Direct Payments:

Suitable Person Fact Sheet April 2026

Introduction

The Health and Social Care Act 2008 made amendments to the Health and Social Care Act 2001 to extend the opportunity of Direct Payments to adults who lack capacity to consent to receive them, where it is in their best interests, enabling them to benefit from the flexibility that Direct Payments offer.

Direct Payments can now be made to a "suitable person" who receives and manages the payments on behalf of the individual who lacks capacity. If the individual has capacity to consent to Direct Payment but is unwilling or unable to manage payments then the individual can choose to nominate a person to manage the Direct Payment on their behalf known as a "nominated person".

What is a Suitable Person?

A Suitable Person is:

- **Surrogate:** A deputy appointed by the Court of Protection to act in the Individuals best interest whose powers consist of or include powers relating to decisions about securing provision of community care services within the meaning of S46 of the 1990 Act.
- **Representative**: A court appointed deputy under the 2005 Act or a done of a Lasting Power of Attorney, under S9 of the 2005 Act but without powers relating to decisions about securing provision of Community Care Services Someone appointed as the individual the Individual have lasting power of attorney over their affairs before they lost capacity, or
- **Suitable Other**: A Person who is not a representative but that the surrogate (if there is one) and the Local Authority consider to be a Suitable Person. Usually this is someone like a family member, husband/wife/partner or friend.

This does not include 'appointeeship' from the Department of Work and Pensions.

If no suitable person can be identified then it is possible that a Direct Payment may not be made. However, every effort will be made to facilitate a Direct Payment.

Someone cannot just decide to be a 'suitable person' in order to receive Direct Payments on behalf of the individual. In most cases, the 'suitable person' will be a family member or close friend already involved in the provision of care for the individual concerned. However, whatever the relationship of the proposed 'suitable person' to the individual, the Council must still follow this process to ensure that the 'best interests' of the individual lacking capacity are prioritised and will give consideration to an enhanced DBS Check being undertaken. The Suitable Person should receive appropriate information and support to enable them to receive and manage Direct Payments. The should be referred to Halton Direct Payments Team and a be provided with information about how to act in the best interests of the service.

If the individual **HAS** capacity to manage a Direct Payment but has requested that they want someone else to manage the Direct Payment on their behalf, then this would not be a Suitable Person, it would be a 'Nominated Person' instead.

We have to follow legislation and our own policy and procedures before we can appoint you to act as a Suitable Person for an individual without Capacity. Anyone authorised to make personal welfare decisions for the individual has to agree to.

Certain conditions have to be met before we can make Direct Payments to a Suitable Person and before we appoint a Suitable Person, we always talk to other people about their views about the appointment. For example, we talk to the individual about what they would like and we consult anyone:

- Appointed as the Individuals attorney or deputy
- That the Individual wishes us to speak to about Direct Payments, their health and welfare arrangements in general, or other related matters.
- Involved in caring for the Individual or who may be interested in their welfare, like family members or friends.

Unless you are the Individuals' husband, wife, partner, a close family member, or a friend involved in their care, we carry out criminal records checks through the Disclosure and Barring Service before we make any appointment decisions.
We carefully consider what the Individual would want and what would be in their best interest.

We have to be satisfied that:

- Direct Payments will meet the individuals needs
- The conditions described in legislation and in our policy and procedures are met.
- You are willing and able to take on the responsibilities of acting as the Suitable Person. This means receiving Direct Payments and arrange support for the individual. If you need help and support to do this, you can contact Halton Direct Payments Team, they can provide you with advice on managing the money, support you with recruiting and managing personal assistants, undertaking DBS check, using an agency and other services.
- You will act in the Individuals best interest
- Given all circumstance, it is appropriate to make Direct Payments to you.

Your role and responsibilities as the Suitable Person

- To accept responsibility to appropriately manage the Direct Payment as agreed and outlined in the Direct Payment Agreement.
- To arrange services to deliver the outcomes as defined in the individuals support plan ensuring the best interest of the individual is at the centre of the support.

http://www3.halton.gov.uk/Pages/adultsocialcare/AdultSocialCare.aspx
Local Offer | Halton's Local Offer (haltonchildrenstrust.co.uk)