

Self Directed Support

Helping you
to get started

Information Pack

Important Information

The information in this pack is correct at the time of printing.

The pack is meant to act as a guide giving hints and tips to help you get started.

You must check your legal position for yourself.

We have given you websites and telephone numbers to make this easier.

Please note:

All updates of this pack will be put directly onto the Council's website at www.iwight.com

No paper updates will be sent out.

It is your responsibility to regularly check for updates and print them if you wish to.

If you do not have access to the internet, you can go to your local library, ask a friend or ask your Care Manager for a copy.

About this pack

Throughout this pack we have used the term "you". "You" refers to the person who has been given the Personal Budget. So, if you are a parent, carer, broker or agent, "you" is the person you are helping who is in receipt of the money.

The information in this pack is designed to help you with your self directed support, from whether or not you are eligible for a Personal Budget through to preparing your plan and getting it agreed.

It also looks at how you manage your money, including hints and tips if you choose to employ someone, through to reviewing how things are going.

It does not include everything you need to think about, it is merely meant to help point you in the right direction, giving you links and contact details for other organisations that can provide much more detailed information.

If you come across any other information that you feel would be useful for other people, please contact your Care Manager and we will try to add it to this pack.

We hope you find it useful.

PS – even if you are not eligible for a Personal Budget, you may still find the information in this pack useful.

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What words mean

The following tells you what the words and abbreviations that have been used within this pack mean.

Advocacy	Taking action to help people say what they want, secure their rights, represent their interests and obtain services they need.
Agent	The person acting on behalf of and in the best interests of you to help you make decisions and plan your Personal Budget.
Broker	A broker is independent. They have the role of helping you plan and organise any support needed and do <i>not</i> have the job of rationing resources and do <i>not</i> have the job of providing services.
Brokerage	Independent help to develop the support plan and organise the support.
Care Manager	Has the role of assessing need and levels of risk to you and has a 'duty of care' to make sure that need is met to the best of the Council's ability.
Circles of Support	Established network of people who support you to be independent and make choices in a supported way.
Community Care Funding	Money that is allocated to councils by central government in order to fund the meeting of local eligible need in relation to social care provision.
Direct Payments	Direct Payments are cash payments made in lieu of social service provisions to people who are eligible for services. DPs are assessed and allocated by Care Managers and allocated as a number of hours at a set rate per hour.
Duty of Care	Means the duty the Council owes to you and your carers to take such measures as are reasonable in the circumstances to ensure your safety and well-being. The duty of care may be imposed by legislation or case law, by contract or by acceptance by an individual.
Duty Team	Community Services Duty Team based in Newport.
Eligibility Criteria	The rationale for decisions made by councils on whether or not to offer a person social care funding or services. Councils have to follow the Fair Access to Care Services guidance.
IMCA	Independent Mental Capacity Advocates – are advocates who are able to support people with limited or no capacity to make decisions for the individual and about the individual in their best interests. IMCAs are mostly available to you if you have no friends, family or carers to support you. IMCA support is time limited and only available in relation to housing moves and medical treatment.

In Control	The community organisation which is driving Self Directed Support nationally.
Indicative Allocation	The Personal Budget amount you have to plan with. This may not be the final allocation.
Key Outcomes	A desired goal that is an identified need resulting from an assessment.
Learning Disabilities	Refers to a variety of impairments that affect the acquisition, retention, understanding, organisation or use of verbal and/or non-verbal information.
Outcome Focused Review	A review that looks at the outcomes set out in your support plan to see what is working well and what needs improving.
Personal Assistant or PA	Someone who you employ to give you support with a range of tasks to help you live life and achieve your goals.
Personal Budget	A notional amount of social care funding for your support, some of which may be taken as a Direct Payment.
Price per point	The amount of money in a Personal Budget for each point scored in the Shared Assessment.
Resource Allocation System	This is a financial tool to help decide how much money you can receive based on your level of need.
Self Directed Support	Any situation where support needs are being met through a system that allows you to have optimum choice and control over how your support is designed and delivered.
Shared Assessment	Previously referred to as Self Assessment. This is an assessment that is led by you or the most appropriate person acting on your behalf, supported by a Care Manager.

Section 1

Eligibility

Section 1: Eligibility

To be able to receive a Personal Budget, you have to be eligible to receive services. This section explains different considerations that the Council has to take into account before it can consider a Personal Budget.

Single Assessment Process

The single assessment process should ensure that the scale and depth of the assessment is kept in proportion to your needs, agencies do not duplicate assessments and professionals contribute to assessments in the most effective way.

Continuing Care

The government has said that local areas have to get better at deciding whether the National Health Service (NHS) or social services will pay for your care and support. So the Government has written a paper – the **National Framework** – for NHS Continuing Healthcare and NHS-funded Nursing Care.

The NHS and social services must find out exactly what support you need with your health before deciding who will pay, with a new process being introduced to do this. NHS and social services staff must work together to find out what care and support you need, identifying and agreeing what support you need in relation to your health and informing the Primary Care Trust.

If you *mostly* need help because of your health problems, the NHS must pay the *whole* bill for your care and support. If the NHS is paying the whole bill, it is also responsible for providing the care management support. This process must happen before you apply for a Personal Budget as the NHS may not be able to pay you a Personal Budget. There are some pilot projects happening in 2008 to see if this can change.

FACS

FACS stands for Fair Access to Care Services. This is a national framework by the Department of Health to help councils decide who is eligible for services. The Council has a duty to provide services only to people who meet the criteria. Before you can receive services, or a Personal Budget, you will have to meet with a Care Manager to see if you are eligible. You can find out more information about eligibility either from the Department of Health (www.dh.gov.uk) or locally at www.iwight.com and clicking on the social services pages.

A copy of the Isle of Wight Council's eligibility criteria is on page 14. On the Isle of Wight, services are given to people who meet categories 1 (critical) or 2 (substantial) level of risk – these are shown in white. People who fall into the remaining categories (3 – moderate and 4 – low: shown in grey) are not provided with services on the Isle of Wight as they are not eligible.

CATEGORY 1	CATEGORY 2	CATEGORY 3	CATEGORY 4
<p><u>Critical-Immediate risk/ crisis</u></p> <ul style="list-style-type: none"> ▪ Life is, or will be, threatened; and/or ▪ Significant health problems have developed or will develop; and/or ▪ There is, or will be, little or no choice and control over vital aspects of the immediate environment; and/or ▪ Serious abuse or neglect has occurred or will occur; and/or ▪ There is, or will be, an inability to carry out vital personal care; and/or ▪ Vital involvement in work, education or learning cannot or will not be sustained; and/or ▪ Vital family and social support and responsibilities cannot or will not be undertaken. 	<p><u>Substantial High Risk</u></p> <ul style="list-style-type: none"> ▪ There is, or will be, partial choice and control over the immediate environment; and/or ▪ Abuse or neglect has occurred or will occur; and/or ▪ There is, or will be, an inability to carry out the majority of personal care; and/or ▪ Involvement in many aspects of work, education or learning cannot or will not be sustained; and/or ▪ The majority of family and other social roles/ responsibilities cannot or will not be undertaken; and/or ▪ The criteria for Category 3 are met but the likelihood is that if no services are provided the situation would deteriorate within 2 to 3 months so that there would be a critical or substantial risk. 	<p><u>Moderate Risk</u></p> <ul style="list-style-type: none"> ▪ There is, or will be, an inability to carry out several personal care tasks; and/or ▪ Involvement in several aspects of work, education or learning cannot or will not be sustained; and/or ▪ Several family and social support roles and responsibilities cannot or will not be sustained. 	<p><u>Low Risk</u></p> <ul style="list-style-type: none"> ▪ There is, or will be, an inability to carry out one or two personal care routines; and/or ▪ Involvement in one or two aspects of work, education or learning cannot or will not be sustained; and/or ▪ One or two family and social support roles and responsibilities cannot or will not be sustained.

Principles of self directed support

There are 7 ethical principles that underpin Self Directed Support. These have come from In Control:

1. Right to Independent Living

If someone has an impairment that means they need help to fulfil their role as a citizen, then they should get the help they need.

2. Right to a Personal Budget

If someone needs on-going paid help as part of their life they should be able to decide how the money that pays for that help is used.

3. Right to Self-Determination

If someone needs help to make decisions then decision-making should be made as close to the person as possible, reflecting the person's own interests and preferences.

4. Right to Accessibility

The system of rules within which people have to work must be clear and open in order to maximise the ability of the person with a disability to take control of their own support.

5. Right to Flexible Funding

When someone is using their Personal Budget they should be free to spend their funds in the way that makes best sense to them, without unnecessary restrictions.

6. Accountability Principle

The person with the disability and the government both have a responsibility to each other to explain their decisions and to share what they have learnt.

7. Capacity Principle

People who have disabilities, their families and their communities must not be assumed to be incapable of managing their own support, learning skills and making a contribution.

Section 2

Shared assessment

Section 2: Shared assessment



Don't forget ... you need to check this information for yourself.

What is the shared assessment?

The shared assessment is a questionnaire that identifies your support needs. There are a series of questions you will need to answer that look at all aspects of your life. For each question, there is a list of possible answers. You will need to choose the answer that best describes your needs.

The assessment will help the Council to make a fair and open decision about who gets what money to meet their support needs.

Who can help you complete the shared assessment?

The questionnaire can be completed alone or with the help of someone else, such as a carer or broker. Your Care Manager will also answer the questionnaire and then you will need to come to an agreement as to which box to tick.

How does your shared assessment feed into your Resource Allocation?

The answers on the questionnaire are weighted. Each answer is given points: the higher the need, the more points are allocated. The points for each of your answers are added together to give you a total score. Each score is worth a set amount of money. This score equates to an amount of money which is called your Indicative Allocation.

Maximising your resources

There are a number of different funding streams that you may be able to use in addition to your Resource Allocation. Here is a list of some of the funding streams you might be able to receive.












Please note: if you are in receipt of Continuing Care, you will not be able to receive a Personal Budget.

Access to Work	Helps you if your health or disability affects the way you do your job. It gives you and the person you work for advice and support with extra costs which may arise because of your needs.
Carer's Allowance	Paid to carers who look after people who are sick or disabled and in receipt of certain benefits.
Carer's Grant	Designed to stimulate diversity and flexibility of service provision in order to enable carers to take a break from caring, and to help provide carers' services "to support them in their caring role".
Community Care	Money that is allocated to councils by central government in order to fund meeting local eligible need in relation to social care provision.

