



SELF DIRECTED SUPPORT



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Personalisation and Self-Directed Support

[The Social Care \(Self-Directed Support \) \(Scotland\) Act 2013](#) which came into effect in April 2014, has led to Perth and Kinross Council changing the way in which we provide services for those requiring social care support. The Self Directed Support Act is designed to ensure that Local Authorities are being transparent in their planning and that families are able to access the support they want by having more choice, flexibility and more importantly control in the decision making process.

Self-Directed Support is part of a broader reform agenda which includes Getting It Right For Every Child (GIRFEC). It is about working with children and their families to develop personalised Child's Plans which allows families to decide how and who is going to help meet their assessed needs and personal outcomes for now and in the future.

If a child needs help with everyday living because of a health condition, disability, or personal circumstances, they or their carers can request that the Local Authority carry out an assessment of need under S23 and S24 of the Children (Scotland) Act 1995. The completion of this assessment does not automatically qualify the child to support through SDS. If your child's assessed need can be met using universal services this information will be provided; such help might include being signposted to a particular voluntary organisation or community group within your area.



Self-Directed Support

Self-Directed Support means that you have choices in how the care and support your child requires is provided and managed. Self-Directed Support involves 4 different options and you can choose the option which best suits your child and / or young person's individual needs:

Self-Directed Support options:-

Option 1: This is known as Direct Payments. Once a child's plan outlining achievable outcomes has been agreed, the money to fund your choice of support is paid directly into your or a third party's (where applicable), bank account which must be managed separately from any other accounts you may have. You will manage this money yourself and you are responsible for recording how this money is spent.

Option 1 allows you to purchase the support you and your child need to achieve his or her personal outcomes. Direct Payments will allow you to buy the care you need from a provider of your choice, employ your own staff (Personal Assistants) to provide support directly, receive a one-off payment, purchase appropriate equipment or have a combination of all four. Direct Payments ultimately gives you the choice, control and flexibility over how support and / or care is provided to your child.

Option 2: If for whatever reason, you do not want to directly manage your child's support, then we can help. You will still choose the type of support needed and how it will be provided, but Perth and Kinross Council will manage it for you.

This option has mainly been designed to be an alternative to Direct Payments (Option 1), without the need for you to take on the responsibilities for the financial administration and the organisation of any support. However, it is not possible for you to employ Personal Assistants or engage with a self-employed carer for your child using Option 2.

Option 3: You can ask for your child's support to be arranged and managed for you by the Local Authority. Should you choose Option 3, we will make the necessary arrangements for the support / care and for the financial administration.

Option 4: This is a combination of Options 1, 2 & 3 and allows you to let Perth and Kinross Council manage some parts of your child's support package, while giving you direct control of other elements of the support. The money to fund the parts of your child's support which you manage will be paid into a bank account in the same way as described in Option 1 Direct Payments.

Option 1 – Direct Payments

There are several possibilities available for purchasing care for your child through Option 1 - Direct Payments and these are detailed below:-

Service Provider

You can buy a service from a care provider which means that you will have a contract with that provider to allocate care workers to support your child's needs. Perth and Kinross Council can provide you with names of regulated services in your area. Each month, the provider will send you an invoice for the care delivered and you pay the invoice using money from your Direct Payments bank account.

The Care Inspectorate regulates the services provided by care providers and you can find out about the quality of the services they provide from the Care Inspectorate: www.scswis.com

What we will do:

- If required, the Self Directed Support (SDS) Team can work with you through all stages of Direct Payments or you may wish to choose another support organisation to advise you.
- We can supply you with a list of approved providers who are registered with the Care Inspectorate to provide support/ care to children.
- We will inform you what the hourly rate will be for the agency you choose and this rate will be shown on any invoices they send you.
- We will provide you with a bank mandate to capture the details of the designated bank account which you will be asked to open.
- The SDS Team will explain and supply you with Income & Expenditure forms which you complete each month or six monthly. These forms are used as part of the monitoring process (explained below) and should be sent to the SDS Team by post to the address at the back of this booklet or email to selfdirectedsupport@pkc.gov.uk.
- We will supply you with a Direct Payments Agreement which will be signed by you and Perth and Kinross Council.
- Perth and Kinross Council will make the agreed payment into your Direct Payments bank account every four weeks and this will be used to pay for the care required. If you pay a contribution towards the support package for your child then this will be deducted from the weekly cost of your Direct Payment.
- The Council will monitor the spend of the Direct Payments bank account to ensure that agreed outcomes are met as well as ensuring you are managing all transactions appropriately. This monitoring also informs us if you are making your contribution into the Direct Payments bank account.



