

Leicester City Council Adults and Housing Department

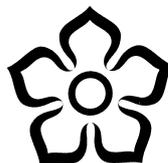
Service Specification

Direct Payments Support Service

2009-2012

is is a draft document and is issued subject to:

1. Any revisions to the instructions received by the Head of Legal Services.
2. Any decisions made by or on behalf of the Council subsequent to the preparation of this draft.
3. Any amendments brought about by the particular proposal that is accepted or negotiated.
4. Minor changes by way of drafting errors and omissions, or by changes in the law subsequent to the preparation of this draft.



Leicester
City Council

DIRECT PAYMENTS SUPPORT SERVICES (DPSS)

SERVICE SPECIFICATION

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DEFINITIONS

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| The Council | Adults and Housing Department, Leicester City Council |
| The Provider | Organisation providing a Direct Payments Support Service to Individuals considering or in receipt of Direct Payments as assessed by the Council |
| The Individual | Adults aged 18 plus assessed by the Council as eligible for social care and able to manage a Direct Payment |
| The Care Manager | An Officer of the Council responsible for co-ordinating the community care assessment of Individuals needs, ensuring that an appropriate care/support plan is produced and either directly arranging the provision of services, or enabling the individual to purchase their own support |
| Direct Payment Support Service Advisor | Member of staff working on behalf of the Provider to fulfil contract arrangements with the Council |
| Individual Care Plan | A plan produced by an Officer of the Council that states what care/support will be arranged to meet the individual's needs and outcomes identified in the assessment. |
| Individual Support Plan | A plan produced by the Individual and agreed by an Officer of the Council that states what care/support will be arranged to meet the Individual's needs and outcomes identified in the assessment. |
| Independent Living Fund (ILF) | National financial resource dedicated to support of disabled people to enable them to chose to live in the community rather than residential care |
| Individual Budget | Assessment and support planning process to meet the community care needs and individual outcomes for Individuals |
| Direct Payments | Cash payments to all Individuals who are eligible and want to receive them to arrange their own care/support instead of having the services provided or arranged by the Council |

SECTION A – INTRODUCTION

1. **Context and Purpose of the Direct Payments Support Service**

The White Paper 'Our Health, Our Care, Our Say', set out plans for the future of health and social care in which choice and control are critical components. 'Putting People First: a shared vision and commitment to the transformation of adult social care' built on this shift to personalised support. It sets out shared aims and values, based on the themes of; an increased focus on prevention and re-ablement, enabling people to have choice and control over their support to live their own lives as they wish, active citizenship, services that are of high quality, are safe and promote individual's needs for independence, well-being and dignity.

The Council is committed to implementing this exciting and challenging agenda. Self Directed Support (SDS) is an essential part of the local vision for social care. SDS is an umbrella term for ways of working that enable people to have a greater say in how their support will be provided. It includes, Direct Payments, Individual Budgets process, Person Centred Planning and working to individual outcomes. The Council is currently building on it's work piloting the Individual Budgets process and is planning for the extension of this approach across all the groups of people eligible for social care services. This will mean many more people receiving Direct Payments in future years.

The Council recognises the importance of working with local partners and providers to achieve this agenda. Also, using Direct Payments and making decisions about them can be complicated and Individuals need varying levels and types of support to successfully achieve the best outcomes possible from them. For these reasons the Council contracts with a provider to deliver a Direct Payments Support Service to provide information and support on all aspects of receiving and managing Direct Payments. This is for people who already receive a Direct Payment, are just starting to set up a new one and anyone who maybe receiving social care and are interested and would like to find out more.

It's recognised that some Individuals may have representatives supporting them for example Carers. The Provider shall work in partnership with Individuals representatives in such a way to ensure that the Individual retains choice and control over decisions and their care and support.

2. Legal Context

Section 57 of the Health and Social Care Act 2001 and the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003 gives local authorities the power to make direct cash payments (known as 'Direct Payments') to all Individuals who are eligible and want to receive them to purchase and arrange their own care/support, instead of having services provided or arranged by the Council.

In the White Paper, 'Our Health, Our Care, Our Say: (2006), the Department of Health also committed to extend the scope of Direct Payments to those currently excluded from having Direct Payment (because they cannot consent or manage a payment, even with assistance), if this is in their best interest. As a result, the Provider is expected to cooperate with the Council, during the course of the Agreement, with implementation of any changes.

2.1 Consent to Receive Direct Payments

Under current legislation Direct Payments can only be made with the consent of the person involved. This is to ensure that no one is forced to accept a Direct Payment that they do not want. A person must be able to give their consent to receiving Direct Payments and be able to manage them even if they need help to do this on a day-to-day basis.

3. Outcomes For Individuals

The Council is committed to achieving improved outcomes for Individuals as a result of input from social care services. Seven key outcomes are identified and set out in the White Paper, 'Our Health, Our Care, Our Say: (2006), and the Council expects that the service provided by the Provider under this specification will contribute to the achievement of these:

- a) Improved health and well being
- b) Improved quality of life
- c) Making a positive contribution
- d) Exercise choice and control
- e) Freedom from discrimination and harassment
- f) Economic well being
- g) Personal dignity and self respect

4. Overarching Aim For The Service

To give Individuals greater flexibility, choice and control to arrange their own care/support to meet their individual outcomes and keep them safe and well.

Service outcomes:

Individuals will understand and be supported to:

- a) Manage Direct Payments and the associated responsibilities, opportunities and options.
- b) Manage the financial and legal implications of receiving a Direct Payment
- c) Be good, effective employers and take on the responsibilities that come with the employment of staff and to meet their obligations
- d) Use the range of options available to them to creatively make most effective use of their Direct Payment
- e) Manage risks and contingency plan for emergencies.

5. Outputs

Significant pieces of work to be delivered by the Provider are:

- a) Support to Individual with recruitment and management of staff (Personal Assistants).
- b) Support to Individual to buy services from an Agency.
- c) Support to Individual with financial management of Direct Payments.
- d) A Payroll Service, to monitor and budget Individual's Direct Payments, paying staff employed and dealing with the Inland Revenue (for taxes and National Insurance).
- e) Training to Individuals on becoming an employer and employment law.
- f) Access to training for Individuals Personal Assistants, to make sure that they have the right skills.
- g) Working in partnership with the Council to develop and maintain a network of peer support including a local support group, newsletter

and web-based forum.