Disabled Facilities Grant (DFG)	Money that pays for adaptations to help you remain living in your own home.
Independent Living Fund (ILF)	Money that is paid to people with severe disabilities to help them to live independently in the community.
Integrated Community Equipment Services (ICES)	Equipment to help people remain at home.
Supporting People	Housing related support to help you live independently.

If you think you might be eligible for this funding, please contact your Care Manager.

To help maximise your resources, you may be entitled to money from elsewhere. To ensure you are receiving all the money you are entitled to here is a list of organisations that can help you.

Age Concern	 01983 525282  www.aciw.org.uk
Citizens Advice Bureau (CAB)	 0845 1202959  www.citizensadvice.org.uk
Job Centre Plus	 01983 273000  www.jobcentreplus.gov.uk or www.direct.gov.uk
Mencap	 01983 529461  www.mencap.org.uk
The Law Centre	 01983 524715  www.lawcentres.org.uk
Visiting Finance Officers	<p>Council officers who will do a home visit to look at your finances with you.</p>  01983 520600

There are also **benefits** that you may be able to apply for. Here is a list of some of them.

Attendance Allowance	 0800 882200  www.direct.gov.uk
Disability Living Allowance (DLA)	 0800 882200  www.direct.gov.uk

Housing Benefit	 01983 823950  www.iwight.com
Incapacity Benefit (will become Employment Support Allowance)	 01983 273000  www.jobcentreplus.gov.uk or www.direct.gov.uk
Income Support (will become Employment Support Allowance)	 0845 608 8620  www.direct.gov.uk
Job Seekers Allowance	 01983 273000  www.jobcentreplus.gov.uk or www.direct.gov.uk
Mobility Allowance (mobility component of DLA)	 0800 882200  www.direct.gov.uk
Severe Disability Premium (Income Support)	 0845 608 8620  www.direct.gov.uk

Section 3

Support planning

Section 3: Support planning

Getting the money agreed

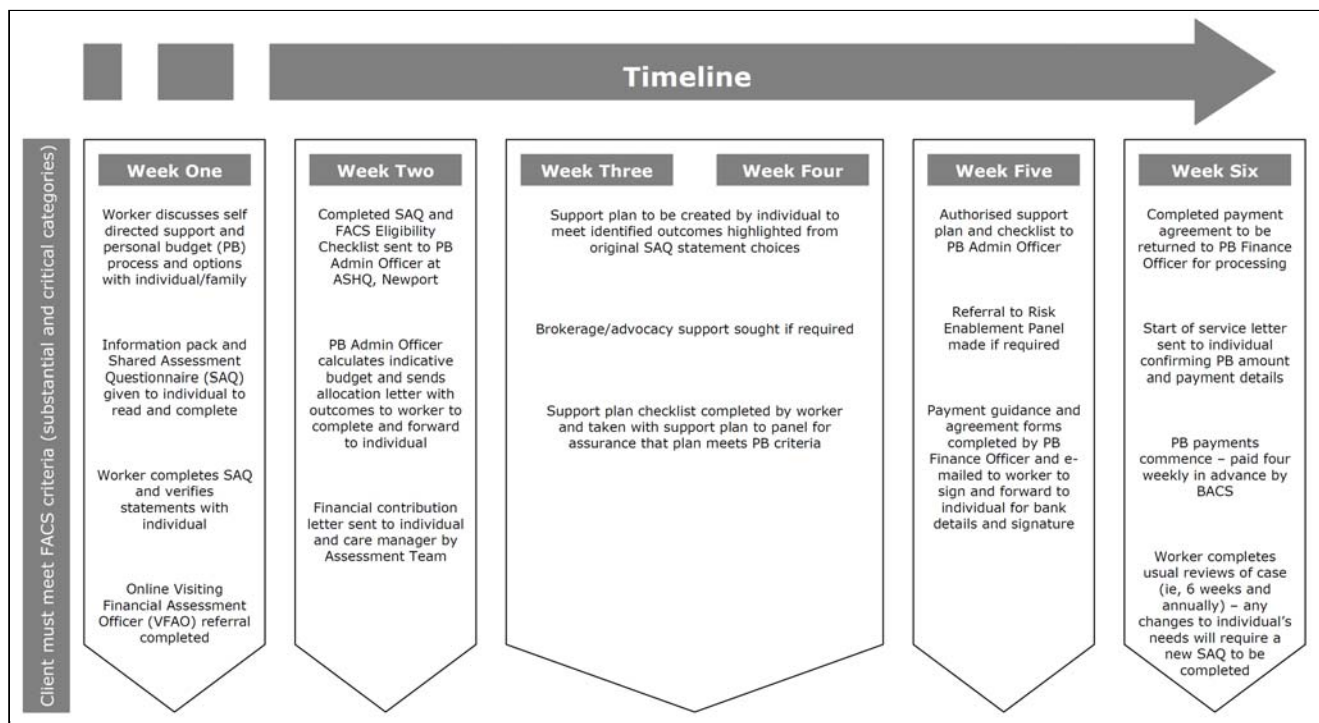
Once you have completed the shared assessment questionnaire the Council will have an idea of the amount of support you need. This is based on a points system. The more needs you have the higher the points scored.

The money you are given is based on your level of need. This way all people should be treated fairly as people with similar levels of need and support will be given the same amount of money to meet their needs.

We want you to know the money you have available to you upfront. This way you can plan to meet your needs, knowing how much money you have available to do so. This is a guide figure. If, through creative support planning, you are able to meet your needs within the budget the Council will arrange for any 'left over' money to be taken off the amount paid. This money can then be used to help someone else get in control of their life.

When the plan has been produced the detail of that plan will be agreed using the 'Care Manager's Checklist' (see page 38). This check is done by the Care Manager. The plan then goes to a panel to make sure you are planning to use the money responsibly and that possible risks have been considered.

Sounds complicated? Here's the local process....



What should be included in your support plan?

The Support Plan is the name of the plan which details how you are planning to spend your Personal Budget. In order for your Care Manager to release your money they have a responsibility to check that your plan considers all elements of your life. They also have a responsibility to make sure that risks have been considered and the money is being spent appropriately.

There is more about risks and risk assessments in *Section 5: Managing Risk: things to think about* on page 39 and under *Health and Safety* on page 65

Support plans can be as individual as the person themselves. The Council wants people to be as creative as possible in developing their support plan. To help you develop your plan, you can use a range of people to support you, such as:

- friends
- a Circle of Support
- family
- local community support (eg, church, etc)
- independent broker
- support workers
- care managers
- other staff

You can choose how you present your plan: it could be a written document, a colourful chart, a DVD, audio tape or something else. Some examples of creative support plans are on pages 30-32. By being creative you may think of ideas and ways of meeting your needs that have not been considered before.

Support planning should be a positive experience, so think about who should be involved and where you would like to work on your plan. You might want to set a couple of hours aside or to break it up so that you answer 1 or 2 questions a day.

You need to think about all areas of your life and how you will use your budget to make positive changes. On page 27 is a tool to help you to make notes to develop your support plan. There are 7 questions to help you think things through.

There are many tools developed by Helen Sanderson Associates which can be used to help you to develop support plans. Some of these are shown on the following pages.

You can get more information from their website: www.helensandersonassociates.co.uk









Remember you can produce the plan however you like as long as the questions have been answered.

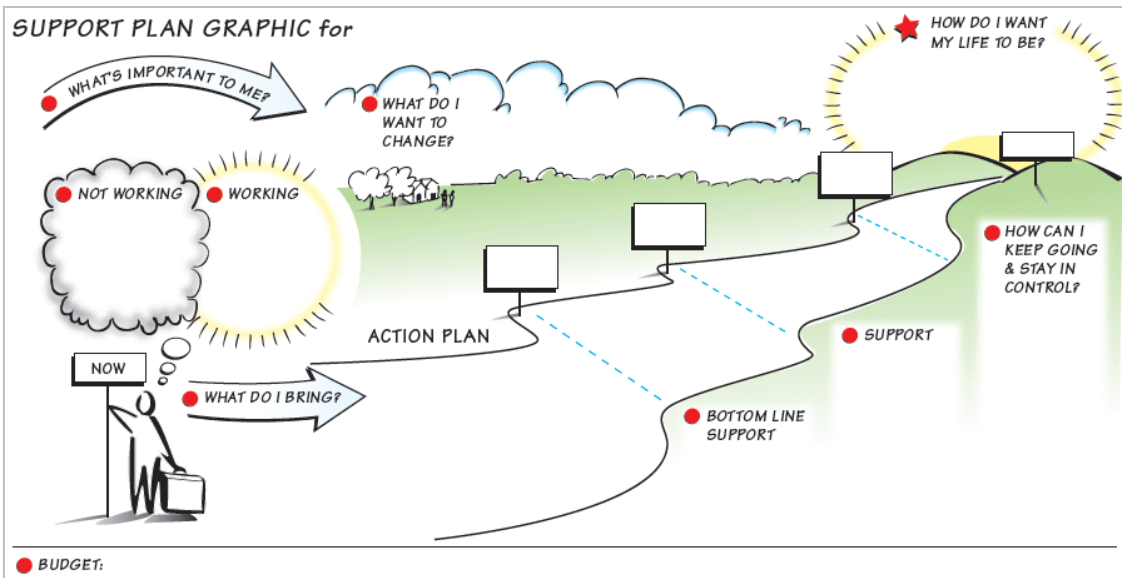
Care Managers will use the 'Care Manager's Checklist' which relates directly to these questions to sign off your plan. If you want to see the Care Manager's Checklist it is available on page 38.

If you want help with your support plan, you can ask the Person Centred Planning Co-ordinator, your Care Manager or social worker.