What we ask you to do:

- Choose who you would like to provide the care/ support for your children from the approved list of care providers. This support should meet the agreed assessed needs
- Open a separate bank account with a cheque book and/or online facility exclusively for Direct Payments. This can be in your name or if you choose, another person who can manage the bank account on your behalf and they can be the named person on the account.
- Complete a bank mandate form which, once completed, is to be sent either by post to the SDS Team at the address at the back of this booklet or by email to selfdirectedsupport@pkc.gov.uk. When opening the bank account from a bank of your choice, please request a monthly bank statement.
- The Council will require you to sign a Direct Payments Agreement which the SDS Team will provide.
- When you receive an invoice from your agency, check that you agree with the times worked and the hourly rate used and either pay by cheque or via internet banking.
- Every month or six monthly, whichever you prefer, send a copy of the relevant bank statement along with a copy of any paid invoices for the month, to the SDS Team. We also need a copy of the completed Income & Expenditure form (attached Appendix 1) which is used to record all income and expenditure from the Direct Payments bank account. This information is requested as the Council is required to demonstrate accountability for the use of public funds. Your Social Worker will discuss this form with you and guide you as to when this requires to be completed.

Employing a Personal Assistant

Option 1 Direct Payments also allows you to employ a Personal Assistant for your child. This gives you maximum flexibility to tailor your child's support with your lifestyle, needs and outcomes.

The SDS Team will help potential employers find out more about SDS and Direct Payments. This will include how you can find staff as well as offering practical support with becoming a Personal Assistant employer.

What is a Personal Assistant?

A Personal Assistant is directly accountable to you, their employer, and will provide the support that will enable your child to meet identified outcomes.

The support provided for child by the Personal Assistant should be determined by you and this should be set out in a job description. One of the main reasons people choose to employ their own staff is to allow for flexibility in the nature of support provided and in the hours when staff are required to work.

Personal Assistant work is about much more than personal care. There are many roles available for a Personal Assistant; for example, supporting your child at home and /or within the

community. For some situations the need for personal care may be very limited, in others there may be a requirement for a team of Personal Assistants with different roles based on their skills. The support required to provide the appropriate care for your child should be fully thought out by you before the Personal Assistant is recruited. Perth and Kinross staff can help you decide on the specific tasks that would be required.

Personal Assistants have the same responsibilities as other employees in relation to attendance and performance at work and this is detailed in the Contract of Employment.

How do I recruit a Personal Assistant?

Personal Assistants are recruited in a number of ways, and evidence suggests that this is more often through friends and people already known to the family. The SDS Team will offer support with all aspects of recruitment and will tailor the process to your needs. They will also explain the Personal Assistants Scheme. Further information is available on Perth & Kinross Council's Self Directed Support web page: <http://www.pkc.gov.uk/selfdirectedsupport>

The benefits of the Personal Assistant Scheme are that it relieves anxiety for people requiring support as well as providing safe recruitment from the comfort of your home. It also offers choice, control and confidentiality with easy access of information. The scheme will help you to choose applicants you may wish to interview.

Alternatively, the SDS Team can place an advert in the local Job Centre, appropriate web site, community campus, Doctors Surgery etc. This would give a brief description of what the job involves, how many hours per week, what kind of person you are looking for and the rate of pay. All applications come through the SDS Team and are passed to you as the employer. It is essential that safe recruitment is applied; this ensures that you, as the employer, remain anonymous to the applicant at this initial stage.

How do I select and interview people?

You must read all the applications you receive and compare them with the list of skills and personal qualities that you are seeking. You then decide which of the applicants you wish to interview. The SDS Team can assist you with this task or you may wish to ask a member of your family or a friend. The interview should be formal but relaxed. You should have a list of questions that you want to ask each prospective employee. You should also ask questions that will help you find out more about the candidate. Remember to check reference details of all applicants. The SDS Team can offer you a room for interviews and this is advised for safe recruitment but we understand this may not always be practicable for the prospective employer and other arrangements can be made.

Can I employ a close family member?

