

# Direct payments Guidance

Social Care & Education



Leicester  
City Council

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We welcome ideas about using personal budgets flexibly and creatively. Our Approach to direct payments is underpinned by the following 'I' statement. The statement helps to guide us in knowing that your direct payments are personalised to you.

**'I know how much money is available to meet my care and support needs. I can decide how it's used whether it's my own money, a social care budget, or a budget managed on my behalf'**

More information can be found at:  
[www.thinklocalactpersonal.org.uk](http://www.thinklocalactpersonal.org.uk)

## Introduction

This document sets out how to get direct payments, how the Council provides them and the way they work in practice. It also provides information about the processes and procedures involved, support that is available and examples of different and flexible ways direct payments can be used.

This guidance will explain the responsibility and agreement between the person receiving the direct payment (you, or your representative/suitable person) and Leicester City Council (we/us/our).

## What is a direct payment?

A direct payment is money that we give to you or someone acting on your behalf, on a regular basis, to meet your care needs. This allows you to arrange and pay for your own support, instead of receiving social care services arranged by us.

If you need support to meet your care needs, we will carry out an assessment to agree what these needs are and how much money we will provide to support them being met. Choosing to have a direct payment provides you with flexibility and a choice on how to meet the outcomes of your care package, and by whom.

Direct payments may involve more responsibility for you, which will be explained later in this guidance. Once a direct payment has been set up, we will provide you with an agreement, so you are clear about your responsibilities.

We hope this guidance provides you with the advice and information to help you decide whether or not to choose direct payments, and how it can be accessed.

## Who can get a direct payment?

The following people can get a direct payment:

- Any adult that has been assessed by us as being eligible for care and support, including people who require support to look after their child
- Carers of the above

Direct payments can be paid to a person who is assessed as needing support, someone they choose (called a suitable person) or, if they cannot make decisions about this, we can agree to someone else managing this on your behalf (called a suitable person).

## How will I know if I am eligible?

You can choose to have a direct payment if you already receive support from the Adult Social Care. If you do not currently receive support from us, you can request an assessment.

We will carry out an assessment of your needs and will determine whether any support services identified in the care and support plan can be provided via a Personal Budget, which is the amount of money we will pay you to use towards any social care and support you need.

Having a direct payment will not affect any of your benefits and it will also not be counted as income in any of your assessments.

## How do I get a direct payment?

If we agree that you have eligible needs, we will set these out in a care and support plan, and you may then request a direct payment to meet these needs.

You can choose to have your support provided in a variety of different ways, which are explained in detail later in this guidance:

- nominate a suitable person
- have us arrange and provide support
- have us arrange for another organisation or agency to provide a service
- a combination of the above.

## How much money will I receive?

The direct payment allowance will vary from person to person, depending on how much has been agreed when your assessment or review has been completed. The amount of your direct payment will be enough to cover the amount of a service of the same quality and quantity, as we would otherwise have provided for you through our arranged care services (commissioned care package).

## Will I have to pay anything myself?

Support from Adult Social Care (unlike most health care) is not free. The Council will charge adults for care and support in order to sustain the delivery of care services, such as home care, to everyone who needs them.

As part of the assessment and support planning process, a financial assessment will also be completed separately to your assessment of needs. Some people may have to pay a contribution towards their direct payment, which is also known as an assessed charge.

The amount to pay will depend on your financial circumstances. Some people may qualify for financial assistance towards the cost of their care, while others will have to pay for some or all of their care from their savings and income.

We will work with you to assess your finances, consider how much the support will be and what you have to pay towards this. To work out how much someone has to pay, the assessment will take into account any income, savings or investments and expenses (rent, mortgage, household bills). The Adult Social Care Charging Policy sets out the financial assessment rules, how charges are calculated, and reviews and appeals processes. Your Social Worker can explain this to you in more detail, if necessary.

For more information on the financial assessment and charging policy, please visit:

- [www.leicester.gov.uk/financial-assessment](http://www.leicester.gov.uk/financial-assessment)

The outcome of the assessment determines the level of support you need, and enough direct payment money will be provided to ensure your support needs can be met. If you are required to pay towards your support, you will need to add your contribution to your direct payment, to make up the full cost of your care package.

Some people have financial support from Continuing Health Care to meet their needs. If this applies to you, your direct payment will be the difference between the funding provided by Continuing Health Care, and the total cost of your support. If this applies to you, you will be able to discuss it with your Social Worker.