- h) Support Individuals receiving both Direct Payments and Independent Living Fund
- i) Support 9 Individuals, which includes payroll support, who are currently receiving Independent Living Fund only until this is no longer required by the Individual.
- j) Offer support and advice in relation to entitlement to Independent Living Fund
- k) A Third Party Support Service, that:
 - receives Direct Payments on behalf of Individuals
 - pays invoices authorised by the Individuals
 - pays staff wages, according to information submitted by the Individuals
 - reconciles quarterly financial returns and send the Individuals a statement
- l) Provider will not be required to provide support to Individuals in receipt of Direct Payments who are young people with disabilities from 16 years of age, people with parental responsibility for children with disability and Carers who have been assessed as eligible for assistance from the Council.

SECTION B – THE SERVICE

1. Planning Support

The Provider shall:

- a) Assist the Individual to explore how they would wish to use their Direct Payment to maximise independence and quality of life, including help to calculate and provide guidance on expenditure allowed within the limit of available allocation of funding.
- b) Assist the Individual to incorporate a contingency plan for example for emergencies, Personal Assistants absences.
- c) Offer support and advice in relation to entitlement to ILF payments.
- d) Where necessary and requested, work in partnership with the Council and ILF to effect joint reviews and to assist to deal with issues involving Safeguarding Adults.
- e) Where requested assist the Individual in setting up an account with a cheque book facility for the sole use of Direct Payments/ILF funding. This may include if assistance is required, accompanying the Individual to set-up the account. Also where necessary reproduce National Centre for Independent Living introductory letter and/or refer to Banking Association guidelines on setting up basic accounts where Individual has difficulty to obtaining and/or negotiating home visits and/or provision of signature stamp if required, in accordance with Disability Discrimination Act guidance.
- f) Liaise with the Care Manager of the Council in facilitating the setting up of a Direct Payment and negotiating an appropriate start date between the Individual and the Council to ensure that payments are initiated.

2. Recruiting and managing Personal Assistants

The Provider shall:

- 2.1** With the agreement of the Individual, assist the Individual with the recruitment and selection of Personal Assistants. This will include, but not be limited to, the following:

- a) Developing person specifications and job descriptions
- b) Advertising in for example the Jobcentre Plus, newspapers, cards in shops, Provider's website etc. The Council will meet the cost of advertising as part of start-up costs.
- c) Acting as a contact point to allow the Individual anonymity.
- d) Sending out job descriptions and application forms.
- e) Forwarding returned application forms to the Individual.
- f) Setting up and if required assisting with interviews for short listed applicants.
- g) Applying for and validating references, ideally two references one of which must be from the most recent/last employer.
- h) Checking that the person to be appointed has a legal right to work in the United Kingdom.
- i) Sending out job offer/s and rejection letters.
- j) Preparing employment contracts.
- k) Assisting Individuals in calculating an hourly rate for their Personal Assistants, negotiating Personal Assistants hours and rotas.

2.2 Always advise the Individuals that it is in their interest for enhanced Criminal Records Bureau (CRB) checks for Personal Assistants, prior to commencing employment for the Individual and thereafter every three years, is carried out. Where necessary, the CRB check should also include checks against Protection of Children Act (POCA) and Protection of Vulnerable Adults (POVA) lists. The Provider shall assist the Individual in undertaking these checks. The Council will meet the cost of the CRB checks as part of start-up costs. It would be good practice for the Provider to either become a registered umbrella body or to have an Agreement with a registered umbrella body through which the CRB checks are carried out.

2.3 Inform Individuals of Personal Assistants training requirements. The Council will meet the cost of Basic Moving and Handling and Hoist Training as part of start-up costs.

2.4 Encourage good working practices to Individuals including health and safety issues and supporting to undertake risk assessments at the request of Individuals.

- 2.5** Support the Individual with handling any disputes with their Personal Assistant or Agency and giving ongoing support in the employer/employee relationship.
- 2.6** Secure emergency cover in the event of the Individual support package breaking down which may involve close liaison with the appropriate Care Manager of the Council.
- 2.7** Advise and evidence documentation provided to Individuals on current legislation, which will include but not be limited to providing information on:
- a) Employment practices and legislation
 - b) Disciplinary procedures
 - c) Minimum pay rates and statutory sick, paternity and maternity pay
 - d) Health and Safety
- 2.8** Ensure that the Individual has sufficient insurance cover for Personal Assistants (Employers Liability, Personal Injury). The Council will meet the cost of insurance cover as part of start-up costs and thereafter the Individual shall budget for this expense for future years.
- 2.9** Supply to Individual's, verbally and in written form, information and guidance outlining:
- a) Being a good employer.
 - b) Arranging appropriate holiday cover.
 - c) Managing sickness, maternity and redundancy payments.
 - d) Providing advice and guidance for the termination arrangements of Personal Assistants.
 - e) Making redundancy payments where necessary.
 - f) Information for their Personal Assistants advising of a Whistle Blowing Policy that is supported through the Provider and will be actioned via the Direct Payments Support Service Advisors.
 - g) General advice and guidance on Direct Payments.
 - h) Up-to-date information relevant to Direct Payments.
- 2.10** Ensure that the information and advice provided is in an appropriate language that will allow full understanding by the Individuals.

3. Agency Support

The Provider shall:

- 3.1** Maintain and provide when requested an up-to-date list of domiciliary care agencies and other providers to the Individual if that is their preferred method to meet their assessed need. With the approval of contracted providers, the Council will supply to the Provider its list of approved contracted providers. Where personal care is to be provided check that the domiciliary care agency has registration with the Commission for Social Care Inspection.
- 3.2** Assist the Individual to negotiate a suitable service from the agency including for periods of temporary need.
- 3.3** Secure emergency cover in the event of the Individual support package breaking down which may involve close liaison with the appropriate Care Manager of the Council.
- 3.4** Update, maintain and provide to Individuals who make use of Agency Support, a 'Guide' detailing issues for consideration when using an Agency.