Person Centred Planning Co-ordinator

Bugle House, 118a High Street, Newport
Isle of Wight, PO30 1TP
Tel: 01983 823099 ext 2955

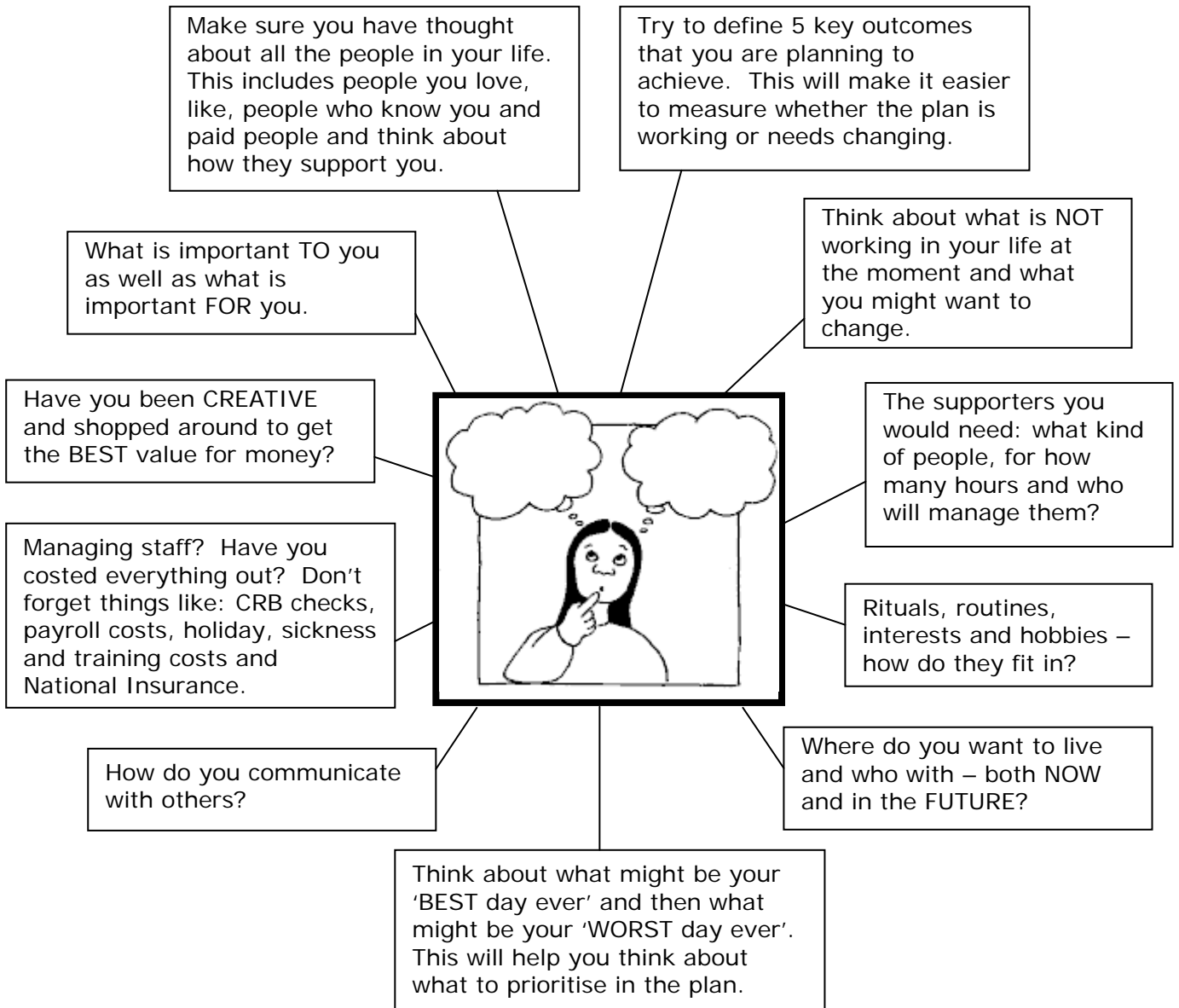
Things to think about	1. What is important to you?	2. What do you want to change?	3. How will you be supported?	4. How will you spend your Personal Budget?	5. How will your support plan be managed?	6. How will you stay in control of your life?	7. What are you and other people going to do to make this happen?
 <p>Work or unpaid work</p>							
 <p>Learning</p>							
 <p>Leisure and fun</p>							
 <p>Choices, control and rights</p>							
 <p>Feeling well and good about myself</p>							
 <p>Friends, family and intimate relationships</p>							
 <p>Where and how I live</p>							
 <p>Anything else?</p>							



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Support Plans

To get the most out of the support planning process here are some ideas of things that you might want to think about and cost into your support plan.



Other things to think about in your support plan

- Who will plan and organise your support and arrange to pay your supporters and/or the services that you buy with your Personal Budget? Who will keep records and monitor this?
- What are you able to do? Are you going to need support from others to stay in control? Do some decisions in your life rely on other people helping you?
- You will need to include a contingency plan. This is another plan in case things don't work out as you'd first planned.
- Remember – it is illegal to spend community care money meeting health needs. Please think about this carefully when preparing your support plan.
- How would you be involved in the day to day decisions in your life? How would you change things in your life/plan if they were not working well? Below is a tool to help you identify these.

Decision Making Agreement: helps you to look at involvement and participation within the decision making process.

Important decisions in my life	How I must be involved	Who makes the final decision

Helen Sanderson Associates

Now you have thought about these areas you can put together your plan. Make sure:

- You have been involved as much as possible
- You have been as creative as possible
- You have costed all of your plan
- You have taken a copy before you send it off in the post
- You call your Care Manager to let them know to expect your plan

Top tips

Maintenance Costs

- Think about housing related costs, for example, the cost of maintenance and utilities.
- Make sure you add in the cost of expenses, travel and telephone bills.

Circles of Support: getting informal networks involved

- Think about the things in your life you need support with and ask people if they can support you.
- Be clear when you are asking for support: some people may not realise that you are asking them for assistance or they may not see themselves as “qualified” to help.
- It can be a scary thing to ask people for things, so you could get someone else to ask on your behalf. It is much easier if you have a friend ask for you. Most people will be flattered that they have been asked.
- Invite your informal network round for a cup of tea or go out for a meal. Have fun together.

Examples of support plans – personal profile

This page is about “me” – it is a one-page profile. Examples of support plans for “me” are shown on pages 31 and 32.



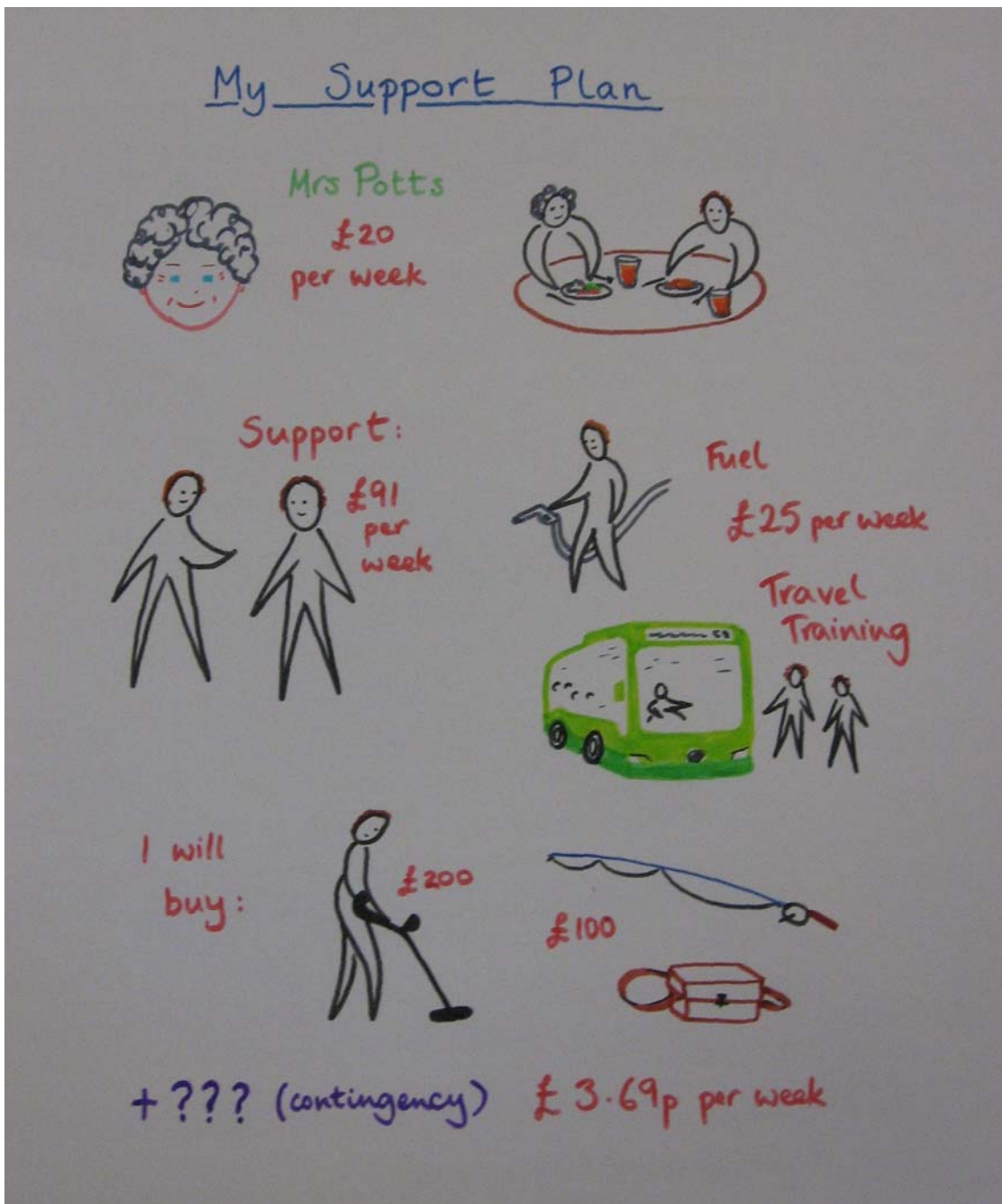
I have a Personal Budget of £7,563.92 My support plan must meet my outcomes

Some of my outcomes are:

- To continue to live independently in my own home with help to manage my personal care and nutrition;
- To have the support I need to keep me safe and active doing things I want to do in the community;
- To be able to travel when and where I choose;
- For my brother to be supported as my carer.

Examples of support plans

Here are 2 different examples of the same support plan. They show you a couple of the different ways you can produce your plan.



Client Name:	<input type="text" value="Me"/>	Weekly Allocation:	<input type="text" value="145.46"/>
SWIFT Number:	<input type="text"/>	Weekly Client Contribution:	<input type="text" value="20.00"/>
Key Worker:	<input type="text"/>	Weekly Net Allocation:	<input type="text" value="125.46"/>

My personal outcomes to be achieved (to be taken from your SAQ)	How will my personal outcomes be met?	ONE OFF spends from my Personal Budget	WEEKLY spend from my Personal Budget	WEEKLY spend from other sources
1a) To be clean, dressed and maintain my personal hygiene in the way I choose	Mrs Potts (neighbour whom I've known since I was a child) comes in in the morning to help me shower and make sandwiches. I will treat us both to a pub lunch on Sundays.		£20	
1b) To be well nourished and eat and drink when I choose	Mrs Potts helps me heat a meal in the evening. (See no. 1a)			
1c) To maintain my psychological, mental and emotional wellbeing	Mrs Potts will alert my brother to any problems. (See no. 1a)			
1d) To have the appropriate level of support with tasks or to help keep me safe	See 2a, 2c and 2d.			
1e) To be able to do things in my local community	I will buy a metal detector and a rod, reel and tackle box for fishing.	£300		
1f) To be able to get around my local community	I will pay fuel costs to my support workers and buy travel training to be able to go to my brother's on the bus.		£25	
1g) To be able to communicate effectively	My support workers must learn to understand me as well as Mrs Potts does.			
1h) To continue to organise my day-to-day living	All the people who support me must keep my activity chart up to date.			

