

THE ROLE OF THE DIRECT PAYMENTS SUPPORT ORGANISATION

This fact sheet:

- **Explains the ethos of support organisations.**
- **Gives an overview of the role of a support organisation in helping disabled people towards independent living.**
- **Explains in more detail the role support organisations can play in helping people to manage direct payments.**

1. Introduction.

For an individual, direct payments can mean facing responsibilities they have not encountered before. They are likely to need guidance and advice. This can include advice on the choices they can make on the different options of support they purchase, or on the responsibilities of employing Personal Assistants (PAs). As the funder of the direct payment a local authority is not necessarily best placed to provide this. Advice and guidance should be impartial, independent and, wherever possible, provided by people with experience of using direct payments, as they can most ably provide peer support and are best placed to exchange information and ideas with one another.

Support organisations also act as a safeguard between the local authority and the individual receiving a direct payment. By making the individual fully aware of their rights and responsibilities both as an employer and in managing a direct payment, they protect authorities from any liability that might arise from an employment tribunal.

This fact sheet details the role that independent user-led support organisations can play in helping people to make decisions about how they use direct payments. It also outlines some of the other services they can provide in supporting disabled people to live independently.

Support organisations should provide services which respond to the needs and wishes of local disabled people. The services they provide may therefore differ from the information detailed in this fact sheet. It is intended as a general guide to what services a support organisation can provide.

How to plan and set up support organisations is covered in the Direct Payments Scotland publication, Five Steps: A guide for setting up user-led support organisations.

2. The Ethos of Support Organisations

Support organisations should be **user-led**. This means they should be governed and staffed mostly by disabled people.

Direct payments are intended to give disabled people more power and control over their support arrangements and, ultimately, over their lives. User-led support organisations will benefit from working within a **social model of disability** in order to successfully challenge established power relationships. The social model of disability identifies the various barriers that people with impairments face as the real cause of disability - not impairment itself. Barriers may be caused by the physical environment, by inflexible or inappropriate services, or by attitudes. The implications of working within a social model are:

- An emphasis on rights-based provision.
- That disabled people need to be fully involved in designing services that empower them rather than create dependency.
- That disabled people's needs are not 'special', but are essentially basic needs shared by all citizens within our society.

Disabled people have identified twelve basic needs which, if met, would enable them to fully participate in society. Support organisations should campaign for and/ or promote services to facilitate these. They are:

- Full access to the environment.
- A fully accessible transport system.
- Technical aids/ equipment.
- Accessible/ adapted housing.
- Personal assistance.
- Inclusive education and training.
- An adequate income.

- Equal opportunities for employment.
- Appropriate and accessible information.
- Advocacy (including self advocacy).
- Counselling.
- Appropriate health care provision.

The work of the user-led support organisation should link with these basic needs.

3. General Services Offered by a Support Organisation

Support organisations provide a range of services to help people to live independently. These can include:

- An independent, impartial advice and information service.
- Advocacy.
- Disability equality training.
- Housing information and advocacy e.g. through a Disabled Persons Housing Service.
- Employment and training support services and opportunities.
- Accessible meeting and conference facilities.
- Campaigning for full civil rights for disabled people.
- Evaluating and assessing community care services.
- Outreach skills and development work.
- Specific projects to support young disabled people, disabled people from minority ethnic groups etc.

4. Support for People Receiving Direct Payments

Support organisations play an integral role in helping people to manage direct payments. Services that a support organisation can provide for people receiving direct payments are:

- Independent Living advocacy.
- Training for Personal Assistant (PA) employers.
- Training for Pas.
- PA recruitment service.
- An emergency back-up service.
- A payroll service.
- Peer support groups.
- Advice on contracting with agencies.

- Counselling services.
- Training for other agencies.
- Referral to other services.
- Support for other types of assistance such as British Sign Language interpreting, psychological support or reading correspondence.

i. Independent Living Advocacy.

Getting support from someone who really understands the barriers disabled people face is absolutely crucial if the support package is going to be genuinely empowering. Peer-based support is the most effective way of doing this – that is, support from other disabled people with the appropriate training and experience, and who are independent of the funding bodies. Feedback and evaluation from existing support organisations bears this out.

