

Direct Payment Agreement: Safeguard assessment and decision making tool for direct payments

Risk Assessment Question	YES Factors to consider	NO Factors to consider	Prompt Questions (Select questions that are relevant)
1. Is the person able to make decisions and choices about the management of supports for himself/herself?	<ul style="list-style-type: none"> • Past history and experience in decision making. • Appears to understand the nature of the decisions that would be involved in the management of supports. • Has decision making support e.g. circles of support. 	<ul style="list-style-type: none"> • Person has made poor decisions in the past. • Very limited experience in decision making. • No obvious circles of support. 	<ul style="list-style-type: none"> • Can you decide what you want to do each day? • Do you have an example of an activity that you chose to participate in? Can you tell me why you decided to do this and what steps you took to get involved? • If you decided that you didn't want to do an activity or that you wanted to change to a different activity can you tell me what would you do? Can you give me an example of when you have done this?
2. Are there substitute decision making arrangements in place for the person?	<ul style="list-style-type: none"> • Person has formal and/or informal arrangements in place (e.g. nominee). 	<ul style="list-style-type: none"> • Additional formal or informal decision-making arrangements <i>are not</i> required • No formal or informal arrangements in place even though they struggle with making decisions. 	<ul style="list-style-type: none"> • Do you have a nominee? • Do you have/have you ever had a Public or Private Guardian¹, an Enduring Guardian², an enduring power of attorney³ or a Financial Manager⁴ make decisions on your behalf? • Are there other people who help you to make decisions about your life (about your health, welfare or your finances) like your parents, spouse, siblings, children, case manager or advocate? • If you were ever unable to make decisions for yourself have you thought about who you would like to do this for you?

¹ A Public Guardian is a statutory official appointed by the NSW Guardianship Tribunal or Supreme Court to look after a person's health and welfare decisions; a Private Guardian family member or friend of the person that has been legally appointed for a specific period of time to make specific decisions on behalf of the person (they are not able to make financial decisions for the person).

² An Enduring Guardian is legally appointed by the person to make lifestyle decisions for the person when they are not capable of doing so.

³ An enduring power of attorney is a legal document appointing an attorney(s) to act on the person's behalf in financial matters under the person's instruction while they have capacity and without their instruction when they lack capacity.

⁴ A Financial Manager is legally appointed substitute decision maker with authority to make decisions and manage a persons financial affairs.

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3. Does the person have a strong network of family, friends and other people who would help if needed?	<ul style="list-style-type: none"> Can describe their network of support. Can describe what informal and/or formal support they provide. Understands the impact if people do not provide this support. 	<ul style="list-style-type: none"> Person is unable to describe their network of support. Person has no/limited understanding of the impact of not having a network of support. 	<ul style="list-style-type: none"> Do you live with or close to family/friends/other trusted people who could help you if needed? Do you have daily/weekly/monthly contact with family/friends/other people? Who are they? Would you feel comfortable asking them for help if you needed it (regularly or in special circumstances)? Can you think of any times in the past when you needed some help? Who helped you? Did you feel comfortable asking them for help? Do you think you would ask them again? Is there anyone else that you might ask? Do you get help to complete daily tasks? Can you tell me what you get help to do and who helps you? If you wanted to go out / complete a specific activity that required help who would you feel comfortable contacting?
4. Does the person or their nominee understand the requirements and obligations of the DPA and are committed to making it work?	<ul style="list-style-type: none"> Has read and demonstrates understanding of the DPA Handbook e.g. can describe what is required under the Agreement. Demonstrates a commitment to making the Agreement work. 	<ul style="list-style-type: none"> No evidence they have read the DPA Handbook. Does not demonstrate a good understanding of requirements under DPA. There is no clear commitment to making the Agreement work. 	<ul style="list-style-type: none"> Have you read the DPA Handbook and fact sheets or had these explained to you? Do you understand what things you need to do to keep receiving direct payments? Can you give me an example? Can you give me an example of a situation where a person's direct payment might be stopped by FACS? Can you tell me some of the things that you can/cannot spend your Individual Budget on in the DPA? Have you sought independent legal advice on entering the DPA?