My personal outcomes to be achieved (to be taken from your SAQ)	How will my personal outcomes be met?	ONE OFF spends from my Personal Budget	WEEKLY spend from my Personal Budget	WEEKLY spend from other sources
1i) To stay free from harm and not cause harm to others	I will only go out with people I know and who know me well, except for going to my brother's when I have done the travel training.			
2a) To continue to live independently and stay safe in my own home.	I will have 2 hours' agency support per week for house cleaning and shopping		£28	
2b) To be supported to get around my home without difficulty	N/A			
2c) To undertake my choice of day time activity	Two friends will support me to go fishing and metal detecting.		£35	
2d) To continue with my personal development and gain employment	I will have 2 hours' agency support per week to find and maintain work experience		£28	
2e) To maintain good relationships with others	See 2a, 2c, 2d and 1f.			
2f) To have choice and control over the decisions affecting my life	All the people who support me must give me the information I need, and allow me time to make decisions.			
2g) To have the support required to manage my financial affairs	My brother will continue to support me in this area, and will manage my Personal Budget account for me.			
2h) To be safe in my home	My brother, Mrs Potts and the support workers will all help to keep me safe.			
2i) To stay well and manage any health condition I may have	Mrs Potts will put my daily medication out and alert my brother to any problems.			
3a) For my brother to be supported flexibly as my carer, and have choice	All supporters will communicate regularly with my brother and alert him to any problems at the earliest opportunity.			
Contingency	<i>This should not exceed 5% of the Personal Budget unless approved by IWC</i> I will need to buy extra agency support if Mrs Potts is ill or away.		£3.69	
Total		£300	£139.69	

How people have spent their budget

In the future the Council will be looking to develop with local providers a list of services with contact details and approximate costs. This will be called a Menu of Services. Until there is a list, here are some of the things people have spent their budgets on.

We all need to budget for things we need and want in our life. This helps us prioritise. People had to demonstrate in their plans how spending their budgets on the items below will meet the person's eligible needs and outcomes and be good value for money. This will then be linked to achieving positive outcomes for individuals.

Here are some of the practical and creative ways people have spent their allocated money to meet their outcomes:

- Staff support to help people to meet a variety of needs (support with personal care, cooking and cleaning, managing money, managing behaviours and risk, attending college and work/voluntary work opportunities, taking breaks, keeping safe and healthy, etc).
- Equipment (for accessibility – ramps, trailers, adaptations, etc).
- Holidays (instead of more expensive respite options).
- Membership of the National Trust.
- Travel Cards.
- Staffing cost (CRB, payroll, National Insurance, holiday leave, training, travel expenses, entrance fees, telephone cost, etc).
- Paying for Supported Living Services (provider manages the staff, building, etc – person chooses staff, decides on the support they need).
- CD player to help someone keep calm in the back of the car (in place of additional staffing).
- Extra bedding and washing machine to help people manage continence needs.
- Paying for 'treats' (ok to pay for dinner if you have had lots of support from friends all day).
- Buying day services.
- Buying a Supported Account Service or Payroll Service to organise the money and making sure money is managed and staff are paid appropriately.
- Buying college courses.
- Membership of a health club.

Section 4

Getting your plan agreed

Section 4: Getting your plan agreed

Signing off your plan

To be able to sign off your support plan, it has to meet certain criteria. Your Care Manager will need to consider the following points before they are able to sign it off. A copy of the form your Care Manager will use is on page 38.

- Does your support plan answer all of the 7 questions? (section 3, page 27)
- Does it consider all aspects of your life?
- Is the plan costed out correctly?
- Is it legal?
- Does it meet the stated outcomes?
- Does it involve gambling?
- Will you develop as a result of the plan?
- Is it specific?
- Have things important **to** you as well as **for** you been included?
- Is it clear who will manage the money and who will be involved in this?
- What is your contingency plan and is it suitable?
- Is there evidence that the plan is focused around you and been led by you or had your maximum input?
- What are the risks to you/to others/from others? How likely are these to occur? Can something be done to minimise the risk? Does a referral need to be made to the Risk Enablement Panel?
- Is it within budget?
- Have you considered dignity, rights, choice, independence, etc?
- Does your Care Manager have any concerns about it?

The plan is then taken to a panel to make sure you are planning to use the money responsibly and that possible risks have been considered.

Risk Enablement Panel

As part of your support plan, you may want to do things that are considered as a risk. To help both you and your Care Manager to manage this, a Risk Enablement Panel has been set up. The Panel is designed to be a safe and supportive environment for both you and staff. It aims to find positive solutions and outcomes, ensuring that individuals are not left to make difficult decisions. It is also important in demonstrating that the Council has fulfilled its duty of care.

For example: the Risk Enablement Panel may say a plan can be approved and the activity can happen if certain safety measures are put in place.

Care Manager's Checklist

Name of the person:

Name of the person responsible for the plan:

Name of the Care Manager signing off the plan:

Things to consider...	✓ or X	Comments
1. Does the support plan answer all of the 7 questions?		
2. Does it consider all aspects of the person's life?		
3. Is the plan costed out correctly?		
4. Is it legal?		
5. Does it meet the stated outcomes?		
6. Does it involve gambling?		
7. Will the person develop as a result of the plan?		
8. Is it specific?		
9. Have things important to the individual as well as for the individual been included?		
10. Is it clear who will manage the money and who will be involved in this?		
11. What is the contingency plan and is it suitable?		
12. Is there evidence that the plan is focused around the person and been led by them or had their maximum input?		
13. What are the risks to self/from others/to others? How likely are these to occur? Can something be done to minimise the risk? Does a referral need to be made to the Risk Enablement Panel?		
14. Is it within budget?		
15. Has the individual considered dignity, rights, choice, independence, etc?		
16. Do you have any concerns about it?		
	Yes/No	Comments
Has the plan been agreed?		
Has a referral to the Risk Enablement Panel been made?		

Signature:

Date:

Section 5

Managing risk: things to think about

Section 5: Managing risk – things to think about

Self Directed Support is a good way for people to have more choice and control in their lives. It helps people (sometimes with support) to think about what their needs are, know what money and support is available to them and make a plan for how to make it happen.

Having choice and control over your life is great. However, it does come with responsibilities, one of which is to think about risk factors. When planning your support and living life day-to-day it is very important to be aware of risks to:

- Yourself
- To other people
- From other people

What is risk?

Risk is the chance that an **event** will happen with harmful outcomes for you or other people you come into contact with.

An event can happen because of:

- risks due to impairment or disability: such as falls
- health conditions or mental health problems
- accidents, for example, when you are out in the community or at a social care service
- risks, linked with everyday activities, that might be increased by your impairment or disability
- the use of medication
- the misuse of drugs or alcohol
- behaviours resulting in injury, neglect, abuse and/or exploitation by you or by others
- suicide or self-harm
- aggression and violence

The type of event depends on the type of person you are, your relationship with others and the circumstances you find yourself in.

Risk is usually thought of in terms of danger, loss, threat, damage or injury. But as well as negative things, risk-taking can have positive benefits for you. You will need to think about the dangers linked to risk as well as the benefits of risk-taking ('nothing ventured, nothing gained'). This should involve everyone affected – you, your family and workers.

What does the Council do to consider risk?

The Council currently has several ways to consider and monitor risks. These include:

- Social Workers/Care Managers complete an assessment and assess the risk factors to find out a person's needs and eligibility.
- A Care Manager will look over the person's care/support plan to see how they are planning to meet their needs and manage their support.
- A review will be carried out 6 weeks after receiving the budget and living life in this new way.
- An outcomes focused review will take place at 6 months to assess what is working well and what, if anything, needs changing.

What are the areas of risk that you might need to think about and plan for?

Health and Safety associated risks

For example – hazards in your home or garden such as trailing wires, loose rugs, old or faulty electrics, help you might need with being lifted or moved or transport related risks.

Risk of abuse

(these include emotional, physical, sexual, financial, neglect, discrimination and institutional)

For example – you should always talk to someone you trust if you feel at risk or in any way made to feel uncomfortable about the care you receive. If you feel exploited or subjected to any treatment or unwanted activity you should speak about it. Financial security, always keep records and keep your PIN number private.

DO NOT KEEP ANY WORRIES TO YOURSELF – SPEAK TO SOMEONE YOU TRUST

Employment related risks

Get advice about tax, national insurance and any other employment issues. Keep written records and be clear about employment arrangements from the start.

Risks of accidents

Think again about your health and safety and that of your carer/s. Are there any areas of your home or garden that might cause an accident such as steep steps or slippery surfaces? Tell your carers about these risks so you can both decide if you need advice and how you are going to deal with them.

Are you being supported by the best people?

Speak to people about the care you receive: to friends, family, neighbours or (if you have one) an advocate. Tell people what sort of support you want.

Some practical ways you can manage risk

- Think about what the risks might be in advance (eg, risks from financial abuse).
- Consider ways to reduce risk in advance (eg, asking staff to sign money in and out with the support of a third person).
- Inform people about the risk factors and ways of reducing risk by giving people good information (eg, train staff and give them information to read).
- Ensure people are aware of their responsibilities.
- One way of confirming responsibility with people is to ask them to read and agree to support you according to your support/care plan and then sign and date the time they agreed to do this.
- Keep records (eg, ask staff to sign up to codes of conduct such as 'General Social Care Council's Codes of Practice' as part of their employment contract and then get staff to sign for reading and agreeing to work to the guidance).
- Make a plan about what you are going to do and ask people who are supporting you to monitor this (eg, include how you are going to manage key risks in your support plan).
- Seek advice from people such as Social Workers, Care Managers, community nurses and criminal justice workers or use other resources such as:

Citizens Advice Bureau (CAB)	 0845 1202959  www.citizensadvice.org.uk
Commission for Social Care Inspection (CSCI)	 0845 014 0120  www.csci.org.uk

Duty Team	 01983 823340
Emergency Duty Team (outside office hours)	 01983 821105
General Social Care Council	  www.gsccl.org.uk
Health and Safety Executive	  www.hse.gov.uk
Mencap	  www.mencap.org.uk

IMPORTANT

If your Social Worker or Care Manager has any concerns about risks to you, risks to others or risks from other people or the support systems you have in place to help you direct your own support you may be asked to come and talk through your plan at the **Risk Enablement Panel**.