Getting independent support **when** it is needed is also vital. A support worker should meet with a person who is interested in Independent Living to explore the options well before a community care assessment takes place (i.e. self-assessment). This means that when they **do** have an assessment they are properly prepared. They know what they want from a support package and are able to make informed choices. Direct payments work most effectively when the prospective employer has had an opportunity to fully explore all options.

It is not the role of the support worker to advise or manage PAs or other workers. This is the employer's role. Likewise in situations of conflict between employer and employee it may be advisable to encourage the employer to seek legal advice beyond the skill/ knowledge of the support worker, though the training, advice and support should help to avoid such situations from arising.

ii. Training for PA Employers.

Clearly, using a direct payment also involves taking on certain responsibilities and getting appropriate training can make all the difference between success and failure.

Training should be available prior to the community care assessment to supplement any one-to-one support and to ensure people have an opportunity to make informed choices. The initial training should explore the advantages and disadvantages of direct payments and the various ways in which they can be used. Issues of choice, control and responsibility should be addressed.

Once the individual has considered the options and decides to go ahead with direct payments, and to employ PAs, the support organisation should provide training on issues such as:

- Recruiting and interviewing - including making up staff rotas, what to think about if you are considering taking on live-in staff, writing job descriptions, putting together application forms, advertising (including what people can and cannot include in an advert), short-listing, interviewing, taking up references, and making a job offer.
- Day to day management of staff – including assertiveness and how to communicate successfully, how to conduct supervision sessions, managing problem situations, and disciplinary procedures.
- Employment law – legal responsibilities as an employer, what to include in employment contracts, disciplinary and grievance procedures, termination of employment, unfair dismissal, redundancy, employment rights, equal opportunities, and maternity rights.
- Insurance – different types of insurance an individual will need such as employer liability insurance.
- Tax and National Insurance, Statutory Sick Pay.
- Budgeting and how to manage financial requirements stipulated by the local authority – including retention of bank statements and undertaking other paper work.
- Child protection and police checks.
- Health and safety.

Ideally training should be provided by trainers who have personal experience of using direct payments.

A rolling programme of training should also be available to offer ongoing support to PA employers on all the above issues. The training can be tailored according to demand and should always aim to be down-to-earth and participative. Consideration should be given to ensuring the training is accessible to anyone considering or using a direct payment. Training should take into account the aims of the individual, the way they learn, and any specific access needs. The support organisation should be prepared to provide information in a variety of formats, languages, and environments.

iii. Training for PAs.

As with any employment, most training is done by the employer on a day to day basis. PA employers will be clear what they want their staff to do and when and how they want them to do it. Training by support organisations supplements this ongoing training. The cost of training could be incorporated into the cost of the direct payments package.

What should training cover?

Training for PAs should at least aim to give participants an understanding of:

- Disability from an equalities perspective.
- Independent Living principles.
- The role of a PA.
- How the local service or scheme works.
- Moving and assisting safely.

This may be supplemented by specific training according to individual need. For instance, a PA employer who uses a ventilator might seek additional training for a PA which could be delivered by health care professionals.

Training can be provided in a number of ways:

- Introductory training – to assess interest and aptitude and to provide a basic understanding of the role of a PA.
- Refresher training – to consolidate and improve skills and understanding.
- Individual training – to provide more specific knowledge or skills.
- Joint training – to address issues jointly between PA and PA employer.

Who should deliver training?

Training on disability equality and Independent Living issues should be delivered by suitably skilled and experienced disabled people. This is less important for other more practical aspects such as recruiting, tax and National Insurance etc. which ideally should be done by someone with expertise in employment issues. Moving and assisting training should be delivered by a suitably qualified professional e.g. a physiotherapist. They should have specific training in teaching moving and assisting and also have an understanding of the issues surrounding moving and assisting policies from a disabled person's perspective.

Moving and Assisting.

PA employers have legal training obligations in relation to their staff in particular in relation to moving and assisting. This can be done:

- In the PA employer's home.
- Within the support organisation (see example).

It should be noted that this fact sheet adopts the term 'moving and assisting' rather than 'moving and handling' as it implies and promotes a greater degree of respect for disabled people's own individual feelings and preferences about the help they need in moving around.

iv. PA Registers

Some support organisations have 'PA Registers' so that a bank of suitable people is available for recruitment. Training can be used to identify people with the right aptitude for the work (where they have not already been recruited by an individual) for inclusion on such a register. As far as possible, the support organisation should seek to involve PA Employers in the training and interviewing of PAs and, where possible, recognise their involvement through payment in cash or in kind. Following the training, the support organisation should carry out police checks and take up references. Subject to all of these being satisfactory, the PA can then join the PA Register.

