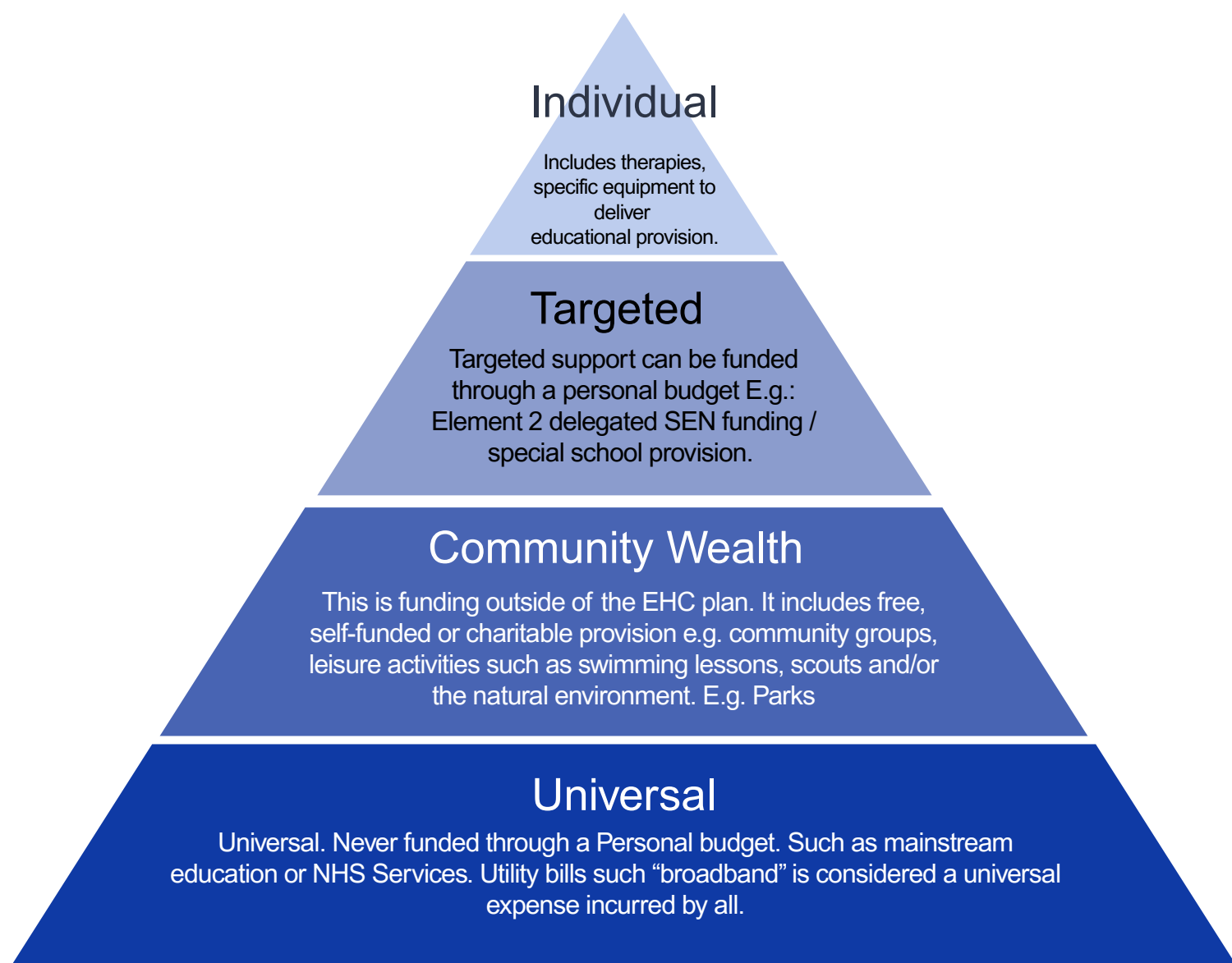
The scope of the budget will vary depending on the needs of the individual, the eligibility criteria of the different components and the way that it is delivered. It will also reflect local circumstances, value for money considerations and school/post-16 setting. All personal budgets must be an efficient use of public funds.