This panel will be made up of Social Workers/Care Managers and safeguarding experts to help to consider the best ways of reducing risks and ensure you have the right people involved to help you direct your own support. If you want to see more information, please ask your Care Manager.

The Council believes that risks should not limit your choice or control over what you want to do. Understanding and considering risk is a helpful part of planning how you want your needs met. However, in order to properly understand risk we must be willing to at least consider what might be unpleasant or even frightening things. Thinking the unthinkable can protect you from harm. Taking risks is a part of everyone's life and is a right that we all have, so take risks whilst staying safe.

The Council has expertise in Safeguarding Vulnerable Adults and continues to provide a Safeguarding service to all vulnerable adults on the Island.

To find out more information about Safeguarding you can call the Duty Team on 01983 823340, or look on the Council's website.

You can also alert this team if you or anyone you care for is being harmed. You will receive advice and support and, where necessary, we will investigate and provide a protective plan.

We welcome people thinking about and reporting risk.

If you need help to think through a particular risk you can request the support of the Risk Enablement Panel yourself by calling your Care manager or Duty Team on 01983 823340.

If you have any concerns and need to report any risk issues please do not hesitate to contact the Duty Team on 01983 823340 or, if it's outside office hours, the Emergency Duty Team on 01983 821105.

In Control has produced a guide which considers all of the above areas and provides some great practical steps which can be used to help minimise risk. It is called:

'Supporting Safely – a guide for service providers, individuals receiving support and their families and friends'

It is available to download from the In Control website at: www.in-control.org.uk

Section 6

Managing your money

Section 6: Managing your money



Don't forget ... you need to check this information for yourself.

There are several different ways of managing your money. Below are different options available and information about the responsibilities that go with these options so you can choose the option that best suits you.

Please note: when opening a bank account to be managed via Direct Payments, Indirect Payments, trusts and brokers it must be a basic bank account with no credit facility.

The Council has worked with other organisations to prepare a leaflet giving you further information about basic bank accounts. This can be found at:

www.iwight.com/council/departments/revenues/images/IOWBankingLeafletV1.pdf

Managing it yourself

This is where the money goes straight to you. You must have the capacity to understand the nature of your support plan and that your Personal Budget will be used to pay for this. You can be helped to plan your support and manage your budget.

You open a bank account and receive money from the Council which goes straight into your bank account.

You are responsible for paying for your support from this money and keeping records to show the Council everything you spend your money on.

This is called a Personal Budget Direct Payment.

Agent

An Agent (paid or unpaid) is someone acting on your behalf and in your best interests. This can be a friend or family member or someone who knows you well.

The money goes to your agent. Agents are an option when you do not have the capacity to understand your support plan and/or manage your money.

The agent opens a bank account in your name and receives money from the Council which goes straight into that bank account. The agent is responsible for paying for your support from the money received and keeping records to show the Council everything you spend your money on.

This way of managing the money is called a Personal Budget Indirect Payment.

Care Manager

This is where your Care Manager would be responsible for planning and organising your money and support.

Within the resource allocation you receive your Care Manager would be responsible for organising your support and setting up payment through the Council's financial services. This is similar to the 'traditional' route and could still be the best option for some people.

Trust

Trusts are an option when you do not have the capacity to understand your support plan and/or manage your money.

A trust is a group of people who will act on your behalf ensuring that plans are in your best interests where you are unable to do this for yourself.

The trust is a minimum of 3 people and can be made up of a mixture of paid and unpaid carers/supporters. For example: friends, family and support workers.

The trust has the responsibility of opening a bank account in the trust's name and receives money from the Council that goes straight into that bank account.

The trust is responsible for paying for your support from the money received and keeping records to show the Council everything it spends your money on.

This is called having a Trust.

A broker or intermediary

This is where you pay an independent broker to manage the money for you.

You would have to pay typically 3-5% of your total resource allocation to the broker. The broker would then take responsibility for some or all of the support planning, managing the money, setting up the support, arranging payments to providers or staff and contributing to the review and monitoring process.

The broker will have responsibility for paying for your support from the money received and keeping records to show the Council everything you spend your money on.

This is called having a Broker.

Section 7

Employing people

Section 7: Employing people



Don't forget ... you need to check this information for yourself.

If you are going to employ someone using your Personal Budget, you will have **legal responsibilities** as an employer. There are also other things that you will need to think about. This section is a guide to some of the things you will need to consider.

There is a list of websites and telephone numbers on page 69 where you can get more information on any of these areas.

Please remember that we have tried to make this as short and easy to understand as possible. You are strongly advised to check your responsibilities in full before deciding to become an employer.

Employee or volunteer?

The first thing to work out is whether the person helping you is an employee or a volunteer. To be classed as an employee, an individual has to show that they have a contract.

A contract can be lots of things like: a written document or a verbal agreement, it can also be created when an individual agrees to carry out a task in return for something. For example, if you agree to feed your neighbour's cat whilst they go away on holiday in return for £10, a contract of employment has been set up. The same applies if you agree to feed the cat, but instead of paying you they agree to bring you back some duty-free perfume – a contract has still been created. Even if the volunteer knows there is a reward at Christmas or birthday, this could still be classed as a contract. However, you can give unexpected, one off, "thank you" gifts.

You can pay a volunteer reasonable out of pocket expenses, but they must provide you with a receipt. Some examples are: travelling expenses to/from your home, meals and travel whilst volunteering, postage, phone calls and stationery costs, costs of protective clothing and equipment and child care costs whilst volunteering. You can also provide the volunteer with training, but it must be relevant to the volunteer work they do for you.

For more information, please contact:

Volunteering England Information Service

e-mail: Information@volunteeringengland.org

Tel: 0800 028 3304 (10.30am – 12.30pm and 2 – 4pm Monday to Friday)

Web: www.volunteering.org.uk

By post: Volunteering England
Regent's Wharf
8 All Saints Street
London
N1 9RL

To see examples of how this works, In Control have produced a book called "**Top Tips on supporting people to plan**". You can find this information at:

http://www.in-control.org.uk/downloads/0086_top_tips_SUPPORT.pdf (page 81).

Employment choices

Employees can either be employed directly by you, employed through an agency or self employed.

Employed directly by you

The major advantage of employing someone directly is that they usually work solely for you. This is good because it helps to build a strong relationship. You will be able to discuss any issues or problems that arise directly with the employee resulting in feeling more in control of how things work. You are also entitled to a notice period from the person when they want to finish working with you – this helps you to plan ahead and ensure you have ongoing support. You will be responsible for paying your employee's tax and national insurance – there is more information about this on page 67 (*Employer's responsibilities: tax, pay and pensions*) and page 68 (*Other employment considerations: paying your employee*).

Employed through an agency

Employing someone through an agency has the advantage of ensuring that cover is provided during an employee's holiday or sickness periods. The agency will also be responsible for payroll, sickness pay and holiday pay. They will also be responsible for disciplinary and supervisory issues – and, with the right relationship with the agency, you should be able to have input into this process. One of the disadvantages is that you could be provided with different staff – although this is something you could discuss with the agency. Another disadvantage is that the agency will make a charge for their services – what you pay per hour is not what the employee will receive.

Self Employed

Someone who is self employed works for themselves which means they sort out their own tax and National Insurance (NI), issuing you with an invoice at the end of every pay period. Although there are some advantages of contracting someone who is self employed – eg: no payroll to sort out and no holiday or sickness payments – there are also disadvantages. For example, they may work for other people not just you, if they can't come to work they may send someone in their place and they don't need to provide holiday/sickness absence cover unless it is specified in the contract.

If someone says they are self employed, you need to ask to see evidence of this from the Tax Office otherwise you could be liable for their payments.

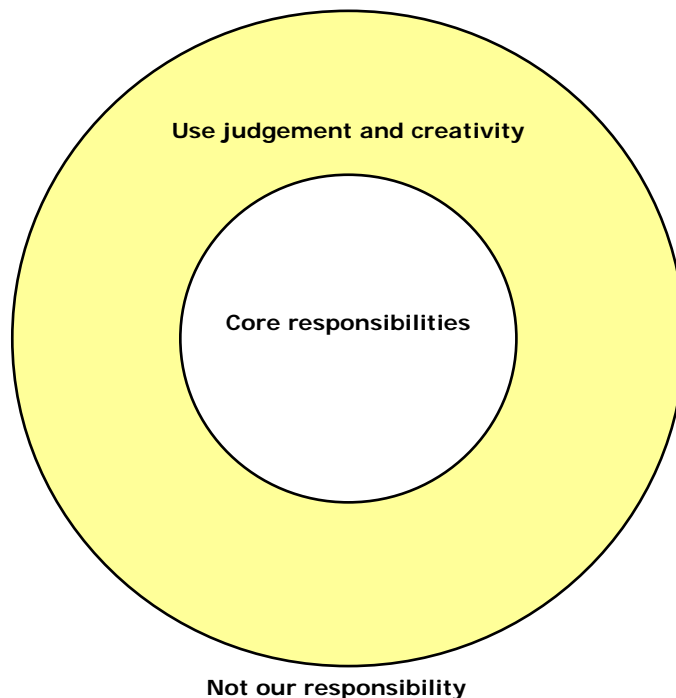
HM Revenue and Customs produce a straight forward leaflet (IR56) which helps you to find out if someone is employed or self employed. You can get this from your local Tax Office or from their website: www.hmrc.gov.uk.

Job roles and descriptions

To help you employ the right person for your needs, it will help to prepare a job description and person specification. The job description will outline what jobs and tasks you want your employee to do, as well as their working days and hours. There are examples of job descriptions for a Personal Assistant on pages 54 and 55.

You will need to think carefully about all the things you need help with and other things you might want to do that your employee will need to help you with – there is a list on page 56 to get you started. A tool that may help you with this is The Doughnut, shown on page 53.

