



NORFOLK COUNTY COUNCIL CHILDREN'S DIRECT PAYMENTS AGREEMENT

Introduction

The Council has carried out an assessment and determined that the needs as identified in the attached Short Breaks Plan should be met.

The Council and the parent/carer have agreed that the parent/carer should take direct responsibility for the provision of the services required to meet the child's needs.

The Council has agreed to make the arrangements to fund the provision of the said services as set out in this agreement.

This agreement sets out the terms & conditions of Norfolk County Council (the Council) and as the Nominated person with responsibility in relation to the provision of Direct Payments for the Child/Young Person.

Responsibilities of the Council:

1. Norfolk County Council is under a duty to protect the public funds it administers, and, to this end you agree that NCC may use the information you have provided on this form for the prevention and detection of fraud. You also agree that Norfolk County Council may share this information with other bodies responsible for auditing or administering public funds for these purposes.
2. To give clear advice on the responsibilities of managing direct payments and/or becoming an employer.
3. To provide the contact details of the Direct Payment Support Services who can support people who chose to become an employer and can offer more advice about Direct Payments.
4. To make Direct Payments as per the attached Specialist Short Breaks Plan in order to meet the assessed eligible needs
5. Open a dedicated pre-paid bank account to receive payments and arrange for monies to be paid into this bank account as defined within the agreed Specialist Short Breaks Plan. Norfolk County Council will advise if there is any change to this arrangement.
6. To increase or decrease the amount of Direct Payments paid at any time following a reassessment of the needs which results in the revision of the Specialist Short Breaks Plan and to give you appropriate notice of any changes.
7. To ensure that regular checks are undertaken on your Direct Payments and provide advice and support or take corrective action where issues are identified.
8. Part of the monitoring process will be to ensure the terms and conditions of direct payments are being followed. Where they are not being followed, this may result in the direct payment being withdrawn and replaced by commissioned services.
9. 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.

10. As the money paid to you as a direct payment is public money, which the council has a duty to account for, we will review your account and calculate how much you need to keep in the account to meet the cost of your care and support and If your account holds a build-up of excess funds this will be reclaimed back.
11. Norfolk County Council requires appropriate checks be made through the Disclosure and Barring Service (DBS) for all prospective employees. All DBS checks will be carried out through the Council and no Direct Payments will be made for employee services before and unless the employee is appropriately cleared under DBS.
12. Further, Norfolk County Council require (and will need to see evidence) that each employee has a statement and/or contract of employment in place with payroll provisions and that employer and public liability insurance is taken out by the parent/carer where an employment contract is in place. The Council will cover the costs of obtaining the insurances. Please note that no Direct Payments for employee services will be made until the Council is satisfied that these arrangements are in place.

Your Responsibilities:

13. The parent/carer (nominated person) consents to the processing of any personal data or sensitive personal data as defined under the general Data Protection Regulations (GDPR) for the purpose of assessing, implementing or monitoring of Direct Payments and for complying with any legal or regulatory requirements or obligations to third parties
14. 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. The service user must not employ or use the services of any person who is barred from working with either children or vulnerable adults, or whose previous conduct or records indicate that he or she would not be a suitable person to engage. Not to use the Direct Payments to secure services from a partner, relative or anyone living in the same household as the Child/Young Person unless otherwise agreed by the Council, in writing.
15. Where acting as an employer using Direct Payments for a child under 8 years of age, to comply with the Childminding Regulations 79D of the Children's Act 1989 which states that anyone caring for a child under 8 years of age, over 2 hours per day (in total), for payment (who is not a relative) and care is being provided in the personal assistant's own home, the said personal assistant must be a registered childminder. This paragraph does not apply where the child is cared for in their own home.
16. Meet all legal requirements and obligations relating to the employment of staff including notifying HMRC of all employees P.A.Y.E and Employers National Insurance Contributions reclaims; auto enrolment for pensions; redundancy and sickness payments; notice periods; maternity/paternity payments etc. This will necessitate the need to use a payroll service
17. When employing a PA, to have valid Employer's liability insurance which includes Public Liability insurance.
18. If accessing a Pre-Paid Card, you understand & agree that it is your responsibility to manage all arrangements for service provision. The Nominated person will need to speak to the DPST Team to receive the Pre-paid Card along with advice on how to setup and use the Pre-paid card to pay for activities.
19. Where Payroll is required, timesheets detailing care provided (rate of pay, hours/dates worked) for the previous month to be submitted by 2nd of the month to ensure monthly payroll calculation is completed for your PA's to be paid on 10th of the month.

