

DIRECT PAYMENTS AND SUPPORT FROM AGENCY PROVIDERS

This Fact Sheet:

- **Explains how people with support needs can buy services using direct payments, instead of employing personal assistants.**
- **Offers advice on how to find a suitable service provider.**
- **Provides a checklist of questions to ask a service provider, and what should be included in a contract with a service provider.**
- **Offers advice on the financial aspects of contracting using direct payments.**
- **Sets out some of the problems that can occur, and what to do about them.**
- **Lists further sources of information and advice.**

1. Introduction.

At present most people receiving direct payments in Scotland use the money to employ their own Personal Assistant (PA).

However, employing a PA is only one option and may not be the right option for everyone. Some people might not want to (or don't feel able to) take on the responsibility of becoming an employer. But they still want the level of choice and control over their support arrangements that direct payments can bring.

If you don't want to employ your own PA, you can use direct payments to buy in support through an agency, or purchase it directly from a service provider (you can also choose to use an agency to cover a PA's holiday time or sick leave). The agency or service provider recruits, manages

and pays the support workers. As the 'customer', you pay the agency to provide the support or services you need.

Using direct payments in this way means that instead of the local authority arranging services for you, you arrange and pay for them yourself, to suit your own needs and preferences. The intention is to give you much more control over the kind of support you receive, and who you receive it from.

Direct payments can be used to buy many different kinds of support services. At the moment, these services can be purchased from voluntary organisations (including charities), private sector agencies, or a local authority (if they are selling their services).

2. Getting Started.

To get a direct payment you must first receive a community care assessment from a social worker in your local authority (for more information on getting started and employing PAs see: A Guide to Receiving Direct Payments in Scotland, Scottish Executive).

Before you receive an assessment, seek advice from your local direct payments support organisation (if there is one) or advocacy service and try and organise a pre-assessment meeting. You might well be approaching the local authority to talk about direct payments because you already have a good idea of the services that you would like to buy in for yourself; or you might want to use the assessment process as one way of finding out about the possibilities open to you.

It is vitally important that you understand what you need and want from your direct payment in order that you can negotiate with confidence during the community care assessment. Relatives and friends and advocates can help too, but remember that the purpose of direct payments is to give **you** more choice and control over the support you receive, not your family or anyone else. Whatever your position, it is advisable to seek advice before the community care assessment from your local direct payments support organisation (for more information see Fact Sheet 2: The Role of a Direct Payments Support Organisation).

3. Finding an Agency.

There are many independent agencies and service providers in Scotland. Some of them are large national charities; some are much smaller, local organisations; others are privately-owned businesses.

Some agencies specialise in particular types of support, for example, support with training or employment. Others specialise in services for particular groups of people, for example people with learning difficulties or people with mental health difficulties. Some organisations provide a wide range of services covering many different support needs.

There are a number of ways to find out what's available. The local direct payments support organisation is a good place to start. Other important sources of information are:

i. The Care Commission.

From April 2003, all service providers have had to become registered with the Care Commission, an organisation set up by the government to regulate care and support services. The Care Commission will keep a register of all care and support services in Scotland, and inspect them to make sure they comply with national standards and that their staff are properly trained and qualified.

The Care Commission are able to provide information to the public about the services on its register, and its inspection reports will be available to read on the internet. Care homes and day centres are already on the register.

Not all services, though, are registered with the Care Commission. It will concentrate on services providing "personal care" (help with washing, dressing, getting in and out of bed, and so on) and support with daily life (cooking, shopping, keeping house, and so on). Services for people who just need a cleaner, or want help to look for a job, for example, won't be included.

Personal Assistants (PAs) won't be registered with the Care Commission either.

ii. The Local Authority.

The social work department at the local authority will probably have a list of 'approved' service providers. You can ask about these during your assessment. These are the organisations that the local authority has

'vetted' and with which the local authority itself will do business. But users of direct payments do not have to use one of the local authority's recommended agencies.

There might, for example, be an agency which exactly suits your needs, but isn't on the local authority's 'approved' list because it doesn't support anyone else in the local area. Alternatively, it might only deal with 'private' clients (people who fund their own care and support) and so won't be on the local authority's list of suppliers.

iii. Local Area Co-ordinator.

If you have a learning difficulty, the **local area co-ordinator** will be able to offer advice on what services are available. Local area co-ordinators assist people with learning difficulties to access support in their area that is suitable for them. Your social work department should be able to put you in touch with one if you do not already have one.

iv. Health Professionals.

Your **GP, community nurse** or other NHS professional may have information about the help and support available locally from voluntary or private agencies.

v. Local Advice Centres.

The Citizen's Advice Bureau, the local Council for Voluntary Service (CVS), the library or even the Yellow Pages can be a useful source of information.

4. Deciding What Support to Buy.

Before contacting an agency, it is important to be clear in your own mind what help you are looking for.

You should have a firm idea from your assessment of a list of the tasks that you expect staff to do, just as you would if you were employing your own staff. Then think about what is most important to you about the way those tasks are carried out. This will help you to prepare a schedule of the service you require from the agency and the questions to ask the agencies you are considering to ensure they can meet your requirements.

Always contact more than one service provider before committing yourself: remember you are the customer. If one agency is not able or

not prepared to provide what you want, you may be able to find another one that will.