## Uplifts (Annual Increase)

The hourly rate of direct payments are increased each year at an amount set by us and this is known as an uplift. Uplifts are percentage increases that differ depending on what the direct payment is used for.

The uplift changes start from the first Monday of each April and you will notice a small increase to total incoming and outgoing payment. As direct payments are paid four weeks in advance, the increased amount may be made to you in the following month but will always be backdated to the start of April.

## How will I receive my direct payment?

You can choose one of the following ways to receive your direct payment:

### 1. Prepayment card

A prepayment card is a debit card that is linked to a virtual bank account where we pay the money for your direct payment. The account is held by a third party company. If you choose to use a prepayment card, you will not be required to submit any statements to us.

Your direct payment will be paid four weekly in advance, to your prepayment card. The amount paid by us will be the amount of money agreed in your care and support plan, minus the amount of any calculated contribution. You will need to pay your contribution into the prepaid card account via a standing order, either weekly or monthly.

You agree that in using your prepayment card you will:

- keep your Prepayment card safe and not let anyone else use it.
- call 0844 2255 729/033 080 0102 immediately to cancel your card if you lose your prepayment card or suspect it has been used by someone else
- only spend the money that is on the prepayment card, as per care package
- follow the separate terms and conditions set by the Prepayment card provider, which will be sent to you with the card.
- set up a standing order to pay us the money you have to pay to us as your contribution to the cost of your care.

### 2. Direct payment to a bank account

This is where money is paid into a United Kingdom bank account. This can be an account held by you or your representative, but it must be a separate account that is only used for direct payments transactions, clearly showing how it has been spent on your support.

Your statements and receipts will need to be sent to us on a quarterly basis (or whenever requested), as evidence of the spend towards any care and support needs.

### 3. Direct payment Support Service

If you require assistance to manage your Direct payment, you can choose to have support from a direct payment Support Service. An agency can manage the money that we have agreed for your support needs and pay the people or organisations who are providing that support to you, including providing timesheets for your Personal Assistant and receiving these back. They can also support you with tax and National Insurance contributions and HMRC responsibilities.

If you have selected this option, money will be paid directly into the agency's account and they will manage it on your behalf, ensuring payments are made all providers.

The direct payment Support Service will liaise with the council to provide us with details of your spending. If you are required to contribute towards your care package, your chosen agency will advise you on the best way to pay your contributions for support and receiving these contributions from you on our behalf.

## What can I spend my direct payment on?

direct payments are an excellent way to choose how to get support. You are required to spend them on achieving the outcomes that have been agreed in your care and support plan.

Once you have your care and support plan finalised and agreed, and you have decided to have a Direct payment to achieve the things that are important to you, you will then need to organise your own care.

### Direct payments can be used to (but not limited to):

- Support you with personal care, such as bathing and getting dressed
- Support you with day-to-day tasks at home, as detailed in your care and support plan
- Support you get out and about
- Support you to find and pay for activities during the day
- Support you to find work
- Pay for equipment, which may support you to be more independent
- Buy anything else that helps you achieve what is expected in your care and support plan

### You should not use direct payments to:

- Pay for anything illegal
- Pay for anything that is not agreed as part of the outcomes in your care and support plan
- Gamble
- Buy food or alcohol
- Pay for anything that the NHS pays for
- Pay any household bills
- Pay for major house adaptations

### **Flexible Use**

Direct payments are especially designed to be flexible, and this has become even more important since Covid-19.

Some examples of using direct payments flexibly are:

- buying computers or similar equipment to access support online
- paying fuel costs, for delivery of service to home or to travel to alternative settings, due to closures

- Covering extra expenses that Personal Assistants have incurred, such as car park charges if they are unable to use public transport
- Purchasing Personal Protective Equipment for Carers & Personal Assistants.
- Paying for any set up costs or equipment to do activities at home instead of in the community

Whenever possible, people should be using direct payments in line with their care and support plan that has been agreed by Care Management Teams, however there may be a situation where people need to arrange care in a different way to spend money for alternative support. You are advised to keep note of any changes, why they were required and keep any receipts or evidence to show how your direct payment was spent. A record should be kept as it will be required for future reviews.