4. Payroll Service

The Provider shall:

- 4.1** Ensure provision of a free payroll/PAYE processing and support service for those Individuals who have requested to make use of this service. The Payroll Service shall include but not be limited to ensuring that:
 - a) The Individuals are registered as the employers with Inland Revenue.
 - b) Details of the Personal Assistants are entered on to the Payroll System.
 - c) Process calculations and deal with all PAYE matters, prepare payslips four weekly and inform Individuals of net pay and Inland Revenue and National Insurance Contributions.
 - d) All Inland Revenue and National Insurance annual returns are completed on-line by due deadlines.
 - e) Records of holiday entitlements and pay, sick, maternity and paternity pay kept and maintained.

f) Advice on all pay related matters, financial management and record keeping is provided.

4.2 Provide advice, support and information to enable Individuals to operate their own payroll and make use of the Inland Revenue's Simplified Tax Scheme.

4.3 Update, maintain and provide to Individuals who make use of the Payroll Service, a Payroll Guide detailing services to be provided by the Payroll Service.

5. Financial Management

The Provider shall:

5.1 Where necessary, assist or support Individuals in completing the financial monitoring returns in the format required by the Council until the Individual has confidence to complete independently.

5.2 Report to the Council in a timely manner:

- a) Excess contingency balances in the Individual Direct Payments account;
- b) Issues around misuse of the Direct Payment.
- c) Issues around inappropriate levels of funding.
- d) Where Individuals accounts and use of their Direct Payment are not proportionate and reasonable.
- e) Individuals, where assessed, are not regularly paying their user contribution into their account.

5.3 Note that all new Individuals are required to submit to the Council financial monitoring returns and associated paperwork for the first quarter to ensure they are correctly completing the paperwork. If according to the Council there are issues to be resolved with the Individual about their financial management of Direct Payments then the Individual is required to submit a quarterly financial return to the Council within six weeks of the end of the quarter. If according to the Council there are no issues to be resolved with the Individual about their financial management of Direct Payments then the Individual is required to submit future financial returns to the Council within six weeks of the end of the period and the frequency as identified as follows:

| Direct Payments funding per week | Direct Payments funding per annum | Frequency of returns after first quarter return | Percentage of Direct Payments recipients as at 30/06/2008 |
|----------------------------------|-----------------------------------|---|---|
| Under £150 | Under £7,800 | Annual | 36% |
| Under £250 | Under £13,000 | Six monthly | 27% |
| Above £250 | Above £13,000 | Quarterly | 37% |

- 5.4** Note that the Council will be exploring further options for light touch monitoring by Individuals for possible implementation from April 2009 and will expect the Provider to fully co-operate with the Council with this process.
- 5.5** Operate a separate imprest account to act as a 'float' on behalf of the Council to make payments where these are necessary. These payments will normally be in respect of start-up costs such as Liability Insurance, recruitment advertising costs and training costs. All payments from this float will have to be authorised by nominated Officers of the Council.
- 5.6** All monies described in paragraph 5.5 must be held in a separate bank account, on trust for the Council, and all receipts and records relating to these payments must be immediately available to the Council on request. Any withdrawals from this account must have at least two signatures, one of which must be a Senior Manager of the Provider. Signatories to this account must be agreed with the Council in advance.
- 5.7** Ensure that financial management records are retained for at least seven years in total, in accordance with Inland Revenue standards and Council policy.

6. Access and Availability of Service

The Provider shall:

- 6.1** Provide the majority of the service to Individuals in their homes. However the Provider must also operate from an accessible office base within the geographical boundary of City of Leicester. Individuals must

be able to contact this base by telephone, electronic mail, minicom, fax (at the cost of local rates or below) or in person by appointment if necessary. The facilities must be physically accessible to people with mobility and sensory needs and also appropriate for people with a range of communication and language needs.

- 6.2** Ensure that the service will be flexible and responsive to Individual's needs for example, if the Individual is working during the day, they may prefer a visit in the evening or at the weekend.
- 6.3** Ensure that the office based service is provided 37 hours per week during normal office hours (8.30 a.m. to 5.00 p.m. on Monday to Thursdays and 8.30 a.m. to 4.30 p.m. on Fridays for 52 weeks of the year excluding Bank Holidays). For out of office hours a message taking service must be available for example by answer phone. Messages must be checked on a daily basis and responded to within 1 working day of being received. For out of office hours emergency purposes the message on the answer phone must redirect the caller to the appropriate contact telephone number of the Council's Emergency Duty Team.
- 6.4** Actively seek and review other options of accessibility and explore the option of shifting up to 4 of the 37 hours to evenings or weekends if this is what Individuals using the service want. Changes will be agreed with the Council and based on evidence of Individuals feedback.
- 6.5** Pilot a quarterly half-day drop-in sessions at various venues throughout the City, for one year initially, at a accessible locations/venues determined on the feedback from Individuals, to be timed during the completion of financial returns by Individuals, whereby at least one Direct Payments Support Service Advisor will be available in person to offer information and support to Individuals regarding their Direct Payment financial returns. The success and future of this will be evaluated jointly with the Provider, the Council and Individuals using the service.
- 6.6** Pilot a helpline initially for 4 months for 3 hours per week whereby a Direct Payments Advisor is available via the telephone to enable Individuals to get the support they need without always being reliant on home visits or a named Advisor. The success and future of this will be evaluated jointly with the Provider, the Council and Individuals using the service.
- 6.7** Ensure that new Individuals who are referred to the Provider by the Council and require a home visit receive their visit within seven working days of receipt of the referral. Where the Council prioritises a case, the Provider shall ensure that the Individuals under these circumstances receive their visit within five working days of receipt of the referral.

7. Information/Communication and Promotion

7.1 Information/Communication

The Provider shall:

- a) Provide a range of accessible, easy to read information to Individuals about the service and Direct Payments. Multi media formats will be used as appropriate to meet the range of communication and language needs of Individuals referred to the service. Refer to the Leicester Disability Information Website www.ldicn.org.uk or Web Content Accessibility Guidelines <http://www.w3.org/TR/WAI-WEBCONTENT> for example.
- b) Use creative and appropriate methods of communication with Individuals to inform them about the service and support them to manage their Direct Payments.
- c) Outline the respective roles and responsibilities of the Individual and the Provider by annually updating, producing and providing to the Individual a Direct Payments Support Service 'User Guide', with the approval from the Council. This should detail but not be limited to including the legal responsibilities, Direct Payment policies of the Council and the good practice procedures that the Individual should adopt in arranging services to meet their assessed need.