There may be occasions when the LA may not be able to prepare a personal budget following a request. This can occur where the costs of some services provided as part of the special educational provision are being provided as part of a larger budget and the cost cannot be separated out (or 'disaggregated') for the individual CYP. In these circumstances the LA can refuse to prepare a personal budget and the reasons for the refusal would be shared and explained with the parents or carers.

The effect of the requirements to ensure value for money can mean that where a direct payment costs significantly more than it would cost the LA to deliver the provision in another way, no direct payment can be made. However, every request is reviewed on an individual basis and advice from professionals is considered at every opportunity to balance the needs of a CYP against the financial controls.

The table on the following page seeks to show how a personal budget, and direct payment, may be put together to look at what funding and services are available universally, as targeted support for some or whether individual support is required.

Direct payments are available for specialist education provision already identified in Section F to meet educational outcomes. It is available only for educational related expenses and is payable only for provision in term time.



Examples of items that could be included in a personal budget request:

Laptop – specify specification	The LA will only fund a standard level specification, anything above this will need to be self-funded unless specifically detailed by a professional relating to specific special educational provision detailed in Section F. Provision of a laptop will also dictate how long it is expected to last.
Swimming lessons & other physical activities such as gym memberships, trampolining and horse riding.	May be agreed under individual funding, as shown above, if this is specifically required under physical needs. Otherwise, this would be viewed as community wealth provision. The LA will only fund one provision under each special education provision. E.g. swimming or a gym membership. Physical activity in lieu of PE lessons is not covered here. This would fall under community wealth with the expectation that it would need to be self-funded.
Subscriptions to streaming services such as Audible or Spotify.	These may be agreed for funding under targeted funding, as shown above, if this is specifically required as special educational provision already specified in Section F by an Educational Psychologist. Otherwise, this would be viewed as community wealth provision with the expectation that it would need to be self-funded.
Therapy E.g. SaLT, OT, Specialist Teacher or Counselling	May be agreed for funding under individual funding, as shown above, if this is specifically documented by a medical professional at a level above services offered under universal provision such as NHS Services.

Examples of items that could not be included in a personal budget request:

Post 16 Transport	Transport costs may be provided as part of a Personal Budget under individual funding where agreed and included in the EHC plan with advice from medical or educational psychologists as part of the special educational provision. However, the LA Post-16 transport policy does apply and lower income families should be provided for under the school/college bursary scheme through targeted provision.
Broadband	Broadband is considered a utility and therefore not payable under a direct payment, except in exceptional circumstances where the provision may require an uplift to the bandwidth or download speed.
Driving Lessons	This is not funded via a direct payment.
Insurance or maintenance of a piece of equipment	The LA will be clear how long equipment is expected to last before upgraded or new equipment could be considered. However, the equipment is for the personal budget recipient to keep, and it is therefore their responsibility to keep it safe and in full working order. In some circumstances appropriate insurance may be required.

This is not an exhaustive list, and each child's needs and direct payment request will be considered individually.

It is important to understand that for provision such as therapy or similar, the payment cannot and will not be calculated for a particular named provider. This is because the effect of a personal budget is the responsibility for choosing the specific provider is transferred to the payment holder. Instead, through its own commissioning the LA knows what cost is necessary to cover provision using a provider of the level described in the EHC plan, and the LA will give a figure that is enough to secure such provision. The person receiving the personal budget is still free to choose any provider that can meet the required provision and so could decide to engage a provider that costs much more than this. However, if they do then they would need to pay the difference themselves.

Personal budgets can only be used for outcomes identified in an EHC plan. Personal budgets cannot be used to pay for:

- Assessments (as part of the EHC needs assessment or in readiness for an annual review)
- To cover the cost of fees of a named educational placement

Should a decision be made not to agree to provide a direct payment then you will receive this in writing, and you will be given the right to request a review. Decisions relating to personal budgets and direct payments cannot be appealed via the Tribunal route.