## What is a Personal Assistant?

Personal Assistants usually give you the greatest flexibility. A Personal Assistant is someone you choose to employ, to provide the support you need in the way that suits you best.

Employing your own Personal Assistants gives you the same responsibilities as any other employer. If you are using a direct payment Support Service, you can speak to them to seek help with this process.

If you are going to employ a Personal Assistant(s):

### You will be responsible for:

- Conditions of employment including holidays, notice periods, dismissal, pension responsibilities, tax, and National Insurance.
- Wages and payroll which will have to be at least the National Minimum Wage, along with sick pay and maternity pay etc.
- Payroll - including invoices and timesheets
- Employer's liability insurance - in case your Personal Assistant is injured at work.
- Maintaining health and safety at work.
- Recruiting a Personal Assistant(s).
- Training your Personal Assistant(s) so they can support you well and safely.

### To protect yourself, you should:

- Obtain a Disclosure and Disbarring Service check for each Personal Assistant.
- Get personal references for each Personal Assistant.

## Can I employ family members?

You can use the direct payment to pay a family member who does not live at the same address as you, to provide care and support if we agree this is appropriate to meet your needs. We have a duty to ensure that employing a family member is a suitable and safe use of direct payments. This will be discussed with you as part of the assessment and support planning process.



A direct payment cannot ordinarily be used to employ a family member that you live with to provide their care and support. However, if all other options fail to meet your eligible needs, the Council can use discretionary powers to consider agreement for this, under exceptional circumstances.

The direct payment can be used to pay a family member (whether or not the person lives with you) to provide the management and administration of the direct payments, where we agree that this is necessary.

## Support to manage your direct payment

### Suitable person

A Suitable Person is a someone who manages your direct payment on your behalf. You may have a suitable person because you do not have the mental capacity to manage your own direct payment or because you prefer someone else acts on your behalf. The suitable person can be someone you trust (like a friend or family member) or, if there is no one who is suitable, we can arrange someone to do this for you.

A suitable person will have the same responsibilities as you (which will be detailed in the direct payment agreement) and will be agreeing to undertake these on your behalf. They will become responsible for all of the things you would have been responsible for and will do them instead of you. They must be reliable, manage your money in your best interest and make sure the support you receive is beneficial to you. We have to agree that the person is suitable and oversee the arrangement, by carrying out relevant checks during the assessment and subsequently, during all future reviews. This will be documented in detail, in the signed direct payment agreement.

### Direct payment Support Service

If you do not have anyone that is suitable, but require assistance to manage your direct payment, we can arrange for a direct payment support service to help you. This is an agency who can support you on an ongoing basis, or do specific tasks, depending on your circumstances.

The different ways a direct payment support service can support you are:

#### **1. Initial support and set up of a direct payment**

They will help you to set up your direct payment and they can support you to manage and use the direct payment in a way that best meets your needs, this includes:

- General advice and information
- An initial conversation with you to understand what support you need, including training if needed, to ensure you know what it means to have a direct payment and how to account for it.
- Help setting up a separate bank account for the direct payment

- Supporting you to find a Personal Assistant or organisation to provide care.
- To provide support and advice if your support package breaks down and help you find an alternative provider or organisation

## **2. Managed Account Service**

They can act as your suitable person and do everything that you or any other suitable person would be expected to do. This support is known as a 'managed account'.

- Manage the money that we have agreed for your support needs and pay the people who are providing that support to you includes providing timesheets for your Personal Assistant and receiving these back.
- Advise you on the best way to pay your contributions for support and receive these contributions from you on our behalf
- Help you to find an alternative Personal Assistant or care provider if required
- Show us how you have used your money
- Return any money to us if we claim money back

## **3. Payroll and employment service**

You or your suitable person can still manage your own direct payment but receive support with the following:

- Manage the money (including your Prepayment card if applicable) that we have agreed for your support needs and pay the people who are providing that support to you. This includes providing timesheets for your Personal Assistant and receiving these back (unless you are using a Prepayment Card)
- Providing your Personal Assistants with wage slips
- Paying your tax and National Insurance contributions
- Setting up and renewing employment liability insurance
- Recruiting a Personal Assistant/s or care provider
- Advise you on the best way to pay your contributions for support and receive these contributions from you on our behalf
- Managing any sick leave, annual leave, redundancy issues, employment contracts and employment advice

## **4. Recruitment and selection of Personal Assistants**

You or your suitable person can still manage your own direct payment but can use the direct payment support service employment support Service to help you find a Personal Assistant and to support you with the following:

- Training and advice about recruiting and employing a Personal Assistant.
- Assistance with advertising, interviews, references.
- Give advice and signpost your Personal Assistant to training opportunities
- Insurance, health and safety, and risks

### Direct payment Support Service Providers

There are many organisations providing care services. Some of them are large national charities, some of them are smaller voluntary organisations and some are private companies such as care agencies.

