

Appendix 4– Direct Payment Agreement Letter

The Special Educational Needs (Personal Budgets) Regulations 2014 state that an LA may not make direct payments unless the requirements set out in section 8 paragraphs (2) to (4) of the regs have been satisfied;

(2) The local authority must provide written notice to the recipient, specifying the following -

- (a) the name of the child or young person in respect of whom direct payments are to be made;
- (b) the goods or services which are to be secured by direct payments;
- (c) the proposed amount of direct payments;
- (d) any conditions on how direct payments may be spent;
- (e) the dates for payments into the bank account approved by the local authority.

(3) Upon receipt of a notice under paragraph (2), the recipient must notify the local authority in writing that they agree to -

- (a) receive the direct payments;
- (b) use the direct payments only to secure the agreed provision;
- (c) comply with any conditions specified in the notice under paragraph (2)(d);
- (d) notify the local authority of any changes in circumstances which might affect the need for the agreed provision;
- (e) use the bank account approved by the local authority solely for the purposes of one or more of the following -
 - (i) these direct payments;
 - (ii) direct payments made pursuant to the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009(3);
 - (iii) direct payments made pursuant to the National Health Service (Direct Payment) Regulations 2013(4);
- (f) ensure that the bank account approved by the local authority is only accessible by the recipient or any other person approved in writing by the local authority; and
- (g) keep a record of money paid in and withdrawn from the bank account approved by the local authority and, on request, or at intervals specified by the

local authority, provide the local authority with information or evidence relating to -

- (i) the account; and
- (ii) the agreed provision.

(4) Where the recipient is a nominee -

(a) the child's parent or young person must provide written consent to the local authority to direct payments being used to secure the agreed provision; and

(b) the nominee must provide written confirmation to the local authority that he or she is responsible as a principal for all contractual arrangements entered into for the benefit of the child or young person and secured by means of direct payments.

For guidance regarding direct payments for personal health budgets please see the National Health Service (Direct Payments) Regulations 2013.