While it is possible for you to employ a close relative in some circumstances (see overleaf), Perth and Kinross Council retains the discretion to agree or disagree to any such arrangement as it involves an important change in the relationship between the two individuals.

All the following requirements must apply in order for family members to be employed as personal assistants:

- Perth and Kinross Council, the family member (ie the prospective Personal Assistant) and you must all agree to the family member providing support for your child.
- The family member must be capable of meeting your child's needs via the employment arrangements. (Note: Perth and Kinross Council has a statutory duty of care so ultimately decides if the arrangement will meet your child's needs)
- Any one of the following additional appropriate circumstances must apply:
 - there is a limited choice of providers
 - there is a specific communication need which makes it difficult for another provider to meet assessed needs
 - the family member will be available to provide support for your child at times when other providers would not reasonably be available
 - the intimate nature of the support required makes it preferable that the support is provided by the family member
 - you have religious and / or cultural beliefs that make the arrangement preferable to you
 - your child requires palliative care
 - it is an emergency or a short-term need
 - there are many other factors which make it appropriate, in the opinion of the authority, that it is a family member who provide support.

NOTE:

1. A family member is not permitted to provide support for your child if the authority determines that either the family member or you are under undue pressure to agree to the arrangement.
2. A family member is not permitted to provide support for your child if they are a Guardian or have Power of Attorney.

These two restrictions apply – and therefore prevent an employment arrangement – regardless of whether any or all the necessary requirements are in place.

How do I decide on the rate of pay?

The SDS Team will provide you with a local rate of pay that is applicable to this type of work. This will include all on-costs such as employer National Insurance contributions, holiday cover, training, etc. Setting the correct rate of pay is important to ensure that you attract workers that can provide the support your child requires.

Do I have to offer the employee a pension?

The law on workplace pensions has changed. Every employer with at least one member of staff must automatically enroll those who are eligible, into a workplace pension scheme and contribute towards it.

Not all employees will be automatically enrolled into a pension scheme and not all workers will be entitled to request to join the scheme. However, all employers are required to have a 'Qualifying Pension Scheme' available to their employees.

It is the responsibility of the employer to ensure that they take all the necessary steps and produce all the necessary reports and communications. However, many of our Direct Payment employers will not have had previous experience with a pension scheme. Therefore, the SDS Team will arrange with your payroll provider to help with your individual needs and requirements.

Each employer will have a different 'staging date' which is based on your PAYE (Pay As You Earn) staff count as at 1 April 2012. If you receive any letters from the Pensions Regulator, please send them to your payroll provider who will then inform you of your 'staging date'.

The SDS Team will also assist you when and if an employee wishes to be part of a pension scheme. Each employer will have different 'staging dates' and it is not known at this juncture if your employee/s will be eligible.



How do I pay my Personal Assistant?

This can be a daunting task, but with correct information and/or training it can become a routine task. You may use any payroll company you wish or the SDS Team can provide you with the names of local payroll providers who will set you up as an employer and inform you of how much to pay the Personal Assistants each month. There will be a fee for payroll services which can be paid for from Direct Payments money, please discuss this with the SDS Team.

Do I need to give our Personal Assistant a Contract of Employment?

Good practice states that you must provide your employee with written Terms and Conditions of Employment within 8 weeks of a permanent contract being offered. There are a number of details that require to be included:

- Employer and employee name and address
- The date the employee starts work
- Job title and brief job description
- Place of work
- Payment details and hours of work
- Arrangements for holiday pay, sickness and maternity provision
- Notice
- Disciplinary and grievance procedures.

The agreement between the employer and employee begins from the time an employee starts work and is based on what was agreed during the interview. The SDS Team will supply a Contract of Employment for you to use.



What you'll be asked to do:

- Take responsibility, with support if appropriate, to employ suitable Personal Assistants to provide care and meet your child's agreed outcomes.
- Open a separate bank account with a cheque book or online facility exclusively for Direct Payments. This can be in your name or if you choose, another person can manage the bank account on your behalf and they can be the named person on the account.
- Complete a bank mandate form which once completed is to be sent either by post to the SDS Team at the address at the back of this booklet or by email to selfdirectedsupport@pkc.gov.uk. When opening the bank account from a bank of your choice, please request a monthly bank statement.
- Complete and sign a Contract of Employment with each Personal Assistant and keep a copy for your file, give a copy to each Personal Assistant and send a copy to the SDS Team.
- Contact a payroll company who will register you as an employer and record details of your Personal Assistant.
- Apply for Liability Insurance with a copy to be sent to the SDS Team.
- Ask the Personal Assistant to complete a time sheet each week for the hours they have worked. They sign for each week and on a date supplied to you by the payroll company. You will sign that you agree with the information given by the Personal Assistant; the time sheet is then sent to the payroll company.
- The Council will require you to sign a Direct Payments Agreement which will be signed by the Council and you or someone authorised to act on your behalf.
- Return each bank statement along with the invoices for the month which matches that statement to the Self Directed Support Team. With this we also need a copy of the completed Income & Expenditure form (Appendix 1) which is used to record all income and expenditure from the Direct Payments bank account. This information is requested as the Council is required to demonstrate accountability for the use of public funds. This information can be supplied to the SDS Team every month or every six months, whichever is more convenient. Your Social Worker will advise you when this is required.
- You may be asked to complete a financial assessment to establish what if any contribution you will be asked to pay towards your child's care needs. If you are asked to pay a contribution then you should arrange to pay this into the Direct Payments account in line with the Council's four weekly payments.

Can I engage with a self-employed carer?

Perth and Kinross Council will not stipulate that you cannot use a self-employed carer if you choose Option 1 Direct Payments. If you use a self-employed carer to meet your child's needs, that is your choice. However, we need to highlight the risks you should be aware of if you use a self-employed carer. This fact sheet explains these risks and the steps you can take to minimize risk:

- There is a big difference between the tax and employment status of a carer who is employed by you as a Personal Assistant (PA) and a carer who is self-employed.
- The biggest risk when you use a self-employed carer is that HM Revenue and Customs (HMRC) may later decide that the carer was in fact employed rather than self-employed. This can happen even if the checks set out below have been completed. If the carer has not paid Tax or National Insurance then HMRC can look to recover any owed monies from you as the person buying the service from the carer.
- Finally, if you decide to use the services of a self-employed carer, Perth and Kinross Council will have no further responsibility in regard to the services you receive from them including any non-payment of Tax or National insurance by any of the self-employed carers. This will be your responsibility.
- A self-employed person works for him /her self and will often be providing support to more than one client.
- It is the responsibility of the self-employed carer to complete his / her own Tax and National Insurance contributions.



- It can be difficult to work out whether someone is employed or self-employed and also depends on individual circumstances. A self-employed carer will complete the HMRC Employment Status Indicator which will determine whether they are classed as self-employed or employed. Anyone can complete this on HM Revenue and Customs (HMRC) website: www.hmrc.gov.uk/employment-status/index.htm
- The self-employed carer will have his / her Liability Insurance.
- You should also ask for confirmation in writing about what the arrangements will be should the self-employed carer be unable to provide care due to sickness or leave.
- The self-employed carer must provide you with an invoice for the service and support they provide.
- You should only have further discussion with proposed carer once the carer has given you copies of the completed Status Indicator and Liability Insurance.
- If you do wish to use the services of self-employed carers funded by Direct Payments please submit a copy of the completed Status Indicator and Liability Insurance documentation to the SDS Team. No monies will be transferred from Perth and Kinross Council to the designated Direct Payments bank account until this documentation has been received.

One-Off Payment

One-off payments in the form of Direct Payments may be paid if what you are purchasing meets your child's agreed outcomes. To receive this funding, you may not be required to open a separate bank account. You will however, be asked to supply the SDS Team with an invoice for the 'one-off' item which reflects the money paid into your personal bank account.

One-off payments may be used for respite if this is part of your child's assessed needs. They can also be used for equipment and small adaptations, college courses or memberships to name just a few examples. What you use the money for will be agreed between you and the Council.

What the Council will do:

- The Council will agree the 'one-off' payment and arrange to make the payment into your personal bank account minus your contribution if applicable.
- Supply a Direct Payment Agreement to be signed by you and your worker and ensure you keep a copy and send a copy to the SDS Team.
- We may carry out a financial assessment to establish what, if anything you will be asked to pay towards your package of care.

What you'll be asked to do:

- Take responsibility with support, to choose a suitable product or agency which will meet your child's agreed outcomes.
- Sign a Direct Payments Agreement.
- Supply the SDS Team with copies of any invoices for the 'one-off' purchase, along with receipts for payments made. This information is requested as the Council is required to demonstrate accountability for the use of public funds.
- You may be asked to complete a financial assessment to establish what if any contribution you will be asked to pay towards your child's care. If you are asked to pay a contribution then this amount will be deducted from the 'one-off' payment.