7.2 Web site

The Provider shall:

- a) Operate a website detailing all aspects of the service and an email address that Individuals can use to contact Direct Payments Support Service Advisors and promote this website in any literature produced on the service.
- b) The website shall also provide a facility for a web discussion forum and peer forum for Individuals and also should be used further as a consultation tool.
- c) The website shall also provide to Individuals a range of templates available on the Service for consideration of use by the Individual for example application forms, employment contracts, holiday, expenses, sick leave record forms etc. The website shall prominently advertise vacancies for Personal Assistants to be recruited by Individuals.

7.3 Promotional Work

The Provider shall:

- a) Work with the Council and other relevant organisations in actively promoting and raising the profile of Direct Payments, e.g. City Wide events, and local community groups.
- b) Promote positive experiences of Direct Payments and good practice.
- c) Issue a quarterly newsletter to Individuals. The newsletter shall incorporate updates on Direct Payments developments and changes in relevant legislation, with advice on implementation.

7.4 Peer Support Group

The Provider shall:

- a) Set up a Peer Support Group and implement innovative ways to develop it.
- b) Encourage peer promotion amongst existing Individuals by facilitating Individual involvement in presentations and training.
- c) Promote via the Peer Support Group, contact between Individuals and also to offer support in a variety of ways such as Website, E-mail, telephone communication, group meetings and a newsletter.

8. Consultation

The Provider shall:

- a) Consult Individuals on the appropriateness, effectiveness, quality and future improvements to the Services. The outcome of such consultation will be reported regularly, following agreed monitoring processes, to the Council, including details of the responses received and of any action taken by the Provider as a consequence.
- b) Consult with any relevant organisations, groups or Individuals affected by the provision of Services. The consultations, responses received and actions taken accordingly will be recorded and reported to the Council.
- c) Undertake an annual survey of all the Individuals receiving Services from the Provider in order to gain their views on the service, and provide a written report to the Council including details of the responses received and of any action taken by the Provider as a consequence

- d) Consult with any relevant organisations, groups or Individuals who represent the interests of the diverse communities of the City of Leicester in order to improve the quality and accessibility of the service.

9. Training

The Provider shall:

- a) Prepare an annual Training Plan based on what Individuals have said they and the Personal Assistants they employ need and agree this Training Plan with the Council.
- b) Be innovative in using techniques to promote and deliver the training to the Individuals and their Personal Assistants by for example use of Information Technology applications to include but not limited to CD-roms, DVD's and software.

9.1 For Individuals as the employers

The Provider shall:

- a) Arrange at least four half-day training sessions a year on a range of training to assist and empower Individuals in making independent living arrangements suited to their individual circumstances and to meet their obligations as a Direct Payments recipient. These training events should be arranged in a way to allow Individuals attending an opportunity before or after to meet and discuss issues relating to Direct Payments or independent living and so facilitate mutual support.
- b) Training for Individuals who employ Personal Assistants can include: being a better employer, understanding direct payments better, record keeping, training on safe recruitment, management and retention of Personal Assistants (for example health and safety issues and other employment law), including so-called soft skills which are essential to short and long term relationship building and retention of staff (for example being a good employer, supporting, supervising and developing your staff), Safeguarding Adults awareness.
- c) Update and supply to the Individual a comprehensive list of local relevant training courses available including those available from the Council.
- d) Offer other useful training, which might also be undertaken if Individuals have identified the need. This may include equality

training; assertiveness skills; building self-esteem; managing conflict; self-advocacy.

9.2 For Personal Assistants

The Provider shall:

- a) Run or facilitate at least four half-day training sessions a year for the Personal Assistants of Individuals based on what Individuals have identified in the Training Plan, for example on moving and handling, hoist awareness, health and safety, first aid, food hygiene, Safeguarding Adults awareness.
- b) Examples of training might include: the philosophy of independent living and the expectations of caring that arises from it for Individuals and Personal Assistants; training for any continuing health care needs such as certain aspects of diabetes and epilepsy.
- c) Work with the Council in developing, supporting and delivery of core skills for Personal Assistants, which are currently being considered by the Council.

9.3 For Care Managers

The Provider shall:

- a) Take part in at least four half-day training sessions a year arranged by the Council on training Council staff to raise their awareness of Direct Payments.
- b) Attend at least two half-day training sessions a year arranged by the Council to train Individuals in meeting the requirement of financial management of their Direct Payments.

10. Third Party Support

Provider shall:

Provide a Third Party Support Service to those Individuals referred by the Council because:

- a) the Individual has difficulty managing monies e.g. because of cognitive impairment, or,
- b) there is past evidence of poor financial management, or,
- c) there have been difficulties with the Individual opening a specific bank account for the receipt of Direct Payments and the Provider will act as a Third Party until a bank account can be opened; AND

- d) there is no-one else close to the Individual e.g. family member or friend, willing and able to receive Direct Payments on behalf of the Individual and support them with managing Direct Payments finances; AND
- e) the Individual is in agreement with the Provider acting as a Third Party. Summary information in relation to Individuals receiving Third Party Support Service is attached as Appendix 1.
- f) Sign a three-way Agreement between the Individual, Provider and the Council for each Individual receiving a Third Party Support Service.
- g) Operate a separate bank account for the Third Party Support Service. All receipts and records relating to these payments must be immediately available to the Council on request. Any withdrawals from this account must have at least two signatures, one of which must be a Senior Manager of the Provider. Signatories to this account must be agreed with the Council in advance.
- h) Maintain by agreement with the Council robust procedures and records for monitoring and auditing of the Third Party Support Service and these must be immediately available to the Council on request.
- i) Note that where an Individual is accepted to receive the Third Party Support Service then the Council will pay the Direct Payment into the Provider Third Party Support Service bank account rather than to the Individual.
- j) Update, maintain and provide to individuals who make use of the Third Party Support Service, a 'Guide' detailing services to be provided.
- k) For the Individual receiving Third Party Support Service from the Provider, assume the responsibility of the financial management of the Direct Payments and be responsible for but not limited to paying and processing:
- All costs incurred by the Individual in purchasing their care and support.
 - Personal Assistant wages.
 - Liability Insurance
 - PAYE Inland Revenue employer deductions.
 - Personal Assistant expenses
 - Agency invoices.
 - Advertising costs.
 - Administration costs
 - PAYE payroll.