Monitoring Direct Payments

i) A direct payment will need to be reviewed once within the first three months of a direct payment being made and then re-assessed every year as part of the wider annual review process. There is no guarantee that a direct payment will continue into a second year, or beyond. Impact and progress will always be looked at to ensure that all provision provided for through a direct payment is supporting a CYP to meet the outcomes specified in their EHC plan. The local authority will consider the following outcomes as part of the annual review (to):

- Continue to fund the agreed provision by direct payment
- The direct payment has been used effectively and as agreed
- The amount of the direct payment continues to be sufficient
- The terms of the agreement as set out in section X have been maintained/unchanged

As part of the review process evidence of spend will be required through bank statements, invoices and/or receipts as agreed at the outset. Finance that is provided to pay for specialist services, such as teaching or therapy, will require written reports from professionals as part of the annual review process to evidence progress and identify required next steps.

Where evidence cannot be provided regarding financial spend the local authority may seek to re-coup funds. This is explained in section iii) below.

If circumstances around commissioning have changed and therefore what was individually funded may now be funded as a “group” and funding cannot be disaggregated, then agreement may be withdrawn.

Increases to the cost of provisions will be looked at as part of the review but will require written invoices in advance for funding approval.

ii) What is expected from Suffolk County Council:

Direct payment agreements will be recorded in the CYP's EHCP in Section J.

The LA will communicate with the parents or carers clearly so that they understand how and when payment(s) will be made and what provision the direct payment is being made for.

In the case of equipment being funded, the LA will confirm how long to expect it to be operational for before additional funding can be sought.

iii) What is required of the parent:

In most circumstances, and in line with regulation 8 of the Personal Budget Regulations, the parents or carers will be required to have a separate bank account for the direct payment, that is used to make payments. This will allow the parents or carers to use bank statements to demonstrate how the money has been spent.

The parents or carers will be required to fill in a Direct Payment Form and sign the Personal Budget Form which are included in the appendix at the end of the document.

In some circumstances the parents or carers may not be able to have an alternative bank account dedicated for the direct payment. In these circumstances the LA can hold this money for the parents or carers to pay for direct provisions. This is described as a third-party payment above.

There is restriction around who the LA cannot give a direct payment to; the full list can be found in the appendix at the end of the document. In these situations, a third-party payment method can be discussed.

Where the CYP requires a laptop or specific equipment the LA will require three quotes for similar products with a similar specification. In turn the LA will be clear how long this is expected to last before upgraded or new equipment could be considered. However, the equipment is the personal budget recipients to keep, and it is therefore their responsibility to keep it safe and in full working order. In some circumstances appropriate insurance may be required.

Elective Home Education

If education for a CYP is under the banner of Elective Home Education, they are unlikely to be eligible for a direct payment. However, there are some circumstances where it may be appropriate to apply for a discretionary direct payment. These will be considered on an individual basis.

What happens when the CYP turns 16?

At sixteen years of age the LA will seek consent from the parents or carers of the young person to manage the personal budget on behalf of the young person. If the parent or carer declines to do so, then the LA will seek a third party to do so.

When a young person reaches the age of 16, the Mental Capacity Act framework will begin to apply to them. Until the age of 18, parental responsibility still applies allowing for some decisions to be made for them. However we must recognise that 16- or 17-year-olds are young people with the ability to contribute to decisions around their provision and therefore they should be involved in the decisions around taking a direct payment and the provision arrangements even if they don't manage the direct payment themselves. The caseworker should encourage the parent /nominee to manage the direct payment together with the 16 or 17-year-old gradually relinquishing responsibility as the young person approaches 18 years. Where there is a difference of views in how the provision is arranged between a young person and parent/nominee provided that the young person has sufficient understanding to make informed decisions, preference should be given to the young person's views.

We understand that some young people upon reaching 16, may lack the mental capacity to consent to a direct payment. Where this is the case for a young person it may be appropriate for the person with parental responsibility to act as a Nominee to continue receiving the direct payment in the role of a Suitable Person.

What happens when my CYP turns 18?

Once a young person turns 18 they legally become an adult. This means that in law they have the responsibility to make their own decisions and no one else has the right to make decisions for them and the responsibility for the direct payment will pass directly to the young person.

At this time, parental responsibility no longer exists and anyone who had parental responsibility no longer has the right to make decisions for the young person. However, the views of parents should still be considered when others are making decisions on behalf of the young adult to help work out their best interests.