Your Responsibilities continued:

20. Where payment via invoice has been agreed the appointed person will ensure that these are signed prior to being sent to DPCST for payment.
21. Not to use Direct Payments as an alternative to education provision. Direct Payments cannot be used to pay for services to be provided during school hours in term time.
22. To be liable for any bank charges which arise as a result of your own mismanagement of Direct Payments.
23. To keep and make available to the Council on request documents relating to the Direct Payments including timesheets, invoices, receipts, proof of purchase (if relevant) in order for audits to be carried out on expenditure.
24. Following an audit of the Direct Payments to pay any invoices which are issued by the Council as a result of money which may have been accrued or money which has been misspent from the Direct Payments bank account.
25. To pay all costs relating to employing a PA via Direct Payments on time, including employee costs (inclusive of income tax and national insurance contributions), any services purchased from an agency or organisation and any managed bank account or payroll services.
26. To ensure that all the legal obligations and requirements which relate to the 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.
27. Not to use the Direct Payments other than as outlined in the Specialist Short Breaks Plan.
28. Not to use the Direct Payments to pay any other charges owed to the Council.
29. Following the ending of Direct Payments, to provide, or arrange 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

30. The Council has the right to suspend and/or stop the Direct Payments if any of the terms and conditions of this agreement have not been met.
31. 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 agreement.
32. The Council has the right to suspend the Direct Payments where the need for services is temporarily not required.
33. 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 Child/Young Person, when the child turns 18 or when there is no longer an assessed eligible need for social care.
34. In exercising the Council's right to stop, reduce or suspend the Direct Payments, you will always be given an opportunity, with reasonable notice, to make representations for and/or against such suspension or termination. Please address these to: Short Breaks Team, County Hall, Martineau Lane, Floor 3, Bay 13, Norwich, Norfolk, NR1 2DL or telephone 01603 692455.

Suspension and Termination Continued

35. The Parent or Person with parental responsibility may request to stop the Direct Payments at any time by providing 4 weeks' notice to the Council, following which, a final audit will be carried out to ensure that all liabilities are paid and unspent monies recovered.

36. This agreement will end as per the end date written on the attached Specialist Short Breaks Plan.

Declaration and Nominated Person (Account Holder) Details

If this section is incomplete NCC will be unable to put the Direct Payment in place

I agree to the Direct Payments Terms and Conditions as outlined 1 – 36 above. In relation to the provision of Direct Payments for:

Name of Child.....

Nominated Person

Surname..... Forename.....

Date of Birth.....

Address.....

.....Postcode.....

Signature: Date:

If employing a PA you must provide your National Insurance Number.....

If employing a PA you will be Auto-Enrolled into the NCC FISH PA Insurance Policy at £55.00 Per Annum, should you wish to source your own PA insurance please tick this box

Other information to be read in conjunction with the Terms and Conditions

- Advice and support for employing a personal assistant carer*

*This information is available online via the Norfolk County Council (NCC) Direct Payments Support Services (DPSS) webpage. www.norfolk.gov.uk/dpss



If you need this document in large print, audio, Braille, alternative format or in a different language please contact us on 01603 692 455 or email cs.shortbreaks@norfolk.gov.uk and we will do our best to help.