Leicester City Council currently works closely with these organisations and they have slightly different approaches to each other:

- Mosaic  
[www.mosaic1898.co.uk](http://www.mosaic1898.co.uk)
- Purple Conversations  
[wearepurple.org.uk/welcome-to-leicester](http://wearepurple.org.uk/welcome-to-leicester)

### **Finding other services in your area**

There are a number of services available around Leicester. For further information about social care products and associated services, please visit:

- [www.leicester.gov.uk/your-council-services/social-care-health/adults/adult-social-care-directory/](http://www.leicester.gov.uk/your-council-services/social-care-health/adults/adult-social-care-directory/)

Additional information can also be found on our community directory, by visiting:

- [www.leicester.gov.uk/your-council-services/social-care-health/adults/services-for-adults-and-older-people/community-directory](http://www.leicester.gov.uk/your-council-services/social-care-health/adults/services-for-adults-and-older-people/community-directory)

### **Can the direct payment be suspended?**

You or we can end this agreement in the following circumstances:

- You no longer wish to receive a direct payment.
- The money has been spent on things that are not in your care and support plan, without approval.
- You have spent the money to pay a family member who lives in the same household as you family member without our prior agreement.
- Your circumstances or care and support needs change and a direct payment is no longer able to meet your needs
- The direct payment is putting you at risk of abuse or exploitation.
- Your direct payment agreement is breached.
- You no longer require care at all

A four week notice will be given by us or you if the agreement needs to end, with the exception of urgent circumstances, such as abuse or death.

### **Direct payment Monitoring & Record Keeping**

The Council is required to monitor the direct payment to make sure the person is being given the right amount of money to meet their care and support needs, as set out in their

care and support plan. We will write to you every four months to request evidence of receipts, to oversee how the money is being spent and what it is being spent on.

We do not expect detailed accounts, but it is necessary to keep some records of where your direct payment is being used. Below are just some examples of information we may request to show us how the money is being spent:

|   |   |
|---|---|
| <b>Everyday supplies &amp; services</b> | Invoices, agency fees, Personal Assistant Wages, time sheets, domestic help, leisure activities, courses, small equipment |
| <b>Major equipment</b>                  | Any expenditure of equipment and their warranties/guarantees  |
| <b>Adaptations</b>                      | Details of any permanent or temporary adaptations   |
| <b>Employer records</b>                 | PAYE records, payslips  |

### Surplus money & Clawback

There are some occasions when we will need to claim money back from you. If the direct payment money starts to build up because it is not being used, we will get in touch with you to find out what the plans for this are, if necessary. This unused money is known as surplus and is reviewed every three months. If this happens on a continuous basis, it may be necessary to review your care needs.

These situations include the following:

- You have money left in your account that you have not spent on your support needs (surplus)
- The money has been spent on things that are not agreed in your care and support plan, without approval
- There is extra money in your account due to being paid in advance for support that is yet to start

We will clawback and recover any unspent money by either withdrawing money from your prepayment card account or by recovering the money as a debt, at the end of each quarter of the year (every three months). If you are using a direct payment Support Service, they will submit the financial returns on your behalf and return any surplus that is unaccounted for, directly back to us. Where possible, we will allow for any surplus to be used flexibly to meet your needs in different ways.

### Reviews

Reviews will take place annually (twelve months from last assessment), or as and when things change significantly, to find out if the support plan and the direct payments are meeting your needs.

We will carry out a yearly assessment of your finances and let you know what money you may need to pay as a contribution towards your direct payment. Any changes in payments that have been agreed in your care and support plan, will be amended accordingly.

If we decide that your identified needs are not being met in a satisfactory way using a direct payment, we may suspend the arrangement and offer an alternative means of support, such as commissioned care services.

## Helpful Information

This section of the guidance provides information on how certain situations will be handled for those managing their own direct payments and for those using a direct payment support service.