A person is assumed to have mental capacity unless there is a reason to believe that their mental capacity requires further exploration. Where a caseworker has reason to believe a young person may not have capacity to consent to a direct payment, a mental capacity assessment must be completed. Assessments of capacity must always be made on an individual basis and be decision and time specific. The principles of the Mental Capacity Act 2005 must be applied. Assumptions should not be made due to the existence of a particular condition.

Where a person lacks mental capacity to consent to receive a direct payment, a best interest decision under the Mental Capacity Act should be made to decide if a direct payment is the best way to arrange the special education provision. It is only possible for a person lacking capacity to receive a direct payment if there is an appropriate and willing 'Suitable Person' to receive the direct payment on their behalf. This could be a third-party arrangement – where the funding is paid to a person or organisation who acts on behalf of the parents or young person.

If the young person's capacity is assumed or they are assessed to have capacity, then the young person can continue to nominate someone to manage the direct payment if all parties consent and the nominated person is willing and able to meet the expectations set out in the direct payment agreement.

Repayment of Funds

The LA may require some or all the direct payment to be repaid where:

- The circumstances or provision has changed for the CYP meaning that a direct payment is no longer required.
- All or part of the direct payment(s) have not been used to secure the agreed provision.
- Theft, Fraud or another offence has occurred in connection with the direct payment.
- The CYP has passed away.

However, the LA will only seek repayment on any portion of the direct payment that has not already been spent on the agreed provision. For example, the direct payment was made for £500 to secure provision in Section F and only £300 has been spent as the CYP is moving to a school provision. The LA would only be looking to re-coup the unspent £200 in this example.

- Where the LA decides that all or part of the direct payment must be repaid, the LA will give notice in writing setting out:
 - The reasons for the decision
 - The amount to be repaid and
 - A reasonable timescale for the repayment.
 - An explanation on how to request for a review of the decision.

Ceasing a Direct Payment

If it is no longer agreed at the annual review to continue to fund a direct payment, then a decision will be sent in writing explaining how and why the decision was reached.

There are some changes in circumstances that will automatically mean that the direct payment will be ceased, and these include, but are not limited to:

- The CYP moving into an educational provision that can provide all provision specified in Section F.
- Moving out of Suffolk into another local authority. In this circumstance a direct payment can be requested from the new local authority
- When the EHC plan is ceased to be maintained, before or at age 25 years old then the direct payment will cease at the same time.
- The CYP has passed away.

Payments Schedule

Payments can be made as a One off, 4 weekly, Annually or Termly. Payments are usually paid in advance before the start of the agreement. However, individual circumstances may require more frequent payment cycles. Each situation is looked at on its own merit.

References

The Special Educational Needs (Personal Budgets) Regulations 2014

Special educational needs and disability code of practice 2015

Appendices

a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003(6), imposed by a community order within the meaning of section 177 of that Act(7) or by a suspended sentence order within the meaning of section 189 of that Act(8);

(b)a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003(9), imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;

(c)a person who is released on licence under Part 2 of the Criminal Justice Act 1991(10), Chapter 6 of Part 12 of the Criminal Justice Act 2003(11) or Chapter 2 of Part 2 of the Crime (Sentences) Act 1997(12) subject to a licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol related behaviour;

(d)a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000(13) or a community punishment and rehabilitation order within the meaning of section 51 of that Act(14);

(e)a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000(15);

(f)a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008(16) which requires the person to submit to treatment pursuant to a drug treatment requirement;

(g)a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 23 (drug testing requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which includes a drug testing requirement;

(h)a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 24 (intoxicating substance treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to an intoxicating substance treatment requirement.

Appendix 2

High Needs Funding Process link - [High Needs Funding – Suffolk Learning](#)

Appendix 3

List of providers link - [Alternative provision - Suffolk SEND Local Offer](#)

Appendix 4

Personal Budget Form and Direct Payment Form

1. Child/Young Person's Details

First Name			
Surname			
UPN			
Date of Birth		Ethnic origin	
Gender		Cultural needs	
Address			
Post Code			
If the YP is over 16, will the YP be the recipient of the direct payment?		Yes	
		No	

2. Main Parent/Carer Details (only complete if Parent Carer is the recipient)

Relationship to child	
Title	
First Name	
Surname	
DOB	
Address	
Telephone Number	
Email address	

3. Lead Professionals Details.

Name of person completing this form.	
Job Title.	
Contact telephone number and e-mail address.	