Some of the following questions might be helpful:

- Can the agency provide what I want? What other services can it provide?
- What charges will be made?
- Is this price all-inclusive, or are there extras (like VAT, National Insurance or travelling expenses)?
- Is there a minimum amount of service that has to be bought (for example, a minimum number of hours a week)?
- Can I choose the person who provides my support?
- Can I expect to see the same person on a regular basis? What if that person is sick, or on holiday?
- Can the agency be contacted at all times while the support is being provided?
- Is there an out-of-hours emergency service? Is there an additional charge for this?
- How can I complain about the service if I have a problem?
- What obligations will I have if I cancel the service? This should be included in the contract.
- Is the agency registered with the Care Commission?
- Does it meet the national care standards? (these are the standards that the Care Commission inspects against).
- Does it have full professional and employer's liability insurance?
- Does it work to a recognised code of practice?
- How are its staff recruited? Are they checked for a criminal record? What training are they given?
- What is the agency's policy on using hoists?

Once you decide to go ahead and buy services from an agency, the answers to all these questions and any other arrangements you make will need to be written down in a **contract** – an agreement between you and the agency setting out what they will provide, and for what cost.

Before that happens, you will need to finalise your direct payments arrangements with the local authority.

5. Money Matters.

When the local authority has agreed that you can have direct payments and you've found a service provider that can meet your support needs, you will need to talk about the amount of money you will get and how it can be used.

The following points are important:

- The amount of money the local authority gives you to buy services **must** be enough to cover the services that your assessment says you need. If the local authority's charging policy means that you have to make a contribution towards the cost, then this should be recouped from you separately, **not** deducted from your direct payment.
- You must agree with the service provider how much you will pay them, and how often - this should be included in your contract with them. A contract is a legally binding two-way agreement: you must keep up the payments or there is a risk that the service will stop (see the section 'problem solving' for more information about this), and the service provider must provide the service they have agreed.
- The contract between you and the service provider will specify the cost of the service to you. It should also specify the circumstances under which this cost will rise (for example, there may be a yearly percentage increase in line with inflation). Any such agreement **must** be reflected in the agreement that you, in turn, have with the local authority, so that the amount you get as a direct payment goes up as well.
- You must come to an agreement with the local authority about how free you are to change your arrangements without telling them: for example, if you want to alter the number of hours of support you get, or if you want to change to another service provider. You should aim for as much freedom as possible, but remember that any changes you make might cost you more (or less), and so you might need to talk to the local authority again about the amount of money you get.
- The local authority will want to monitor and review your direct payment arrangements regularly, to make sure that you are managing things and that you are not getting into any difficulties. Make sure that you can contact the local authority at any time if you have problems between these regular reviews.

6. Problem Solving.

Problems can be avoided if assessments are carried out properly, all parties are clear about what has been decided, the use of the money is monitored regularly and the person using direct payments is properly supported (for more information see Fact Sheet 3: Monitoring and Review of Direct Payments).

Here are some examples of things that can go wrong, and what you can do about them:

- **The service provider doesn't do what you agreed.** First of all, talk to the local support organisation. They might be able to advocate on your behalf or recommend an advocacy service that can help you to complain. You should have a written agreement, or contract, with the service provider – this should be very clear about what they are supposed to do. Remember that you are the customer: if the service provider doesn't do what you agreed, you can stop paying them and find another provider. Keeping the local authority informed is a good idea, because if your problem can't be solved, or you can't find another provider, the local authority will need to make alternative arrangements for you.
- **You're not happy with the service.** You might find that the service provider **is** doing what you agreed, but you don't like the way they're doing it. Perhaps they often arrive late, or you don't get on with the person providing the service. Your agreement or contract with the provider should set out how to complain about this sort of thing. Again, the local support organisation can help.
- **You need more support, or a different kind of service.** People with an illness or impairment can sometimes find that the amount of support they need varies, depending on how their illness or impairment affects them at different times. If, after using direct payments for a while, you find you need more (or less) support, contact the local authority and ask for a reassessment.
- **You find it difficult to manage your direct payments.** People using direct payments to buy services have to account to the local authority for their use of the money, and enter into a contract with the service provider. This means taking on legal responsibilities

and involves proper record-keeping. Some people using direct payments find this difficult, especially at first, and can make mistakes. Local support organisations often provide payroll support for people employing their own PAs, but other support can be made available (see Fact Sheet 2: The Role of the Direct Payments Support Organisation). Friends, relatives, or advocates also support people to manage. If it becomes too difficult, you can always, as a last resort, ask the local authority to stop your direct payments and arrange services for you instead.

- **You don't have enough money to pay for the service.** If you've followed the advice on 'money matters', this shouldn't happen. Still, for one reason or another you might get into difficulties and find that you can't pay for your service. The best thing to do in this situation is to tell the service provider **and** the local authority as early as possible that you are having problems.

7. Further Reading.

- A Guide to Receiving Direct Payments in Scotland, Scottish Executive, 2003.
- Direct Payments Policy and Practice Guidance, Scottish Executive 2003.

8. Further Information.

UPDATE, Scotland's National Disability Information Service

27 Beaverhall Road
Edinburgh
EH7 4JE

Tel: 0131 558 5200
Fax: 0131 558 5201
Minicom: 0131 558 5202
Email: info@update.org.uk

The Care Commission
Tel: 01382 207100
Fax: 01382 207289

Website: www.carecommission.com

Scottish Personal Assistants Employer's Network (SPAEN)

Tel: 01698 250 280

Website: www.spaen.co.uk

Age Concern Scotland

Tel: 0131 220 3345

Website: www.ageconcernscotland.org.uk

Capability Scotland

Tel: 0131 313 5510

Textphone: 0131 346 2529

Website: www.capability-scotland.org.uk

Enable

Tel: 0141 226 4541

Website: www.enable.org.uk

Scottish Association for Mental Health (SAMH)

Tel: 0141 568 7000

Website: www.samh.org.uk

Sense Scotland

Tel: 0141 564 2444

Fax: 0141 564 2443

Text: 0141 564 2442

Website: www.sensescotland.org.uk/

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