### Hospital Admission

#### **direct payment paid into Bank Account or Prepayment Card**

If using an Agency: Upon being informed of hospital admission, the direct payment package will be suspended. The majority of direct payment agencies do not charge if you are in hospital, but this depends on the agreement.

If using a Personal Assistant: They will be paid retainers to a maximum of four weeks. If four weeks have passed, the care package will be suspended, or you can request your allocated team to consider retainer payment to be extended. This will be considered on an individual basis.

#### **Direct payment via direct payment support service (Mosaic)**

If using an Agency: They can charge for up to 24 hours after admitted to hospital, after which payments are suspended until you are back from hospital.

If using a Personal Assistant: They will be paid up to four weeks retainer, after which we will advise social work team to suspend care package, until you are out of hospital.

#### **Direct payment via direct payment support service (Purple Conversation)**

If using an Agency: There is no charge for periods when people are in hospital. If there were any overcharges, outside of short notice cancellation fee, then this would be adjusted or refunded.

If using a Personal Assistant: They would be paid four weeks retainer. If you are in hospital for more than four weeks, then it will be referred to the relevant social work team, who can authorise payment of a retainer beyond four weeks. Employees may choose to receive holiday pay during this time, instead.

## **Uplifts & Rate Increases**

### **Direct payment paid into Bank Account or Prepayment Card**

The uplift will be applied automatically and payment will be made accordingly. Personal assistants will receive percentage of uplift and this will be advised and arranged via payroll and employment support.

### **Direct payment via direct payment support service (Mosaic)**

If using an agency: Uplifts will be applied as per agreement in your care and support plan or increase will be based on uplifted rates in April, of each year.

If using a Personal Assistant: Uplifts will be applied and budgets are prepared once new rates are confirmed.

### **Direct payment via direct payment support service (Purple Conversation)**

If using an Agency: Once uplifts are confirmed, a notification will be sent out via email to all providers informing them of the rate increase.

If using a Personal Assistant: Information will be sent to you to notify you that the funding has increased and agency should be contacted if you would like to re-budget your care package to include a pay rise for your Personal Assistant. If any Personal Assistants are on National Minimum Wage, their wage would automatically be uplifted.

## **Personal Protective Equipment**

### **Direct payment paid into Bank Account or Prepayment Card**

Direct payment agencies will provide appropriate Personal Protective Equipment for paid carers.

Personal Protective Equipment will only be agreed if you are receiving care through a Personal Assistant. This will be arranged upon providing evidence of purchase.

### **Direct payment via direct payment support service (Mosaic)**

Personal Protective Equipment is available for Personal Assistants and all receipts need to be sent to the social work team for approval, before payment is made.

### **Direct payment via direct payment support service (Purple Conversation)**

Any purchases will be refunded from the managed account or you may claim the money back from the fund account (or prepayment card).

## Statutory Sick Pay

### **Direct payment paid into bank account or Prepayment Card**

The Personal Assistant will be informed of their sick payment via payroll and employment support service. The agency that provides payroll and employment support will let us know if they need extra funds to cover the sick period. You or the Personal Assistant will be advised by the Payroll and Employment Advise service, via the agency.

### **Direct payment via direct payment support service (Mosaic)**

Once a sick note is received for a Personal Assistant, one week's allowance is payable from your account. For any period longer than a week, the social work team is advised to add funds into your account to cover this.

### **Direct payment via direct payment support service (Purple Conversation)**

This is calculated as part of payroll support. If a Personal Assistant was not entitled to it, you will be notified and a form would be provided to you to pass to your employee, for them to make a claim for additional benefits from HMRC.

Statutory Sick Pay is not refundable from HMRC, however, small employers receive a relief on employer's National Insurance, and this will accumulate in their account. It can be used to cover the cost of any Statutory Sick Pay that maybe payable.

## Employing a Personal Assistant

If you decide to employ a Personal Assistant yourself, you will be responsible for recruiting and managing them once they start working for you. This means you will have employer responsibilities for that person.

If you are employing a personal assistant, you will need to be clear about what you want them to assist you with and how long the support they will be providing you takes. You can use this information to help with your job advert and description.

Whoever you employ, they should have a positive attitude towards your support needs and want to support you to fulfil your potential.