Service Provider, Employing a Personal Assistant & One-Off Payment

Direct Payments may consist of all of the above, separately or a combination of them all.



Option 2

If you are not confident about directly managing your child's support package, then your assigned worker can help. You still choose what support you want for your child and how it will be provided but the Council will manage it for you.

This option has mainly been designed to be an alternative to Option 1 - Direct Payments, without the need for you to take on the responsibilities for the financial administration and the organisation of any support. However, it is not possible for you to employ a Personal Assistant for your child or engage with a self-employed carer using Option 2.

You will have the opportunity to design and create the support your child's needs and direct how it will be delivered. How will this be done? Is there access to advice and/or the help of outside support and agencies as discussed under Option 1? The Council will make arrangements for the support and this could involve having a contract with an external agency. This is a contractual arrangement called the Individual Service Fund (ISF) Enabling Agreement.

The agency is then responsible for working with you to enable you to exercise as much choice as you would like over your child's care and support package, based on the Individual Service Fund. This includes a degree of choice over which staff will be directly involved in delivering the support to your child and how and when care and support will be delivered. The provider may also be responsible for helping you to exercise as much choice and control as possible in relation to the 'community support' elements of your individual package.

What the Council will do:

- We will provide you with a list of care providers. Help you decide what supports might help meet your child's needs, and support negotiations with providers?
- We may carry out a financial assessment to establish what, if anything, you will be asked to apply towards your whole package of care.

What you'll be asked to do:

- Choose from the approved list of care providers who you'd like to provide and meet your child's needs.
- Take an active part in the decision process.
- You may be asked to complete a financial assessment to establish what if any contributions you may be asked to pay towards your child's care.

Option 3

You can ask for your child's support package to be arranged for you by the Council who will arrange for this to be provided by Council staff or by someone else on behalf of the Council.

What the Council will do:

- We will organise your child's care on your behalf.
- We may carry out a financial assessment to establish what, if anything, you will be asked to apply towards your child's package of care.

What you'll be asked to do:

- Take an active part in the decision process.
- Is there anything here about Power of Attorney or Guardianship; contributions or control?
- You may be asked to complete a financial assessment to establish what if any contributions you may be asked to pay towards your care.

Option 4

This is a combination of Options 1, 2 & 3 and allows you to let the Council manage some parts of your child's support package, while giving you direct control of some elements of the support required. The money to fund the parts of your child's support which you manage will be paid into a bank account in the same way as described in Option 1 - Direct Payments.

USEFUL CONTACTS

<p>Self Directed Support Perth & Kinross Council Pullar House 35 Kinnoull Street Perth PH1 5GD</p> <p>Tel: 01738 476938 / 476189 E-mail: Selfdirectedsupport@pkc.gov.uk</p>	<p>SPAEN (Scottish Personal Assistant Employers Network) Suite G.4. Dalziel Building 7 Scott Street Motherwell ML1 1PN</p> <p>Tel: 0845 6011156 Email: info@spaen.co.uk</p> <p>Website: http://spaen.co.uk</p>
<p>Care Inspectorate Compass House 11 Riverside Drive Dundee DD1 4NY</p> <p>Tel: 01382 207100 Tel: 0845 603 0890 (Local rate)</p> <p>Website: http://www.scswis.com</p>	<p>HM Revenue & Customs New Employer Helpline: Tel: 0845 6070 143 Monday-Friday 8.00am-8.00pm Saturday-Sunday 8.00am-5.00pm</p> <p>Text phone: 0845 602 1380 (for employers who are deaf or hard of hearing)</p> <p>Website: http://www.hmrc.gov.uk</p>
<p>ACAS (Advisory, Conciliation and Arbitration Service) Impartial Employment Advice</p> <p>Tel: 0300 123 1100</p> <p>Website: http://www.acas.org.uk</p>	<p>CIL (Centre for Inclusive Living) 90 Tay Street Perth PH2 8NP</p> <p>Tel: 01738 500001 Email: info@cilpk.org.uk</p>
<p>Independent Advocacy 90 Tay Street Perth PH2 8NP</p> <p>Tel: 01738 587887 Email: info@iapk.org.uk</p> <p>Website: http://www.iapk.org.uk</p>	