- Refund surplus funding to the Council and ILF.
 - Produce financial monitoring returns.
 - Maintain for each Individual receiving Third Party Support Service their Direct Payments account.
 - Ensure the Individuals where assessed are regularly paying their user contributions into their account otherwise the Provider shall inform a nominated Officer of the Council.
- I) Where the Individual receiving a Third Party Support Service is an employer, then the Provider shall ensure that the individual is informed in writing that the Individual is responsible for but not limited to:
- Legal employer duties.
 - Personal Assistant recruitment and selection.
 - Staff management of Personal Assistant.
 - Supply to the Provider Third Party Support Service completed Personal Assistant wage receipt forms, expense forms plus any other allowable bills/invoices that need paying.
 - The Provider shall retain payroll records and issue necessary quarterly and year-end tax returns to Inland Revenue, respond to Inland Revenue queries on behalf of Individual and determine payments to Inland Revenue and deal with any Benefits and Contribution agency enquiries.

11. Level of Service

11.1 Please refer to the Appendix 1, which details the Profile of Current Users of the Support Service.

The Council is committed to increasing the number of people using Direct Payments and it is expected that the number will increase by at least 70 people each financial year. It is expected that at least 325 people will be in receipt of Direct Payments by 31st March 2009 and will be using the Direct Payments Support Service. 100 people out of this figure of 325 people are expected to be using the Third Party Support Service. Provider shall note that the Council estimations on the take-up of Direct Payments are made with the best knowledge available to the Council taking account of local and national developments in this field. No liability is accepted by the Council for any errors or inaccuracies, howsoever caused, or if the estimations do not materialise in the way that is estimated.

11.2 The Provider shall note that Individuals have different abilities and some Individuals may not need to use DPSS at all. Individuals will require support from the Provider at various levels. The Council has identified that support can be classed at 5 levels:

- a) Intensive support over an initial period when an Individual receives Direct Payments including initial start up support to understand the contract and payment arrangements, recruitment of staff and setting up employment arrangements. In most cases this support will be time limited.
- b) High-level support (ongoing or short-term) provided due to the difficulties that the Individual concerned might have in for example the process of managing staff and/or regular issues of recruitment and short term crisis situations. This will include the need for regular visits to the Individual.
- c) Medium level support (ongoing or short-term) to address regular queries or difficulties for example with the completion of financial returns. This will include weekly telephone or email contacts but may also include occasional visits to the Individual.
- d) Low-level support (ongoing or short-term). This will include where the package is stable but the Individual needs periodic advice perhaps once a month or less, for example payroll advice/service that can be provided by correspondence, telephone or email.
- e) Little or no ongoing support. Periodic contacts perhaps every three months or less for low-level advice.

11.3 The support required by Individuals at each level identified will vary over time and the Council cannot give a definite indication of levels of support required by Individuals at any one time. However, the Council expects the Provider to work towards increasing the independence of those Individuals using the service and their need for advice and support from the Provider. Further, as a guide, the Council would expect Individuals within each group to be as follows, with a 10% variance either way at any one point:

| Level | Percentage | Allowing 10% variance at any one point |
|--|------------|--|
| Intensive Support over initial period | 20% | 10 -30% |
| High level support (ongoing or short-term) | 45% | 35 - 55% |
| Medium level support (ongoing or short-term) | 10% | 1 -20% |
| Low level support (ongoing or short-term) | 10% | 1 -20% |
| Little or no ongoing support | 15% | 5 -25% |

11.4 Where no contact has been received from an Individual in the last 6 months, than the Provider shall contact the Individual to confirm that the Individual currently requires no support.

11.5 The Provider shall report to the Council on at least a quarterly basis, for each level, the breakdown between ongoing and short-term support in order to plan for future trends and capacity for the service.

12. Targets For the Service

12.1 The Provider shall aim to meet the following targets:

- a) That 95% of new Individuals who are referred for information are contacted within three working days of receipt of referral and relevant information is sent within the same timescales.
- b) That 95% of new Individuals who are referred and require a home visit, receive their visit within seven working days of receipt of the referral. Where the Council prioritises a case the Provider shall ensure that the Individuals under these circumstances receive their visit within five working days of receipt of the referral.
- c) That telephone messages are responded to within one working day of receipt.
- d) That 95% of Individuals wishing to use their Direct Payment to purchase their services from an agency, as opposed to employing Personal Assistants, commence their Direct Payment within a month from the receipt of the referral.
- e) That 95% of users employing their own Personal Assistants commence their Direct Payment within two months from the receipt of the referral.

SECTION C – THE ORGANISATION

The Provider shall:

1. Staff

1.1 Employ a sufficient numbers of people of ability, skill, knowledge, training or experience to be able to provide the Service to Individuals. All staff shall have good interpersonal, communication and listening skills with ability to engage and communicate with Individuals and at a pace and style the Individuals wish.

1.2 Recruitment and Selection of Staff

Have robust policies and procedures in place on recruitment and selection. This should include but not be limited to:

- a) Issuing all staff with job descriptions.
- b) Two satisfactory references at least one of which must be from the present employer if in employment and most recent employer if not in employment.
- c) An Enhanced Criminal Records Bureau Disclosure (including reference to Protection of Children Act (POCA) and Protection of Vulnerable Adults (POVA) lists) and renewed every three years.
- d) Evidence of qualifications checked
- e) Any gaps in the employment record or other inconsistencies in the reference should be explored.
- f) Ensure persons to be employed have a legal right to work in the United Kingdom.
- g) Carry out annual checks to ensure that for those staff who use their vehicles for work purposes, have a valid driving licence, current valid vehicle MOT certificate, current valid vehicle motor insurance showing insurance cover for business use if the vehicle is used for work purposes.
- h) Ensure staff are recruited and employed in accordance with the relevant equality legislation
- i) A written disciplinary procedure, which deals with circumstances where the behaviour or actions of staff are considered unsatisfactory.

- j) Issue staff with contract of employment stating the terms and conditions of their employment including terms of the probationary period.

1.3 Issue staff with an identification badge to be used whilst at work, which shows a photograph of the staff member, their name and job title, an expiring date, the name of the Provider and a telephone number that can be used to verify the identification.