A toolkit from Skills for Care to help with employing Personal Assistants can be found at:

- <https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx>

A range of useful templates from a community of people with lived experience can be found at:

- [https://mycarebudget.org/mediawiki/index.php/Main\\_Page](https://mycarebudget.org/mediawiki/index.php/Main_Page)

## Recruitment

Before setting out to recruit someone, it is a good idea to draw up a job description. This allows you and the Personal Assistant to be clear about what is expected of them. The job description should include the purpose of the job, a breakdown of the main duties as well as details of working hours and rates of pay.

You might find it helpful to draw up an application form. This could cover:

- Biographical details (e.g. name and address)
- Employment history
- Personal experience or voluntary work
- Training and qualifications
- Why the person wants to be a Personal Assistant
- Ownership of car or driving licence (if required)
- References including last place of work
- Whether the applicant has any criminal convictions
- Their agreement to undertake a Disclosure and Barring Service (DBS) check and to share the results with you

### Advertising for a Personal Assistant

Unless you intend to employ someone you already know, you will need to draw up an advert outlining some basic details such as:

- A short description about you
- The type of support you require the Personal Assistant to provide
- The hours required
- Pay rate
- How to get in touch with you

You could ask to place your advert locally, in places such as local shops, supermarkets, schools and local facilities.

### Ensuring your privacy

We recommend not using your personal address in the advert although you will need to say the general area where you live. Consider using an e-mail address or telephone number instead, until you have selected someone.

### Interviewing candidates

You will also need to decide where to carry out the interviews. If you are worried about safety or privacy you may wish to use a local community setting, such as a community centre, church hall or voluntary group.

There are some questions you will want to ask all the people you are interviewing. This will allow you to compare one candidate against another. These could cover:

- Why they are applying for the post
- Their experiences and training
- Their ideas and views about the Personal Assistant role



### Disclosure and Barring Service check

A Disclosure and Barring Service check provides details of a person's criminal record (including convictions, cautions, reprimands and warnings) that are held on the Police National Computer. It can also contain details from the Barred Persons list and aims to check the background of a job applicant (whether paid or voluntary).

Although there is no legal requirement for a check to be undertaken, they are recommended to protect you. Anyone employed to work with or near a child (unless it is a close family member) is legally required to have an enhanced check undertaken.

You can use your direct payment to pay a Disclosure and Barring check, but you will have to make your own arrangements for carrying out the check unless you are using a direct payment support service. Please speak to your Social Worker or direct payment support service for further advice.

For more information, please visit:

- [www.gov.uk/db](http://www.gov.uk/db)

### **Arrangements to employ your Personal Assistant**

Once you have made the decision about who you want to work for you as a Personal Assistant, you should contact them to offer them the job and advise that they will be subject to employment checks. This should include:

- Enhanced DBS check and this is mandatory for children
- Proof of identity including current and previous address
- Right to work
- Declaration of any criminal history
- Taking up their references
- Discuss how you will be storing and sharing/processing their information and get their consent for this (GDPR)

You are also required to complete some basic checks to ensure that the person you are employing can legally work in the United Kingdom before they begin to work with you.

For more information, please visit the Home Office website at:

- <https://www.gov.uk/check-job-applicant-right-to-work>

### Pay, Tax and National Insurance

If you recruit a Personal Assistant, you become their employer. The only exception to this is where a Personal Assistant is self-employed. It is important to understand the employment status of your Personal Assistant and the implications this may have on you and your care. Please visit the HM Revenue & Customs website for further information:

- <https://www.gov.uk/topic/business-tax/pay>

### Employer Liability Insurance and Public Liability Insurance

All employers have a legal duty of care towards their employees while they are working. This is the case even when employing a friend or relative. If a Personal Assistant is injured as a

result of an accident or injury at work and believes their employer is responsible, they could sue for compensation. For this reason, you must take out employer's liability insurance.

You should also ensure you are covered for public liability insurance which offers protection if your Personal Assistant injures someone or damages property, during working hours. Consider taking out employer's indemnity insurance, this is optional and covers the employer against any costs related to the terms and conditions of employment (for example, legal costs of defending a claim for unfair dismissal).

If the Personal Assistant will be using your car you need to ensure they are insured to do this.

Some insurance companies provide policies specifically for Personal Assistants. Seek the advice of a local organisation or an insurance broker.