Emergency Back-up and Recruitment Services.

A PA Register can be used by PA Employers to identify and make contact with PAs who they can interview and potentially recruit. The service should supplement, but not replace, the usual recruitment methods.

It is important to recognise that this type of back-up service is fundamentally different from agency services in that the PA is always employed **by** and accountable **to** the disabled person, not the support organisation. Where there are many people seeking to use a register there may be difficulty in maintaining a sufficiently large pool of PAs (when this happened in Lothian some employers took over the pool and managed it themselves).

v. Advice on Being an Employer or on Contracting With Agencies.

A support organisation can promote good employment practice, provide day to day advice on staffing issues, and act as a bouncing board for employers to discuss difficult issues.

Many people using direct payments and other forms of Independent Living funding, choose to use support from agencies as well as or instead of employing PAs. It is important that people are provided with advice and support, if they wish, on issues such as contracts or standards of service. A support organisation may have a larger list of local agencies than the local authority care providers list. Within peer support settings individuals may well share their experience of the various agencies.

Example: Glasgow Centre for Inclusive Living

The **Glasgow Centre for Inclusive Living** provides introductory course lasting two days. The first day introduces the basic principles of Independent Living. The second day of the course focuses on moving and assisting.

The intention is **not** to provide PAs with all the skills that they might need on the job. Disabled people's needs are just too individual to make this realistic. Much more important is that PAs learn to work under the direction of the PA Employer. This is especially important where one PA may work for several different employers, each with different needs and preferences.

GCIL also use this training to help to recruit PAs for its PA back-up service. Following the training, the participants are interviewed, references taken up and police checks carried out. This provides 24 hr a day, 365 day a year emergency back-up for PA employers. Clearly, to operate a register of this type, it will be necessary to collect and collate availability of PAs for the Register on a regular basis. Such a service can find a PA – sometimes at very short notice to cover an emergency situation such as sickness or, more easily, planned holidays. There are no guarantees, and most PA Employers use emergency back-up services as just one of a range of emergency options.

There are essentially two types of payroll service – services that calculate tax and National Insurance, provide payslips and help clients deal with the Inland Revenue, and services that also pay PAs or other workers. Like any other service a payroll service should offer the right balance between being supportive but also promoting choice and control. For examples see LCIL and GCIL.

vii. Peer Support Groups.

It is useful for PA employers to have an opportunity to discuss and share experience. On a national level the Scottish Personal Assistants Employers Network (SPAEN) provides this support, but local support organisations may wish to facilitate this role as well. It enables individuals to learn from each other but also to take a common approach to issues surrounding being a PA employer or using direct payments. They can also discuss policy and practice and influence this in an accountable way at the local level. For example a Peer Support Group might have a representative on a Steering or Liaison Groups that meets with the Social Work Department.

viii. Counselling Services

Some support organisations (for example Derbyshire and Lothian CILs) operate professional counselling services, including training disabled people to be counsellors, and provide the support and co-ordination of counselling.

These services arose out of the experience of support organisations who found that a large number of clients required emotional support and space for exploring personal issues which were directly relevant to their ability to take control of their own lives. Other professional counselling services in the area might not be accessible because of access, cost or attitude issues. These services should be open to any disabled person who wishes to use the service.

5. Training for Social Work and Other Agencies

As the use of direct payments increases it is important to share the knowledge gained by support organisations with the local authority and others. This can be by providing training, or direct advice. However the support organisation is primarily there to support the disabled person.

6. Information on and Referral to Other Services

A support organisation is not likely to have the answer to every issue that an individual raises. It is therefore important to have good links with other advice and support services (for example to benefits advice services, disability information services, housing advice etc). People will approach

the support organisation with a range of issues some of which may or may not relate to direct payments. These other services may be contained within the same organisation or may be with a partner organisation.

7. Further Reading.

- A Guide to Receiving Direct Payments in Scotland – Scottish Executive (October 2003).
- Community Care and Health (Scotland) Act 2002 – Scottish Executive.
- Direct Payments: Policy and Practice Guidance (June 2003) – Scottish Executive.

8. Further Information.

UPDATE, Scotland's National Disability Information Service.

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