4. Personal Budget Request Details.

What is the personal budget being requested for?	
What is the total amount of the Personal Budget being requested?	
What outcomes from the EHCP are to be achieved by the use of a personal budget? (please describe below)	
Communication and Interaction	
Cognition and Learning	
Social, Emotional and Mental Health	
Sensory	
Physical	

5. Headteacher Approval. (to be completed only if the school has to agree to release funds from their school budget).

Name of School.	
Headteacher Name.	
Headteacher approval signature.	
Date of signature.	

6. Panel Decision.

Date of Panel.		
Panel Decision (*delete as appropriate)	Approved*	Refused - Please state reason*
Date of Review		

7. Payment Details. Please complete one the below relevant sections.

Direct Payment into a bank account.	
Direct Payment start date	
Direct Payment end date	
Payment frequency (please delete as appropriate)	One off 4 <u>weekly</u> Annually Termly

Budget Code	

Personal Allowance (Managed Account)	
Is a provider managing the Personal Budget? If yes please detail name, address & contact of the provider	
Is the council managing the Personal Budget? if yes please detail team name and contact.	
Budget Code.	

When completed, or for any queries please send this form via email to:

SENDBusinessSystems@suffolk.gov.uk

Direct Payment Agreement

To be completed in all cases
This Agreement is made between
Suffolk County Council
(The County Council)
And

(The Direct Payment Recipient)

Date of agreement: _____

1. The **DIRECT PAYMENT RECIPIENT** agrees to use the direct payment to meet the outcomes identified in the assessed person's support plan.
2. Decision-making regarding the use of the direct payment remains the responsibility of the **DIRECT PAYMENT RECIPIENT** and cannot be devolved.
3. The **DIRECT PAYMENT RECIPIENT** agrees to repay the direct payment or any part of it if the **COUNTY COUNCIL** is satisfied that it has not been used appropriately in accordance with this agreement and current direct payment legislation.
4. It is the responsibility of the **DIRECT PAYMENT RECIPIENT** to make arrangements to secure appropriate services, such as the procurement of services or the employment of staff, and to comply with all legal requirements that may arise in making such arrangements. The **COUNTY COUNCIL** accept no responsibility for any matters that arise as a consequence of these arrangements.
5. In the event that care arrangements break down, whether in an emergency or not, the **COUNTY COUNCIL** will offer to support the **DIRECT PAYMENT RECIPIENT**, this support might include a referral to an appropriate support and advice service and/or the temporary provision of a commissioned care service.
6. Where a direct payment is being used to employ staff, the **DIRECT PAYMENT RECIPIENT** agrees to take out Employers and Public Liability Insurance and supply policy documentation if requested to do so by the **COUNTY COUNCIL**.
7. If, in the opinion of the **COUNTY COUNCIL**, the service provider or potential employee selected by the **DIRECT PAYMENT RECIPIENT** is either not able to or is unfit to provide a safe and adequate service the **COUNTY COUNCIL** has the right to require that the **DIRECT PAYMENT RECIPIENT** finds an alternative person or organisation to provide the service(s).
8. If the requirement in paragraph 7 is not met, the **COUNTY COUNCIL** has the right to suspend the direct payment until they are satisfied that suitable arrangements have been made.