## Training

The person you recruit may require training outside of what you can provide yourself, or through existing networks or relationships. Other training may have to come from a specialist provider, as long as it is related to your social care needs.

Your Social Worker can advise you of your options or can source and arrange training on your behalf, if required. If you are using a direct payment support service, your chosen agency will signpost you to voluntary organisations or will put you in contact with a Skills for Social Care officer for support on arranging training. This could include, but is not limited to:

- Moving & handling
- Food hygiene
- First aid
- Administration of medicine
- Infection control
- Health & safety

## Appeals, Comments & Complaints

Appeals are made during the decision-making process and are managed by the team that has done the assessment. There are established processes for managing these appeals and changing any decisions.

All appeals can be made directly to the relevant team, using the contacts details that are provided within the support plan.

Information about how to send in compliments, comments, or complaints about how the Council has provided a service or made a decision, can be found online by visiting:

- <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/adult-social-care-comments-and-complaints/>

## Useful Contacts

| Issue                               | Contact                      | Telephone   | Website / E-mail  |
|-------------------------------------|------------------------------|-------------|---|
| Serious concerns about agencies/CQC | Care Quality Commission      | 03000616161 | <a href="http://www.cqc.org.uk/">http://www.cqc.org.uk/</a><br><a href="mailto:enquiries@cqc.org.uk">enquiries@cqc.org.uk</a>   |
| Being an Employer                   | HM Revenue and Customs       | 03002003211 | <a href="http://www.hmrc.gov.uk/employers/index.shtml">http://www.hmrc.gov.uk/employers/index.shtml</a>   |
| Advice to Employers - legal working | Home Office UK Border Agency | 03001234699 | <a href="http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/">http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/</a>   |
| Personal Assistant Recruitment      |                              |             | <a href="https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx">https://www.skillsforcare.org.uk/Employing-your-own-care-and-support/Information-for-individual-employers/Information-for-individual-employers.aspx</a> |

## Frequently asked questions

To help answer some of the questions you may have, please visit our website at:

- [www.leicester.gov.uk/directpayments](http://www.leicester.gov.uk/directpayments)

If you are unable to find an answer to your query, please e-mail us directly at:

- [directpaymentsinfo@leicester.gov.uk](mailto:directpaymentsinfo@leicester.gov.uk)

## Social Care Terminology

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|----------------------------------|---|
| <b>Agency</b>                    | An independent organisation that provides care and support services, such as care in your own home. It is not part of your local council. The council may arrange for care and support to be provided for you by a local agency, or you can arrange this yourself. This includes direct payment support service providers (e.g. Mosaic, Purple Conversations) |
| <b>Assessment</b>                | The process of working out what your needs are. A care assessment looks at how you are managing everyday activities such as looking after yourself, household tasks and getting out and about. You are entitled to an assessment if you have social care needs, and your views are central to this process.   |
| <b>Benefits</b>                  | Payments from the Government that you may receive because of your age, disability, income or caring responsibilities. Benefits in England are paid by the Department of Work and Pensions, not your local council.  |
| <b>Care and Support Plan</b>     | A plan you develop that says how you will spend your personal budget to get the life you want. You need to map out your week, define the outcomes you hope to achieve, and show how the money will be used to make these happen. Your local council must agree the plan before it makes money available to you.   |
| <b>Care Agency</b>               | A home care agency is an agency that provides care workers to help you at home. The agency might be a private company or a charity and can be employed by the Council.  |
| <b>Care Package</b>              | The range of services offered to you as an individual by your council, following an assessment of your needs. It may include day services, aids and adaptations for your home and personal care.  |
| <b>Carer</b>                     | A person who provides unpaid support to a partner, family member, friend or neighbour who is ill, struggling or disabled and could not manage without this help. This is distinct from a care worker, who is paid to support people.  |
| <b>Commissioned Care Service</b> | Care, support or supervision that has been arranged and paid for by the Council.  |
| <b>Contribution</b>              | The Council may charge you for social care services. The charges are means tested so you may be expected to pay towards the cost of your care and support needs, following a financial assessment (assessed charge).  |