1.4 Maintain, keep updated and provide to the Council an organisational chart detailing the staffing and management arrangements for the Service.

1.5 Have in place a Lone Working Policy for staff that sets out procedures to minimise risks to staff working alone. Where staff work alone with Individuals a risk assessment must be undertaken which specifically addresses risks faced by lone workers. These policies must be brought to the attention of each employee of the Provider and upon request made available to the Council.

1.6 Training and Induction

- a) Have a structured induction process to be completed by all new staff and a basic training programme for staff.
- b) Undertake training needs analysis for each new member of staff and this will be incorporated into the annual staff training and development plan.
- c) Identify at least annually the need for refresher and updated training to be incorporated into the staff development and training programme.
- d) Submit to the Council on request, details of the induction process and staff development and training programme.
- e) Ensure staff skills and knowledge are kept up to date and training and development needs are identified and met.
- f) Ensure that its Staff are aware of the diversity of culture, religious belief and language needs that exist within Leicester's diverse communities and have an awareness of issues that face the communities and possess the ability to communicate effectively with Individuals using the service.

1.7 Where possible include Individuals, their representatives and Personal Assistants in training sessions for Provider staff.

1.8 Provide regular supervision and performance appraisal to staff. Notes should be kept of the supervision sessions and performance appraisals.

1.9 Staff Code of Conduct

Have a staff code of conduct policy, which should include but not be limited to the following:

- a) Staff must not drink alcohol or smoke whilst on duty or come to work under the influence of alcohol or recreational drugs.
- b) Staff must not take any other unauthorised person including children, to an Individual's home.
- c) Staff must not take any pets in their charge into an Individual's home.
- d) A policy on staff response to offers of money, gifts and inclusion in Individual's will.

2. Working in Partnership

2.1 With the Council.

The Provider shall:

- a) Assist the Council with the implementation of any local and/or national policy changes to the Direct Payments provision.
- b) Communicate and consult with the Council on any significant operational, policy and procedural issues relating to Direct Payments and its operation.
- c) Respond to invitations to contribute towards consultation processes.
- d) Keep Council up to date, in a timely manner, on matters that might impact on current and future recipients of Direct Payments.
- e) Support the Council in developing the Self Directed Forum (made up of Individuals and/or their representatives) and establish links where appropriate with the Peer Support Forum.
- f) Be involved with the Council in raising awareness of Direct Payments at various events.

- g) Timely notify the Council if there is any reason to question whether funds provided for independent living are used inappropriately by Individuals or whether any person supported by the Provider is not receiving services in accordance with the Individual's Care/Support Plan as determined by the Council.
- h) Timely notify the Council if there is any reason to believe that the way in which an Individual is supported through the Direct Payments has or is likely to put at risk in the future their ability to receive services in accordance with the Individual's Care/Support Plan as determined by the Council, using the funding made available to them for that purpose.
- i) Notify the Council if there is any reason to believe there is a substantive change in the circumstances of an Individual supported by the Provider, indicating that their Individual Care/Support Plan needs to be reviewed or eligibility to receive Direct Payments from the Council needs to be reconsidered on a temporary or other basis.
- j) When requested by the Council, Provider staff and their manager(s), as appropriate, must attend meetings to discuss the operation of the Service and associated administrative matters.

2.2 With External Organisations

The Provider shall:

Establish networks to include but not limited to the following:

- a) Contact with the Department of Health and other appropriate government agencies for national guidance and developments in Direct Payments.
- b) Join with other Direct Payments and Independent Living support services to share good practice.
- c) Foster community links and partnership working with other local organisations.

3. Complaints Procedure

3.1 The Provider shall:

- a) Operate a Complaints Procedure acceptable to the Council and promote the procedure appropriately to all Individuals. The Procedure will allow for advocacy on behalf of Individuals and will provide for independent participants in any appeals stage. The

Provider will also co-operate with any investigation under the Council's Complaints Procedure.

- b) Record the volume and nature of complaints received, how complaints were investigated and outcomes of investigations, to be produced to the Council on request. A report will be forwarded summarising these details quarterly.
- c) Record the volume and nature of compliments received and forward a summary report quarterly.

4. Local Involvement Networks (LINKs)

a) From 1st April 2008, Leicester has established Local Involvement Networks (LINKs). This is a new way for people who live in Leicester to have a say how services from local social care and health services are provided. The Patient and Public Involvement Forums (PPIFs) came to an end on 31st March 2008. The PPIFs supported people to have a say in how health services were organised, delivered and planned. The LINKs, have a greater role to provide more opportunities to local people in Leicester to influence both health and social care services, except those for children. The LINKs have a role to:

- Enter specific services and view the care provided.
- Ask commissioners for information about services and expect a response.
- Make reports and recommendations and expect a response from commissioners.
- Refer matters to the local 'Overview and Scrutiny Committee'.

b) As a provider of social care services funded by the Local Authority it is expected that providers will co-operate fully with the LINKs to assist it in it's role as and when necessary, with the overall aim of improving the quality of local health and social care provision. It must be noted that independent providers are required to allow for LINKs authorised representatives to enter and view, and observe the carrying on of activities in premises, which are owned or controlled by the independent provider. These activities must be in line with arrangements under section 221 (2) of the Local Government and Public Involvement in Health Act 2008.

5. Infolinx Service Directory

a) Infolinx is a community information website, covering Leicestershire, Leicester and Rutland, and holds details of all social care and health agencies plus clubs, societies, organisations and self-help groups based in the region. The Council has expanded

Infolinx to include service details of all contracted providers of social care and health care services.

- b) In line with the 'Putting People First' agenda and the development of Self Directed Support it is a requirement that providers contracted with the Council will make available on Infolinx, details of services purchased by the Council which will be updated as required. The information contained on Infolinx will be accessible to staff and members of the public, which will include service users and their carers.

6. Business / Service Continuity Plan

The Provider shall:

- a) Ensure that contingency plans are in place for any associated risks to business and service provision processes. These plans will address any risks identified in order to protect and ensure continuity of the services and operational delivery. Plans will be reviewed annually by the Provider and made available to the Council on request.
- b) Address any risks identified by the Council in order to protect service and operational delivery.