Direct Payment Recipient Initials _____

9. The **DIRECT PAYMENT RECIPIENT** agrees not to use the direct payment to purchase a service from the spouse/partner of the assessed person, or from a close relative (or their spouse or partner) who are living in their household without the permission of the **COUNTY COUNCIL** under the 'exceptional conditions' arrangements.
10. Where the **DIRECT PAYMENT RECIPIENT** is a person or Trust acting on behalf of the assessed person, they agree not to purchase a service from that person or any of the Trustees without the permission of the **COUNTY COUNCIL**.
11. The **DIRECT PAYMENT RECIPIENT** understands that they cannot use their direct payment to purchase any service that is provided by the **COUNTY COUNCIL**.
12. Where the **DIRECT PAYMENT RECIPIENT** employs staff or uses self-employed staff the **COUNTY COUNCIL** strongly recommends that appropriate checks be made through the Criminal Records Bureau.
13. Where the direct payment is an on-going payment the **DIRECT PAYMENT RECIPIENT** or their **NOMINATED PERSON** must operate the direct payment from a separate bank account that is to be used only for transactions in respect of the direct payment, any ILF funding, and any assessed charge contribution and personal contributions. Money paid into this account under the terms of this agreement will be held solely in this account and not transferred to any other account without the agreement of the **COUNTY COUNCIL**.
14. Where the **DIRECT PAYMENT RECIPIENT**'s direct payment allocation is decreased, the **COUNTY COUNCIL** will give at least four weeks notice of the change in writing, giving reasons for the change.
15. The **DIRECT PAYMENT RECIPIENT** must provide a summary of income received and expenditure incurred in relation to the direct payment at intervals requested by the **COUNTY COUNCIL**. This information will be supplied in the format requested by the **COUNTY COUNCIL**.
16. The **COUNTY COUNCIL** agrees to make a direct payment to the **DIRECT PAYMENT RECIPIENT** for the assessed amount. Payments for ongoing direct payments will be made in advance at 4 week intervals. This amount is paid net of any assessed personal fairer charges contribution.
17. Where requested, the **DIRECT PAYMENT RECIPIENT** agrees to complete a financial declaration form and will pay any assessed fairer charges contribution into their direct payment bank account, or will use the amount to meet the outcomes agreed in their support plan.
18. Where the **DIRECT PAYMENT RECIPIENT** is unable to receive the service normally purchased with their direct payment, (for example if they are admitted to hospital), the **COUNTY COUNCIL** has the right to suspend the direct payment. However, the **COUNTY COUNCIL** will carefully consider what contractual responsibilities the **DIRECT PAYMENT RECIPIENT** has when determining whether to suspend the payment.

9. The **DIRECT PAYMENT RECIPIENT** agrees not to use the direct payment to purchase a service from the spouse/partner of the assessed person, or from a close relative (or their spouse or partner) who are living in their household without the permission of the **COUNTY COUNCIL** under the 'exceptional conditions' arrangements.
10. Where the **DIRECT PAYMENT RECIPIENT** is a person or Trust acting on behalf of the assessed person, they agree not to purchase a service from that person or any of the Trustees without the permission of the **COUNTY COUNCIL**.
11. The **DIRECT PAYMENT RECIPIENT** understands that they cannot use their direct payment to purchase any service that is provided by the **COUNTY COUNCIL**.
12. Where the **DIRECT PAYMENT RECIPIENT** employs staff or uses self-employed staff the **COUNTY COUNCIL** strongly recommends that appropriate checks be made through the Criminal Records Bureau.
13. Where the direct payment is an on-going payment the **DIRECT PAYMENT RECIPIENT** or their **NOMINATED PERSON** must operate the direct payment from a separate bank account that is to be used only for transactions in respect of the direct payment, any ILF funding, and any assessed charge contribution and personal contributions. Money paid into this account under the terms of this agreement will be held solely in this account and not transferred to any other account without the agreement of the **COUNTY COUNCIL**.
14. Where the **DIRECT PAYMENT RECIPIENT**'s direct payment allocation is decreased, the **COUNTY COUNCIL** will give at least four weeks notice of the change in writing, giving reasons for the change.
15. The **DIRECT PAYMENT RECIPIENT** must provide a summary of income received and expenditure incurred in relation to the direct payment at intervals requested by the **COUNTY COUNCIL**. This information will be supplied in the format requested by the **COUNTY COUNCIL**.
16. The **COUNTY COUNCIL** agrees to make a direct payment to the **DIRECT PAYMENT RECIPIENT** for the assessed amount. Payments for ongoing direct payments will be made in advance at 4 week intervals. This amount is paid net of any assessed personal fairer charges contribution.
17. Where requested, the **DIRECT PAYMENT RECIPIENT** agrees to complete a financial declaration form and will pay any assessed fairer charges contribution into their direct payment bank account, or will use the amount to meet the outcomes agreed in their support plan.
18. Where the **DIRECT PAYMENT RECIPIENT** is unable to receive the service normally purchased with their direct payment, (for example if they are admitted to hospital), the **COUNTY COUNCIL** has the right to suspend the direct payment. However, the **COUNTY COUNCIL** will carefully consider what contractual responsibilities the **DIRECT PAYMENT RECIPIENT** has when determining whether to suspend the payment.