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| <b>Direct payments</b>                        | Money that is paid to you (or someone acting on your behalf) on a regular basis by your local council so you can arrange your own support, instead of receiving social care services arranged by the council. Direct payments are available to people who have been assessed as being eligible for council-funded social care. They are not yet available for residential care. This is one type of personal budget. |
| <b>Direct payments Support Service agency</b> | A specialist agency, who can help you manage your direct payments. They can pay your support providers and any other expenses related to your direct payments.<br><br>They can also help you to employ your own staff, this can include, advertising, interviewing, carrying out Disclosure Barring Service (DBS) checks, contracts of employment and how much to pay.   |
| <b>Domiciliary/Home Care</b>                  | Care provided in your own home by paid care workers to help you with your daily life. It is also known as domiciliary care. Home care workers are usually employed by an independent agency, and the service may be arranged by your local Council or by you (or someone acting on your behalf).   |
| <b>Eligibility</b>                            | When your needs fit the criteria that allow you to receive a service, these needs will be met by the council.  |
| <b>Lacking Capacity</b>                       | The ability to make your own choices and decisions. In order to do this, you need to be able to understand and remember information and communicate clearly - whether verbally or non-verbally - what you have decided. A person may lack capacity because of a mental health problem, dementia or learning disability.  |
| <b>Means Test</b>                             | If the council assesses your needs and finds you are entitled to care and support, it will then carry out a financial assessment. This is to work out how much you can afford to pay for the services you receive. The amount you pay is your means-tested contribution, based on how much money you have.   |
| <b>Outcomes</b>                               | In social care, an 'outcome' refers to an aim or objective you would like to achieve or need to happen - for example, continuing to live in your own home, or being able to go out and about. You should be able to say which outcomes are the most important to you and receive support to achieve them.  |
| <b>Personal Assistant</b>                     | A Personal Assistant is someone you choose to employ, to provide the support you need in the way that suits you best. Your Personal Assistant can be paid through direct payments, as a personal budget.   |
| <b>Personal Budget</b>                        | Money that is allocated to you by us to pay for care or support to meet your assessed needs. Personal budget can be received as a direct payment or we can arrange the services for you (Commissioned Care service) – or a combination of the two.   |

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| <b>Respite Care</b>                                     | <p>A service giving carers a break, by providing short-term care for the person with care needs in their own home or in a residential setting. It can mean a few hours during the day or evening, sitting service, or a longer-term break. Nighttime services are only agreed in exceptional circumstances.</p> <p>It can also benefit the person with care needs by giving them the chance to try new activities and meet new people.</p>  |
| <b>Retainer</b>   | A fee that is paid in advance to an organisation or Personal Assistant, for your services based on an agreement of services.  |
| <b>Safeguarding</b>                                     | The process of ensuring that adults at risk are not being abused, neglected or exploited, and ensuring that people who are deemed 'unsuitable' do not work with them. If you believe that you or someone you know is being abused, you should let the adult social care department at your local council know. They should carry out an investigation and put a protection plan in place if abuse is happening. Councils have a duty to work with other organisations to protect adults from abuse and neglect. They do this through local safeguarding boards. |
| <b>Social Care Worker (or Care Management Officers)</b> | A professional who works with individual people and families to help improve their lives by arranging to put in place the things they need. This includes helping to protect adults and children from harm or abuse and supporting people to live independently. Social workers support people and help them find the services they need. They may have a role as a care manager, arranging care for people who use services. Many are employed by councils in adult social care teams; others work in the NHS or independent organisations.                    |
| <b>Suitable Person</b>                                  | A person who manages direct payments on behalf of someone who does not have the mental capacity to look after the money themselves. It has to be someone reliable who will manage money in the best interests of person who receives it and make sure that the care they receive is beneficial to them. The council decides if someone is a suitable person and oversees the arrangement.   |
| <b>Third Party Support</b>                              | If you are not able to manage your direct payments, a specialist agency can manage direct payments on your behalf. This is known as Third Party Support.  |
| <b>Uplifts</b>  | The hourly rates for services are increased each year at an amount set by us and this is known as an uplift. Uplifts are percentage increases that differ depending on what the direct payment is used for, and the annual changes start in (or are backdated to) April of each year.   |

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| <b>Voluntary Organisations (Provider Organisation)</b> | Organisations that are independent of the Government and local councils. Their job is to benefit the people they serve, not to make a profit. The people who work for voluntary organisations are not necessarily volunteers – many will be paid for the work they do. Social care services are often provided by local voluntary organisations, by arrangement with the council or with you as an individual. Some are user-led organisations, which means they are run by and for the people the organisation is designed to benefit. |
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