SECTION D CONTRACT MANAGEMENT

1. Arrangements for variation

- 1.1** The Council may from time to time vary this Specification, and/or other Contractual requirements dependent on the assessed needs of Individuals. Any variation will be carried out after consultation with the Provider.

2. Quality Assurance

- 2.1** The Council will regularly audit compliance with each area of this service specification and other Agreement documentation. The Provider shall cooperate with the Council with this audit compliance. This will be done by a combination of:

- a) Individuals' reviews by Care Managers of the Council.
- b) Regular meetings with the Provider to discuss current issues about the service.
- c) Announced 6 monthly contract monitoring visits by Officers of the Council.
- d) Unannounced monitoring visits by Officers of the Council when necessary.
- e) Responding to individual concerns, complaints or commendations raised about the service.
- f) Feedback from the Commission for Social Care Inspection.
- g) Feedback from Individuals, their representatives, other professionals and advocates where appropriate.

- 2.2** The Provider shall implement a comprehensive Quality Assurance and Improvement Programme. In particular the Provider will be expected to:

- a) Establish systems, which monitor the achievements against the service standards and outcomes in relation to the aims and objectives. This will incorporate feedback from Individuals and, where appropriate, representatives of Council's Adults and Housing Department and representatives of the Individuals. This will provide a framework for identifying activities, targets and standards needed to realise the desired objectives and appropriate indicators/outcomes to demonstrate their achievement. The

outcome of the quality audits undertaken by the Provider will be made available, on request, to the Council and relevant others.

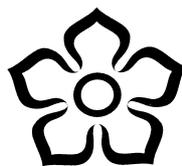
- b) Agree that the views of Individuals and their representatives are important in the provision of the Services, and will formally consult at least annually with them using method/s most suitable and likely to maximise response on the appropriateness, effectiveness and quality of the Services provided. The outcome of such consultation will be reported annually, following agreed monitoring processes, to the Council, including details of the responses received and of any action taken by the Provider as a consequence.
- c) Where necessary e.g. in evaluating its service, consult with any relevant organisations, groups or Individuals affected by the provision of Services including organisations who represent the interest of the diverse communities of the City of Leicester. The consultation, responses received and actions taken accordingly will be recorded and reported to the Council.
- d) In the event that the Provider is invited to join the consultations organised by the Council or other partner agencies, including the newly formed Local Involvement Networks (LINKs), it is expected that there will be full co-operation from the Provider in order to respond to opportunities to influence the planning and delivery of services.
- e) Work with Individuals, their representatives, Care Managers and advocates to develop, implement and evaluate improved outcomes (and indicators) for the Individual.
- f) Work with the Care Managers to ensure that the agreed programme of support for the Individual, as set out in his/her Care/Support Plan, is being implemented.
- g) Acknowledge that the Council may make arrangements to independently monitor the quality of the service provided by direct contact with Individuals.
- h) Give the Council any information reasonably required for monitoring the performance of the Agreement, preparation of Local Authority Reports, Government statistics or information required to respond to enquiries/ complaints from Councillors or members of the public, or which is necessary for the performance of the Council's statutory responsibilities.
- i) Meet the Council's information gathering requirements for National Minimum Dataset for Social Care in maintaining, collating and submitting information on the organisation and its employees in the prescribed format. Care providers subject to registration with the Commission for Social Care Inspection (CSCI) will also have this requirement included as part of the regulated inspection process.

- j) Produce and submit timely quarterly monitoring information required by the Council for Contract monitoring purposes. The Council will produce standard forms for this purpose for completion by the Provider, based on all the contract documentation for this service. The Provider shall make use of Information Technology applications to maintain records and collate information required by the Council for contract monitoring purposes.
- k) Ensure that the Provider Manager attends quarterly on-going meetings with nominated Officers of the Council to discuss the delivery of the Service and other issues relevant to ensuring a quality service is being provided.

Leicester City Council Adults & Housing Department

DIRECT PAYMENTS SUPPORT SERVICE

Profile of Current Users of the Support Service



Leicester
City Council

LEICESTER CITY COUNCIL
ADULTS & HOUSING DEPARTMENT

DIRECT PAYMENTS SUPPORT SERVICE

Profile of Current Users of the Support Service

The following information is provided to assist organisations wishing to tender for the Support Service. Organisations wishing to submit a tender for this Service should consider this information in conjunction with the Service Specification.

The information on current take-up is based on information held by the Council at 30th June 2008.

1. Users Supported at 30th June 2008

Overall Total: 235 Users:

DP Solely
Funded
Users
140

| Ethnic Origin Breakdown: | | | | | |
|--------------------------|--------------------|-----------------|--------------------------------------|--|--------------------------------|
| White British | White Irish | White Other | Bangladeshi | Indian | Pakistani |
| 74 | 1 | 4 | 2 | 42 | 6 |
| 52.86% | 0.71% | 2.86% | 1.43% | 30.00% | 4.29% |
| Asian Other | Black African | Black Caribbean | Dual Heritage: White & Black African | Dual Heritage: White & Black Caribbean | Dual Heritage: White and Asian |
| 2 | 2 | 2 | 1 | 1 | 2 |
| 1.43% | 1.43% | 1.43% | 0.71% | 0.71% | 1.43% |
| Chinese | Other Ethnic Group | | | | |
| 0 | 1 | | | | |
| 0.00% | 0.71% | | | | |

| Gender Breakdown: | |
|-------------------|--------|
| Male | Female |
| 51 | 89 |

| Client Group Breakdown: | | | | |
|-----------------------------|---------------------------------------|---|--|---------------------|
| Frailty and/or Temp Illness | Physical Disability/ Sensory/ Frailty | Sensory Disability - Hearing Impairment | Sensory Disability - Visual Impairment | Learning Disability |
| 5 | 90 | 0 | 4 | 33 |
| Mental Health | Mental Health (Dementia) | Other Vulnerable People | | |
| 3 | 4 | 1 | | |

| DP hrs Per Week | No. of Users |
|-----------------------------------|--------------|
| 1-10 hours | 23 |
| 11-20 hours | 35 |
| 21-30 hours | 26 |
| 31-40 hours | 12 |
| 41+ hours | 19 |
| Individual Budgets Mixed Packages | 25 |

