

# **Support Notes on Commissioner's Advice Third Party Payments**

## ***1. The power to make third party payments***

No Support Notes.

## ***2. The Secretary of State's guidance on third party payments***

No Support Notes.

## ***3. The forms a third party payment may take***

No Support Notes.

## ***4. The purposes served by third party payments***

No Support Notes.

## ***5. The circumstances in which a third party payment may be appropriate***

The mere fact that an applicant has an alcohol or drugs problem is not sufficient basis for a third party payment. Evidence about the impact of an alcohol or drugs problem might provide a sufficient basis.

Even where there is a real danger of "misspending" this does not mean that a third party payment is necessarily appropriate. Consideration should be given to all the circumstances. The nature and extent of the risk of misspending in relation to the particular item(s) should be considered. The risk may be that an unserviceable item will be purchased, or that the particular item in question will not be purchased at all. The risk should be considered in the context of other factors. For example, the urgency of the need is relevant. Will use of a third party payment lead to significant delay in the provision of goods or services? An applicant's ability to access suppliers that will accept giro cheque payments may also be important.

It is not appropriate to make a third party payment because of doubts about the need for an item. Where there are evidential problems these must be resolved and facts found on the balance of probabilities. A decision should be based on the facts found.

The burden of proof is on the Inspector to show that a third party payment is appropriate. The reasons for the Inspector's decision should be documented clearly.

## **6. *Third party payments for living expenses***

No Support Notes.

## **7. *Giving applicants an opportunity to comment, where a third party payment may be appropriate***

No Support Notes.

## **8. *Practical points for consideration where a third party payment may be appropriate***

The primary aim of a third party payment is to try and ensure that an appropriate item or service is purchased. Third party payments give an applicant very little flexibility in how they spend an award. It is therefore very important that Inspectors find a workable solution. Inspectors should consider what is most practical and convenient for the applicant, in reaching a decision about which third party should be used. If an applicant has suggested a preferred supplier, this supplier should generally be used if the supplier is reputable, and the supplier's terms and conditions (including costs) for the supply of an item or service are appropriate.

Inspectors may need to ask a number of different questions of suppliers, such as: Do you accept giro cheques? Do you wait for these to clear? In what ways can one place an order if paying by giro cheque? What period of time is likely to elapse between the presentation of the giro cheque and delivery of the item or service in question? Some local branches of national suppliers have been found to be operating their own policies on these things.

If an applicant would need to visit a store to make an order, how easy would this be, bearing in mind any mobility problems or other factors that might make a visit difficult?

Inspectors should provide clear details for the applicant so that he knows what he has to do in order to obtain the item awarded. There should be information about the third party and the item or items that can be bought using the award. For example, where a catalogue is used it may be appropriate to supply an address and telephone number, and to photocopy the relevant page containing the item or items that can be bought using the award. Similarly, it may be appropriate to include photocopies of order forms, and pages giving delivery and connection details. It may be possible to print similar pages where a web site has been used.