The Doughnut: helps to clarify roles and responsibilities for those who provide support:



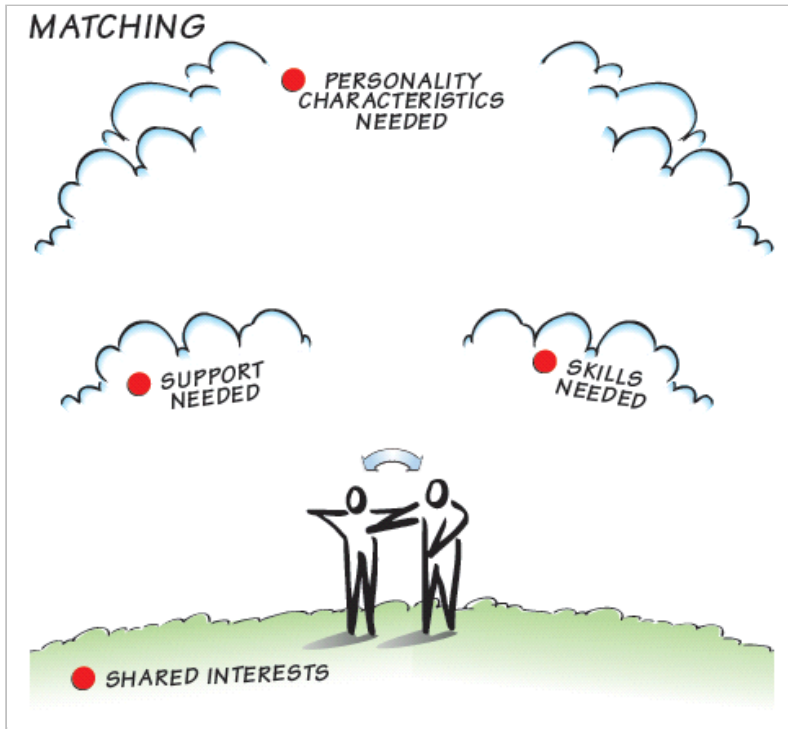
Helen Sanderson Associates

The person specification will list the qualifications, skills and attributes you want someone you employ to have. To help you to draw up the person specification, there is a Personal Assistant Skills Checklist attached on page 57.

Matching Staff: looks at both what skills/supports and what personality characteristics make for good matches. If you decide to use this tool, you can choose to use the table or the graphic.

Support wanted and needed	Skills needed	Personality characteristics needed	Shared interests

Helen Sanderson Associates



Helen Sanderson Associates

Example job description

Job Description – Personal Assistant

The Personal Assistant will provide supervision/assistance/emotional support or encouragement with a variety of tasks enabling me (the employer) to continue with an active life at home and in the community. This may involve some or all of the following, but not to the exclusion of tasks and assistance that may develop over the period of employment:

- Personal care and general activities of daily living, eg getting up and going to bed, communication
- Planning and preparation of meals and other refreshments
- Shopping
- Household tasks as required in the home: general cleaning, ironing, washing, cleaning windows, etc, in order to maintain a safe, secure and comfortable living environment
- Household and financial management
- General mobility in and out of the home and accessing goods, facilities and services enjoyed by people without disabilities, eg educational and leisure activities

Flexibility in approach to tasks and timing are vital. Any change or variation of this job description will be decided by joint discussion between the employee and me (the employer).

Job Description for live-in Personal Assistant

It is the job of the Personal Assistant to provide supervision/physical assistance/emotional support or encouragement to enable me (the employer) to lead an individual and independent lifestyle in my own home and within the community and to access facilities and opportunities that enable my full participation in the community.

The Personal Assistant should understand their role in facilitating my self-defined needs. They should feel confident to ask what these needs are, always listen to my requests and interpret them correctly.

Personal Assistants should have common sense and be able to show initiative; be able to handle the physical skills of lifting, handling, pushing and bending; have good communication skills and be able to provide emotional support. The Personal Assistant does not have to be a strong person physically to do the job well. However, general good health is important.

Personal requirements for supervision/physical assistance/emotional support or encouragement:

- Personal care and general activities of daily living, eg getting up and going to bed, communication
- Washing and bathing/showering, grooming, attention to hair, nails, skin, eyes, etc
- Contenance management, assisting in maintaining bowel and bladder routine
- Dressing and undressing
- Planning and preparation of meals and other refreshments, serving, feeding and clearing away
- Shopping
- Household tasks as required in the home: general cleaning, ironing, washing, cleaning windows, etc, in order to maintain a safe, secure and comfortable living environment
- Household and financial management, including maintenance
- General mobility in and out of the home and accessing goods, facilities and services enjoyed by people without disabilities, eg educational and leisure activities
- "Sleeping in" cover

Example Personal Assistant support checklist

Adapted from NCIL (National Centre for Independent Living) Personal Assistant Support Checklist

This list is to help you to decide what you might need a Personal Assistant to do for you, how you want it done and to help you decide how much time you might need for each task. It is a tool that you can use to help you to manage your Personal Assistant and help both you and him/her to be clear about what is expected.

Personal care

Getting up - How long does it take?

Going to bed - What is involved?

Night assistance - When and how long?

Washing - Special requirements?

Dressing - How much assistance is needed?

Bladder/bowel care - Use of equipment/What time of day?

Hair, nail care - Any specific needs?

Exercise routine - Type and frequency?

Eating - How much assistance needed?

Domestic needs

House cleaning - How often?

Shopping - Time involved?

Laundry - Time involved?

Meal preparation - What is included?

Maintenance of equipment - Planning and decision making?

Other household tasks

Other needs

Child care - Tasks involved

Employment - Routine?

Study - Number of days per week?

Visiting friends/relatives - How much assistance needed?

Meetings - How much assistance needed?

Entertainment - How much assistance needed?

Correspondence - How much assistance needed?

Paperwork/paying bills - How much assistance needed?

Other considerations

Do they own a car and have a clean driving licence?

Do they understand my communication needs?

Do they share my interests (eg, hobbies, leisure, etc)?

Example Personal Assistant skills checklist

Adapted from NCIL (National Centre for Independent Living) Personal Assistant Skills Checklist

Name:

Please tick where you have experience of providing assistance to people who are disabled or older.

Independent Living

- Maintaining control
- Promoting choice
- Living life fully in the community

General

- With shopping
- With housework
- With moving and transferring people
- With food preparation and cooking
- To eat
- With physiotherapy exercises
- With medication
- With finances
- With correspondence
- With gardening
- With maintaining a house
- With staying healthy
- With behaviour
- With communication

Contenance

- With a catheter
- With colostomy bag

Other

-
-

Personal Care

- Getting in and out of bed
- Dressing and undressing
- Washing
- Bathing/showering
- Shaving
- With hair, skin, nails, feet, eyes
- To use the toilet
- To use a commode
- To use a bottle

Equipment

- With wheelchairs
- With a hoist

Living Life

- With keeping appointments
- With seeing friends
- With work experience/job travel
- With going to keep fit classes
- With socialising
- With swimming
- With work
- With learning
- With transport

-
-

Other equipment such as.....

I speak/use the following languages.....

Please list any others skills not already mentioned:

.....
.....

Please tell me about any other experience you have had that you think might be important:

.....
.....

Signed:

Date:

Recruiting staff

Job advertisements

To recruit staff you will need to advertise the job. The advertisement should be brief, stating the type of work, where, working hours, rate of pay, how to apply and closing date for applications. If you are advertising for a Personal Assistant, due to the personal nature of the care, it is legally acceptable to give a gender preference in your advertisement. You will also need to include some way for candidates to contact you – first and foremost you need to consider your safety so it is suggested that you only include your telephone number or an e-mail address if you have one.

There are many different places you place an advertisement, although most people use local newspapers and journals. Your local JobCentre Plus will place advertisements free of charge, or you could advertise in your local college, supermarket, shop or the places you enjoy going to.

There are examples of job advertisements on page 59.

Application form

When people who have seen your advertisement ring, you can send them an application form. A copy of the job description should be sent with the application form, together with the person specification or skills checklist. The application form is used to gather all the relevant information that you are looking for.

When the closing date for application arrives, you should look through all the application forms you have received and check them against the job description and person specification or skills checklist. This will help you to make a decision about which applicants would be best to interview.

There is an example of an application form for a Personal Assistant on page 60.

References

References are an important part of the recruitment process. They allow you to ask other people about the suitability of the applicant for the job you want them to do. Referee details are usually asked for on the application form. A referee is the person who gives a reference. Usually, one of the referees is the applicant's current or most recent employer. References will help you to decide if you want to employ an applicant or not.

Interviews

To help you choose the right person for the job, you will need to hold interviews. It is best to set aside one day to hold the interviews on. You might want to have a friend or relative at the interviews with you: this will ensure your safety, offer you moral support and they may also be able to help with questions. They can also give you a second opinion. You will need to decide where to hold the interviews.

You will need to prepare a list of questions to ask the candidates. It is important, in order to make the interview process fair, that each candidate gets asked the same set of questions. It is a good idea to keep a note of their answers so that you can remember what they have said and compare answers.

You can ask candidates about the skills they have, what their experience is and why they are interested in the job. You can talk about interests and hobbies – this will help you find out if they are suitable to work with you.

You can also use the interview to tell them about your expectations, working hours, salary, leave entitlement, etc. You may also want to use this opportunity to check that they are legally entitled to work in the UK.

The interview is important as it helps you to get as much information about the candidate as possible helping you to make the best decision. An interview does not mean that you will need to offer the job straight away. Take time to think, don't make your decision in a hurry. It may be that you don't want any of the people you have interviewed working for you – that's ok, you can always re-advertise.

The successful candidate

Once you have chosen someone you want to employ (a successful candidate) you will need to contact them and inform them of this. You will probably have to negotiate terms of service with the successful candidate. Once these have been agreed, you will need to arrange a start date – they may not be able to start straight away. You will need to write to the successful candidate outlining what you have agreed.

Probation period

It is always a good idea when you start employing someone to initially employ them on a trial or a probationary period. This can be any length of time you wish, but is usually a couple of months. This time is used to ensure that your employee is suitable and works well with you. It also gives them time to see if they like working for you.

It is good practice to tell people at interview about any probation period and how long it will last for. This information will also need to be included in the contract. At the end of the probation period, if you and your employee are happy, the contract can then be made permanent.

However, if there are problems during this time, you should discuss issues and concerns with your employee. If things aren't working out as you had anticipated, you can extend the probation period, but you must put your reasons and the additional time in writing to your employee. It is easier to end the contract during the probation period than once the contract has been made permanent.