19. The **DIRECT PAYMENT RECIPIENT** agrees that monies paid by the **COUNTY COUNCIL** under the terms of this agreement and held in the account, remain the property of the **COUNTY COUNCIL**. In the event of the death of the **DIRECT PAYMENT RECIPIENT** or the ending of the direct payment, the **COUNTY COUNCIL** have the right to request the return of any unused monies. The **COUNTY COUNCIL** will carefully consider what contractual responsibilities exist when determining the balance to be repaid.

Direct Payment Recipient Initials _____

20. The **COUNTY COUNCIL** and the **DIRECT PAYMENT RECIPIENT** have the right to terminate this agreement by giving the other party four weeks notice in writing.

21. The **DIRECT PAYMENT RECIPIENT** agrees that **SUFFOLK COUNTY COUNCIL** may use the information provided for the prevention and detection of fraud. **SUFFOLK COUNTY COUNCIL** may also share this information with other bodies responsible for auditing or administering public funds for these purposes

The County Council has commissioned a support service for Direct Payment Recipients in Suffolk. Your assessor should give you their details. You are strongly recommended to contact them for advice and assistance.

Direct Payment into a bank account	
Bank Account Name	
Sort Code	
Account Number	

Consent ☐ Please tick

I consent to have my identity check carried out by a 3rd party "Experian" (if you do not wish to have your identity checked by a 3rd party please contact us to make alternative arrangements)

Declaration

I have read this Direct Payment Agreement and by signing agree to the terms and conditions.

Direct Payment Recipient:

First Name (s)	Surname
Signature	Date

19. The **DIRECT PAYMENT RECIPIENT** agrees that monies paid by the **COUNTY COUNCIL** under the terms of this agreement and held in the account, remain the property of the **COUNTY COUNCIL**. In the event of the death of the **DIRECT PAYMENT RECIPIENT** or the ending of the direct payment, the **COUNTY COUNCIL** have the right to request the return of any unused monies. The **COUNTY COUNCIL** will carefully consider what contractual responsibilities exist when determining the balance to be repaid.

Direct Payment Recipient Initials _____

20. The **COUNTY COUNCIL** and the **DIRECT PAYMENT RECIPIENT** have the right to terminate this agreement by giving the other party four weeks notice in writing.

21. The **DIRECT PAYMENT RECIPIENT** agrees that **SUFFOLK COUNTY COUNCIL** may use the information provided for the prevention and detection of fraud. **SUFFOLK COUNTY COUNCIL** may also share this information with other bodies responsible for auditing or administering public funds for these purposes

The County Council has commissioned a support service for Direct Payment Recipients in Suffolk. Your assessor should give you their details. You are strongly recommended to contact them for advice and assistance.

Direct Payment into a bank account	
Bank Account Name	
Sort Code	
Account Number	

Consent ☐ Please tick

I consent to have my identity check carried out by a 3rd party "Experian" (if you do not wish to have your identity checked by a 3rd party please contact us to make alternative arrangements)

Declaration

I have read this Direct Payment Agreement and by signing agree to the terms and conditions.

Direct Payment Recipient:

First Name (s)	Surname
Signature	Date

Additional boxes for use by additional Trustees:**Direct Payment Recipient:**

Signature	

Direct Payment Recipient:

	Surname
Signature	Date

Witnessed by and on Behalf of SCC:

First Name (s)	Surname
Team	Job Title
Signature	Date

When completed, please either scan and send this form via email to SEnDBusinessSystems@suffolk.gov.uk or post to Send Business Systems, Suffolk County Council, Gold Block, Floor 4, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX

Document Version	Date	Date to be reviewed
Version 1	April 2025	April 2027

To be reviewed by the Head of SEND and the Personal Budget Steering Group Meeting