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5. Is the person able to manage their own finances and financial interactions independently?	<ul style="list-style-type: none"> Has a history of good financial management. Can demonstrate how they manage their finances well. 	<ul style="list-style-type: none"> Has a history of poor financial management. Has a very limited understanding of what is involved in managing finances. 	<ul style="list-style-type: none"> Do you currently have anyone appointed to manage your finances like a Financial Manager? Have you ever gotten into trouble with you finances before i.e. owed someone/organisation money, weren't able to pay a bill, have ever been bankrupt, loaned a large amount of money to a friend/acquaintance? Do you do your own banking? Pay your own bills? Do you make purchases independently or do you need some help? Have you used a budget before in managing your money? Can you give me an example of what you did? Do you feel confident keeping track of your direct payment by using an excel spread sheet for example? What do you think you would do if you overspent your direct funding?
6. Does the person have appropriate arrangements for financial management assistance if needed?	<ul style="list-style-type: none"> Can describe the type of informal and/or formal arrangements for financial assistance. Person has arrangements in place if needed. 	<ul style="list-style-type: none"> Person has no arrangements in place for financial management assistance. No, does not need financial management assistance. 	<ul style="list-style-type: none"> Do you currently have anyone appointed to manage your finances like a Financial Manager, a nominee, a bookkeeper, a family member or friend? Have you thought about what you would do if you found you could not manage your finances, like appointing someone to do this for you? If so, who have you asked? Do you have someone you can ask for help, if occasionally you find it difficult to manage your finances e.g. complex taxation calculations?

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7. Is the person able to directly employ their own workers?	<ul style="list-style-type: none"> • Can describe how they would employ their own workers. • Has an understanding of their obligations as an employer e.g. training workers. • Has an understanding of taxation, awards, insurance and work, health and safety (WHS) including providing a safe work environment. 	<ul style="list-style-type: none"> • Has a very limited understanding of what is involved in directly employing workers. • Has no past experience in any matters relating to the employment of staff. 	<ul style="list-style-type: none"> • Do you intend on employing your own staff with your direct payment? • Have you read and understood the section of the DPA Handbook that talks about your obligations and responsibilities when employing staff (section 6 in the Handbook)? • Can you tell me about some of the things you will need to do when hiring staff (recruitment, pre-employment checks, appointment, insurances, taxation, training, record keeping etc.)? • Did you know you must pay your employees award wages? • What do you think you would do if you wanted to terminate a staff member's employment? • What steps would you take if you wanted to employ a family member?
8. Is the person able to provide a safe working environment for their workers?	<ul style="list-style-type: none"> • Past history of employing staff. • Person understands the potential risks or hazards in their home and how they could be addressed. • Person has/ will have a WHS assessment of their home. • Able to/ will train and support staff appropriately. 	<ul style="list-style-type: none"> • No experience or understanding of a safe working environment. 	<ul style="list-style-type: none"> • What does a safe working environment for your staff involve? • Are you expecting any/some/all of your services will be delivered by your employee(s) in your home? If so, have you had a Work Health and Safety (WHS) Assessment conducted in your home? • Were any changes to your home required to eliminate / minimise health and safety risks? Can you show me that these were done? • Is this Assessment current? Can you provide a copy of the WHS Assessment? • If an injury or an accident occurred to you or your staff during/related to an activity you engaged in as a DPA participant, what do you think you would need to do?

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9. Is the person safe in their current situation from: <ul style="list-style-type: none"> financial harm exploitation; or undue influence 	<ul style="list-style-type: none"> Has a stable living arrangement. Has a reliable person in their network of support to advocate on their behalf. Appears appropriately assertive and able to make good decisions. 	<ul style="list-style-type: none"> Has a past history of financial abuse, exploitation and/ or undue influence. Has experienced harm as a result of their own or others behaviour. Does not have a strong network of support to advocate on their behalf. Personal situation is unstable. 	<ul style="list-style-type: none"> Has there ever been a situation where you were exposed to financial harm e.g. a relative/spouse/employee/friend/acquaintance has taken your property or money, has stopped you from accessing your money or possessions through fraud, cheating or stealing, has pressured you to rewrite a will or to use your money in a way that benefits them? Do you feel confident that you could manage your direct payment without someone known to you seeking to influence how you spend it? What would you do if someone tried to influence you to spend your direct payment differently, or to break the rules about reporting how you've used your direct payment? Have you ever felt pressured into making a decision/choice that you didn't really want to make by a relative/spouse/employee/friend/acquaintance? Have you ever felt that a relative/spouse/ employee/friend/acquaintance was taking advantage of you? What do you think you would do if a relative/spouse/ employee/friend/acquaintance asked you to do something that you didn't really want to do? (If directly employing staff) What would you do if a staff member that you had grown close to / spend a lot of time with asked you to make financial decisions that benefited them, e.g. gave them a large bonus, paid for them to have a holiday with you to a place they wanted to go to?