Example job advertisements

Part-time Personal Care Assistant needed for man with disabilities, 8 – 10am and 4 – 6pm weekdays. Assistance with personal care (showering, hair washing, dressing) and domestic duties (vacuuming, ironing, meal preparation, food shopping). £6.50 per hour. Freshwater area. Call Closing date is

Hi, I'm Lizzie, I'm 24 and have a learning disability. I'm looking for support staff who can help me. The things I like to do are:

- Go on really fast rides and on lots of different sorts of transport
- Go clothes shopping
- Go clubbing and singing karaoke
- Go to adult education lessons in beauty

I like to be busy and I don't like to be stuck inside. Do you like doing any of these? If you do and would like to help me, please phone me on Hourly rate is between £6 – £9 per hour.

Female Personal Care Assistant needed for woman with disabilities. Weekends and occasional weekdays. Driver, non smoker preferred. Pay £7.00 per hour. To start as soon as possible. Please contact ... for further details.

Hello, my name's Hilda. I'm an ex-hospital matron, a job I did for 40 years. I loved it and took real pride in my work. Now I'm at a stage in life where I need some help and support. I'm looking for personal assistants who can help me with my daily personal care and domestic tasks. I'm very independent and strong minded – my body just hasn't kept up!!

If you'd be interested in helping support me please call me on for more information or for an informal chat.

Newport area. Pay £7.00 per hour.

Example application form

Thank you to NCIL (National Centre for Independent Living) for allowing the use of this information

Within the nature of the work for which you are applying this position is exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974, by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. Applicants are therefore not entitled to withhold information about convictions which for other purposes are 'spent' under the provisions of this Act. In the event of employment, any failure to disclose such convictions could result in dismissal. Information given is confidential and will only be considered for the purposes of this application.

Job Application Form

Please fill in this form and send back to the address at the end of this form.

1. Name: _____

2. Address: _____

3. Telephone number: _____

4. Education and Training

Do you have any training or education that would help you be a Personal Assistant (PA)? If you do, please tell me where you got this training and what it was about.

5. Your Work Experience

Tell me about the work that you have done:

6. Speaking Up

What does speaking up for yourself mean to you?

7. How has speaking up made your life better?

8. What do you think are the important things people with a disability/mental health problems/physical disability/sensory impairment/who are older* want to do with their lives?

** delete as appropriate*

9. Why do you think it is difficult for people with a disability/mental health problem/physical disability/sensory impairment/who are older* to speak up for themselves?

** delete as appropriate*

10. Why do you think you would be a good personal assistant?

11. References

I need to talk with 2 people who know you and how you work. I need to have 2 good reports from these people about you and your work before I can offer you the job.

Please give me the name, address and telephone number of the 2 people I can contact to ask some questions about you.

One of these should be a boss, past boss, teacher or trainer who knows you.

Reference 1

Their name_____

Their Address_____

Their Telephone Number_____

How do you know this person?_____

If you get an interview, may we contact this person before your interview?

Yes / No

Reference 2

Their name_____

Their Address_____

Their Telephone Number_____

How do you know this person?_____

If you get an interview, may we contact this person before your interview?

Yes / No

Everything I have written on this form is correct as far as I know. I understand that if any information about me is found not to be true, I could lose my job without any notice.

I know I will have to have a CRB check done.

Please sign if this is true.

Name _____

Date _____

When you have finished this form, please send it to:

.....
.....
.....
.....

Employment contracts

The contract of employment will record the terms of service agreed between you and your employee. It will need to include hours of work, any flexible working agreements, sick leave procedures and entitlement, annual leave procedures and entitlement, disciplinary procedures and salary details. If you choose to use a probation period, you must include details of this in the contract.

An example of a contract is attached on page 64. You can also go to Business Link's website where you can develop a contract on-line – www.businesslink.gov.uk.

You must issue your employee with a contract of employment within 2 months of them starting to work for you.

Example employment contract

Name of employer:

Name of employee:

1. Commencement of employment

Your employment began on:

2. Job title

You are employed as a:

3. Job description

.....
.....
.....

4. Job location

.....

5. Pay

Your rate of pay is:

You are paid at intervals of:

Other pay information:

6. Hours of work

Your hours of work are:

7. Holidays

Your holiday entitlement is:

Your holiday pay is:

Your holiday year begins on:

You are entitled to the following public holidays:

8. Sickness absence

Your sick pay entitlement is:

Your rate of payment is:

For sickness lasting xx days or longer, you must get a medical certificate. For sickness periods less than this you will be required to complete a self-certification form.

9. Absence from work

If for any reason you cannot come to work, you should telephone as soon as possible on the first day of your absence by (time) and speak to (name).

10. Pension scheme

I do/do not* operate a pension scheme. The details of the pension scheme are as follows:

* delete as necessary

.....
.....

11. Ending the employment

Your contract is for an indefinite period but subject to notice.

After one month you must give one week’s notice to terminate your employment.

After one month you are entitled to one week’s notice for the first two years in your job and after that you get an extra week for each year up to a maximum of 12 weeks after 12 years.

For example:

Length of service	Notice
More than one month but less than 2 years	1 week
More than 2 years but less than 3 years	2 weeks
More than 3 years but less than 4 years (and so on with an extra week for each year until)	3 weeks
More than 12 years	12 weeks

OR your employment contract is for a fixed term and expires on:

OR your employment is temporary and is expected to continue for:

12. Disciplinary rules

[include disciplinary rules here]

13. Disciplinary procedure

[include disciplinary procedure here]

14. Grievances

If you have a grievance concerning your employment, please contact

15. Grievance procedure

[include grievance procedure here]

16. I acknowledge receipt of my particulars of employment:

Signed:

Date:

CRB (Criminal Records Bureau) checks

CRB checks used to be called Police Checks. This is the new name for them. These are checks carried out on individuals for any listed previous convictions for a criminal offence.

As an individual employer you are not obliged to make a CRB check on your employee. However, we would **strongly** recommend that you do as this will help you to make the best choice when employing someone. You will need to contact a registered local organisation (referred to as an umbrella organisation) which can make the request on your behalf.

There are two levels of CRB check – Standard and Enhanced. For those employees who are likely to have ongoing and regular contact or will be in sole charge of a vulnerable adult, an Enhanced check should be obtained.

On the Isle of Wight, the Direct Payments Support Scheme based in the Riverside Centre can do this. They can be contacted on: 01983 522823 or directpayments@riversidecentre.org.uk

CRB checks for volunteers are free, although an umbrella organisation may make an administration charge.

As information is passed through a third party you may not see the actual documents from the Bureau, but you will get a report on the general nature of the information that the Bureau has provided.

For information on CRB checks go to: www.crb.gov.uk

Health and safety

It is your responsibility as an employer to make sure that your employees work safely and have a safe place to work. It is your employee's responsibility not to do anything that might cause you, themselves or others injury or harm. It is important that health and safety is the responsibility of both the employer and their staff.

You must always take practical and reasonable steps to reduce risk in any activity where a hazard has been identified. Where you think there might be a hazard, you will need to carry out a risk assessment. This is where you look at the risk and decide the safest way to deal with it. For example, is specialist equipment needed (eg, hoist), does your employee need training (eg, food hygiene if preparing food or manual handling if they are lifting you)? The Health and Safety Executive has a publication which can help with this called "Five steps to risk assessment" which can be found at: www.hse.gov.uk/pubns/indg163.pdf.

You will also need to think about the Health and Safety implications of your employee providing personal care. You will need to think about hygiene and things like providing your employee with gloves, etc.

You should also have an emergency checklist which should include things like where the first aid kit is, where the nearest telephone is, who to contact, etc. You may need to consider whether your employee needs first aid training.

If you have 5 or more employees (whether part-time or full-time), you must have a written Health and Safety Policy. The Health and Safety Executive have a leaflet which can help with this, it can be found at: www.hse.gov.uk/pubns/indg259.pdf.

Insurance

As an employer you have a legal duty to insure against accidents or injury to your staff or accidents or injury caused by them while they are at work for you. Here is a list of insurance that you will need to consider.

Employers' Liability Compulsory Insurance

By law, if you employ anyone you must have Employers' Liability Compulsory Insurance. It will insure you against liability for injury or illness to your employee arising out of their employment. It will enable you to meet the cost of any compensation claim for your employee's injury or illness whether caused on or off site. When you take out your policy, your insurance company will send you a certificate of Employers' Liability Insurance, a copy of which must be displayed where your employees can easily read it (with support if necessary). You must keep copies of certificates of insurance which have expired for at least 40 years.

Public Liability Insurance

You should also have Public Liability Insurance; whilst this is not a legal requirement it is recommended. This will insure you against any injury or damage caused to someone or their property by you or your employee while they are working for you.

Household insurance

Whilst this is not compulsory, it is recommended. You should invest in good comprehensive buildings and contents insurance to cover your property and its contents against any damage that may be caused by your employee. It is essential that you advise your insurance company if people will be working with you in your home as this may affect any claims.

Motability vehicle

If you have a motability vehicle and you want your employee to drive it, you will need to consider insurance. You will also need to check their driving licence to ensure they have one, that they are legally able to drive and whether they have any endorsements.

There are many insurance companies that specialise in providing insurance for people who have disabilities. One that is commonly used is Fish Insurance, their website address is: www.fishinsurance.co.uk or freephone 0500 432141.

Training

You might need to consider whether your employee needs training. This could be things like: safeguarding awareness, food hygiene, manual handling, first aid or health and safety. You will need to think about who provides the training as well as who pays for it. And, of course, if the training happens during your employee's working hours, how you will get the support that they would normally provide.

Skills for Care produce a helpful guide which gives information and ideas about training Personal Assistants. This can be found on their website at: www.skillsforcare.org.uk or telephoning 0113 245 1716.

Employer's responsibilities

Once you have made the decision to employ someone (rather than contract someone who is self employed or through an agency), there are rules you have to follow under employment law. Below is the list of things you must adhere to.

If you employ 5 or more people there are some additional rules that you will need to adhere to. These can be found on Business Link's Employing People Checklist.