ILF Solely Funded Users

9

| Ethnic Origin Breakdown: | | | | | |
|--------------------------|--------------------|-----------------|--------------------------------------|--|--------------------------------|
| White British | White Irish | White Other | Bangladeshi | Indian | Pakistani |
| 1 | 0 | 0 | 0 | 8 | 0 |
| 11.11% | 0.00% | 0.00% | 0.00% | 88.89% | 0.00% |
| Asian Other | Black African | Black Caribbean | Dual Heritage: White & Black African | Dual Heritage: White & Black Caribbean | Dual Heritage: White and Asian |
| 0 | 0 | 0 | 0 | 0 | 0 |
| 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% |
| Chinese | Other Ethnic Group | | | | |
| 0 | 0 | | | | |
| 0.00% | 0.00% | | | | |

| Gender Breakdown: | |
|-------------------|--------|
| Male | Female |
| 3 | 6 |

| Client Group Breakdown: | | | | |
|-----------------------------|---------------------------------------|---|--|---------------------|
| Frailty and/or Temp Illness | Physical Disability/ Sensory/ Frailty | Sensory Disability - Hearing Impairment | Sensory Disability - Visual Impairment | Learning Disability |
| 0 | 1 | 0 | 1 | 7 |
| Mental Health | Mental Health (Dementia) | Other Vulnerable People | | |
| 0 | 0 | 0 | | |

Users Funded Via Third Party
51

| Ethnic Origin Breakdown: | | | | | |
|--------------------------|--------------------|-----------------|--------------------------------------|--|--------------------------------|
| White British | White Irish | White Other | Bangladeshi | Indian | Pakistani |
| 31 | 0 | 2 | 0 | 9 | 2 |
| 60.78% | 0.00% | 3.92% | 0.00% | 17.65% | 3.92% |
| Asian Other | Black African | Black Caribbean | Dual Heritage: White & Black African | Dual Heritage: White & Black Caribbean | Dual Heritage: White and Asian |
| 0 | 4 | 2 | 0 | 1 | 0 |
| 0.00% | 7.84% | 3.92% | 0.00% | 1.96% | 0.00% |
| Chinese | Other Ethnic Group | | | | |
| 0 | 0 | | | | |
| 0.00% | 0.00% | | | | |

| Gender Breakdown: | |
|-------------------|--------|
| Male | Female |
| 20 | 31 |

| Client Group Breakdown: | | | | |
|-----------------------------|---------------------------------------|---|--|---------------------|
| Frailty and/or Temp Illness | Physical Disability/ Sensory/ Frailty | Sensory Disability - Hearing Impairment | Sensory Disability - Visual Impairment | Learning Disability |
| 1 | 35 | 1 | 4 | 6 |
| Mental Health | Mental Health (Dementia) | Other Vulnerable People | | |
| 2 | 2 | | | |

| DP hrs Per Week | No. of Users |
|-----------------------------------|--------------|
| 1-10 hours | 10 |
| 11-20 hours | 12 |
| 21-30 hours | 6 |
| 31-40 hours | 6 |
| 41+ hours | 6 |
| Individual Budgets Mixed Packages | 11 |

DP & ILF
Funded
Users
35

| Ethnic Origin Breakdown: | | | | | |
|--------------------------|--------------------|-----------------|--------------------------------------|--|--------------------------------|
| White British | White Irish | White Other | Bangladeshi | Indian | Pakistani |
| 26 | 0 | 0 | 0 | 6 | 1 |
| 74.29% | 0.00% | 0.00% | 0.00% | 17.14% | 2.86% |
| Asian Other | Black African | Black Caribbean | Dual Heritage: White & Black African | Dual Heritage: White & Black Caribbean | Dual Heritage: White and Asian |
| 0 | 0 | 1 | 0 | 0 | 0 |
| 0.00% | 0.00% | 2.86% | 0.00% | 0.00% | 0.00% |
| Chinese | Other Ethnic Group | | | | |
| 1 | 0 | | | | |
| 2.86% | 0.00% | | | | |

| Male | Female |
|------|--------|
| 18 | 17 |

| Client Group Breakdown: | | | | |
|-----------------------------|---------------------------------------|---|--|---------------------|
| Frailty and/or Temp Illness | Physical Disability/ Sensory/ Frailty | Sensory Disability - Hearing Impairment | Sensory Disability - Visual Impairment | Learning Disability |
| 0 | 24 | 0 | 0 | 10 |
| Mental Health | Mental Health (Dementia) | Other Vulnerable People | | |
| 1 | 0 | 0 | | |

DP
Applicants
Pending
Start
Dates

18

| Ethnic Origin Breakdown: | | | | | |
|--------------------------|--------------------|-----------------|--------------------------------------|--|--------------------------------|
| White British | White Irish | White Other | Bangladeshi | Indian | Pakistani |
| 5 | 1 | 0 | 0 | 10 | 0 |
| 27.78% | 5.56% | 0.00% | 0.00% | 55.56% | 0.00% |
| Asian Other | Black African | Black Caribbean | Dual Heritage: White & Black African | Dual Heritage: White & Black Caribbean | Dual Heritage: White and Asian |
| 1 | 1 | 0 | 0 | 0 | 0 |
| 5.56% | 5.56% | 0.00% | 0.00% | 0.00% | 0.00% |
| Chinese | Other Ethnic Group | | | | |
| 0 | 0 | | | | |
| 0.00% | 0.00% | | | | |

| Gender Breakdown: | |
|-------------------|--------|
| Male | Female |
| 4 | 14 |

| Client Group Breakdown: | | | | |
|-----------------------------|---------------------------------------|---|--|---------------------|
| Frailty and/or Temp Illness | Physical Disability/ Sensory/ Frailty | Sensory Disability - Hearing Impairment | Sensory Disability - Visual Impairment | Learning Disability |
| 13 | 0 | 0 | 0 | 4 |
| Mental Health | Mental Health (Dementia) | Other Vulnerable People | | |
| 1 | 0 | 0 | | |

2. Users Split into the relevant funding bands

| DP Funding Under £150 | DP Funding £150 - £250 | DP Funding £250+ |
|--------------------------|---------------------------|---------------------|
| 81 | 61 | 84 |
| 35.84% | 26.99% | 37.17% |

3. Payroll Support for Current Direct Payments Users

| No. of Users Accessing Payroll | No. of PA's Processed via Payroll |
|-----------------------------------|--------------------------------------|
| 148 | 267 |