Recruitment

You must:

- recruit people in a fair and non-discriminatory way
- check that the person you want to employ is eligible to work in the UK
- ensure that you adhere to the legal working age
- give your employee a written contract within 2 months of them starting to work for you

Pay, tax and pensions

You must:

- deduct tax and NI from your employee's wages and pay them to HM Revenue and Customs
- adhere to the National Minimum Wage regulations
- give your employee an itemised pay slip
- not make any unauthorised deductions from your employee's wages
- pay Statutory Sick Pay

Working hours and time off

You must:

- give your employee paid leave each year
- not ask your employee to work more than 48 hours a week unless they have given their voluntary written consent
- give your employee 11 consecutive hours' rest in any 24-hour period
- give your employee an in-work rest break of 20 minutes if the working day is longer than 6 hours
- give your employee 1 day off each week
- limit the working hours for employees providing overnight care to any 7 hours in any 24-hour period
- give your employee time off work in special circumstances (other than annual leave) – things like dealing with an emergency involving a dependant

Maternity, paternity and adoption rights

You must:

- ensure that leave and pay are given for maternity, paternity and adoption leave

Contractual changes

You must:

- ensure that changes to your employee's contract of employment are made in agreement with them

Equal treatment

You must:

- treat all employees equally, whether they are full time or part time
- ensure that work of equal value gets paid at equal rates
- not treat people differently because of race, nationality, ethnic group, sex, disability, age, sexual orientation, religion or marital status

Health, safety and working environment

You must:

- provide your employee with a secure, safe and healthy working environment
- have employer liability insurance

Grievances, discipline and dismissal

You must:

- ensure that disciplinary and grievance procedures comply with the minimum statutory requirements and be included as part of your employee's contract
- ensure that dismissals are not unlawful or unfair
- ensure that you give any employee you are dismissing the correct notice period
- give your employee the correct level of redundancy pay if you are making them redundant

For detailed information or help with any of these areas, here are some useful web links:

Employing people checklist: www.businesslink.gov.uk/employerchecklist
Directgov www.direct.gov.uk/employees
Holiday entitlement calculator: www.businesslink.gov.uk/annualleave
Redundancy calculator: www.businesslink.gov.uk/redundancycalculator

There is also a list of other places to get further information on page 69.

Other employment considerations

There are other things as an employer that you might want to think about. Some of these are listed below:

Paying your employee

As an employer, you will be responsible for paying your employee. You can either do this yourself or use a payroll agency. If you use an agency they will deal with all your payroll issues, including working out how much tax and NI should be paid and pay it to Revenue and Customs, as well as providing your employee with their payslip. If you decide to deal with your employee's salary yourself, this will be based on a simple PAYE (Pay As You Earn) scheme. You can contact your local tax office which will provide you with the relevant training.

Revenue and Customs require you to keep PAYE records for 6 years after the tax year ends.

Supervision

Holding supervision sessions between you and your employee is good practice. It helps to maintain a good working relationship, it allows your employee to talk with you about things that may not be working and gives you the opportunity to give constructive feedback to your employee. It is important to remember to say what is good about the way they work as well as identifying areas where you would like them to do things differently. Supervision sessions should take place regularly. It is a good idea to keep a record of the supervision session.

Disciplinary procedures

It is worthwhile making a list of actions or behaviours that you consider so serious that it could result in your employee's dismissal if such gross misconduct occurs. By sharing this with your employee it will help them to know exactly where they stand and make it easier for you if your employee does do something seriously wrong.

Keeping records

It is good practice for employers to keep records on each employee on:

- Holiday entitlement
- Sick leave taken
- All correspondence between both of you
- A note of any problems discussed during supervision and actions agreed
- Any concerns about the care being provided
- Any disciplinary action taken

Rota

To make things easier for both you and your employee, it might be worthwhile drawing up a rota of the days/hours worked and the tasks that you want completed.

















What can your employee do and not do whilst on duty?















You will need to decide what your employee can and can't do whilst on duty. For example, are you happy for them to drink alcohol if they are supporting you in a social setting; should they be part of your social group when you're out or only get involved when support is needed.

Help!

We know this sounds daunting, but there are organisations that can offer advice and support on this complex area. Locally there is the Direct Payments Support Service that can be contacted on 01983 522823 or by email at directpayments@riversidecentre.org.uk.

Further information

ACAS (Advisory, Conciliation and Arbitration Service)	 08457 47 47 47  www.acas.org.uk
Business Link	 0845 600 9 006  www.businesslink.gov.uk/employment
Citizens Advice Bureau	 0845 120 2959  www.citizensadvice.org.uk
Commission for Race Equality (CRE)	See Equality and Human Rights Commission
Community Legal Services Direct (CLS Direct)	 0845 345 4 345  www.clsdirect.org.uk/index.jsp
Criminal Records Bureau (CRB)	 0870 90 90 822  www.crb.gov.uk
Department for Work and Pensions (DWP)	 www.dwp.gov.uk
Direct Payments Support Scheme	 01983 522823  directpayments@riversidecentre.org.uk
Directgov	 www.direct.gov.uk/employees
Disability Rights Commission (DRC)	See Equality and Human Rights Commission
Equal Opportunities Commission (EOC)	See Equality and Human Rights Commission
Equality and Human Rights Commission	 0845 604 6610  www.equalityhumanrights.com

Fish Insurance	 0500 432141 (freephone)  www.fishinsurance.co.uk
HM Revenue and Customs	 08457 143 143 (employer helpline)  www.hmrc.gov.uk
Health and Safety Executive (HSE)	 0845 345 0055  www.hse.gov.uk
Health and Safety Executive (HSE) "Five steps to risk assessment"	 0845 345 0055  www.hse.gov.uk/pubns/indg163.pdf
Health and Safety Executive (HSE) Health and Safety Policy	 0845 345 0055  www.hse.gov.uk/pubns/indg259.pdf
Helen Sanderson Associates (support planning tools)	 0161 442 8271  www.helensandersonassociates.co.uk
In Control	 0121 708 3031  www.in-control.org.uk
Jobcentre Plus	 01983 273000  www.jobcentreplus.gov.uk
National Minimum Wage Helpline	 0845 6000 678
NCIL (National Centre for Independent Living)	 020 7587 1663  www.ncil.org.uk
Skills for Care	 0113 245 1716  www.skillsforcare.org.uk
Tribunals Service	 0845 795 9775  www.employmenttribunals.gov.uk

Section 8

Living life/ Review and Learn

Section 8: Living life/Review and learn

Financial and outcome monitoring

When the Council assesses people and gives them a care package they have a statutory obligation to monitor finances and the quality of the service that is provided. This is because the Council has a 'duty of care' to ensure that anyone who is eligible is receiving a good quality, safe service that is able to meet the individual's needs and is not (based upon the information provided) putting that person at risk. Similarly, the Council has a responsibility to ensure that the money spent on purchasing the service is being used responsibly and appropriately.

This responsibility is the same in self directed support. Although you can choose the way you meet your outcomes and how you spend your budget the Council still needs to monitor these with you.

6 week review

As with the start of any new care package, 6 weeks from the start date of the package your Care Manager will arrange to come out and review how things are going. This is to check that the package of care and support that has been set up is appropriate and able to meet your needs.

This is the same when you are directing your own support through either a Direct Payment or a Personal Budget. Your Care Manager will visit you and check that you have been able to start receiving your money (if you are managing your finances) and receiving your support. This could include checking that you:

- Are happy with how things are going.
- Have either recruited or are on your way to employing any Personal Assistants.
- Are satisfied with the level of support you are receiving and that it is able to meet your eligible needs.
- Know how to make any changes in order to help things work more effectively.

This will be your chance to talk through any concerns you have and receive support or advice to make changes. This will be the last time your Care Manager will be in touch with you for a while so it is recommended that you make notes and get prepared so that you are able to get the most out of this meeting. You will be given a copy of your review for your records.

6 month outcomes review

When you have been directing your own support for 6 months, a reviewing officer will arrange to meet you to check that things are going well. This is called an 'Outcomes Review' as it will focus on the outcomes set out in your support plan at the beginning of the year.

The reviewing officer will look at things like:

- Have you begun achieving the outcomes as set out and agreed as part of your original support plan?
- If not, why not? If yes, what's next? (This could be maintaining those good outcomes or looking at other areas that you would like to focus on).

- If you have not been able to start achieving the outcomes set out in the original plan this could be because:
 - The original goals were unrealistic.
 - Your needs or the situation have changed.
 - You require further support to achieve the outcomes identified.
 - The money in your budget is not being used in the most appropriate areas.

Your reviewing officer will be able to advise some ways that you may like to re-work your plan to help you get focused. You will be given a copy of your review for your records.

Financial monitoring

The Council needs to ensure that your Personal Budget is being used for its intended purpose. One way this can be measured and evidenced is by the submission of the front page of your monthly bank statements. We can see from your monthly bank statements that you are managing your money appropriately; for example, you are not overdrawn or have a surplus in your account, as this could indicate difficulties and could prompt a visit by a Finance Officer.

It is recommended that you record your purchases by keeping a log and receipts for these. After you have followed these guidelines for the first 6 months of receiving your Personal Budget it can be decided whether you need a different level of support – more or less. This may include changing the records you are required to submit in the future.

If you experience ongoing difficulties we may need to look with you at other ways of managing the Personal Budget.

The Council is committed to giving people the opportunity to direct their own support by using a Personal Budget. However, we need to work together to ensure that people are being supported appropriately. If you require any further information or advice please contact your Care Manager.

Improving your plan

There are many tools developed by Helen Sanderson Associates which can be used to develop and refine your support plan. We have mentioned some of these already. The ones on the following pages can be used in addition to the previous tools to review how things are going.

Among them are:

- 4+1 Questions
- Learning log
- Working/not working

4 + 1 Questions

This helps you focus on what you are learning from your efforts based on what has been tried, learned, what you are pleased about and concerned about. And, given that learning, a way to focus future efforts.

- 1) What have we tried?
- 2) What have we learned?
- 3) What are we pleased about?
- 4) What are we concerned about?

Given what we know now, what next?

Learning log

This reviews situations/events and allows you to analyse how things went.

Date and time	What did you do? (what, where, when, how long?)	Who was there? (names of staff, friends and others)	What did you learn about what worked well? What did you like about the activity? What needs to stay the same?	What did you learn about what didn't work? What didn't you like about the activity? What needs to be different?

Helen Sanderson Associates

Working/not working

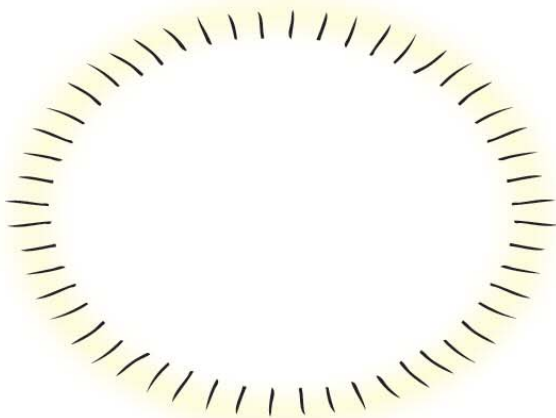
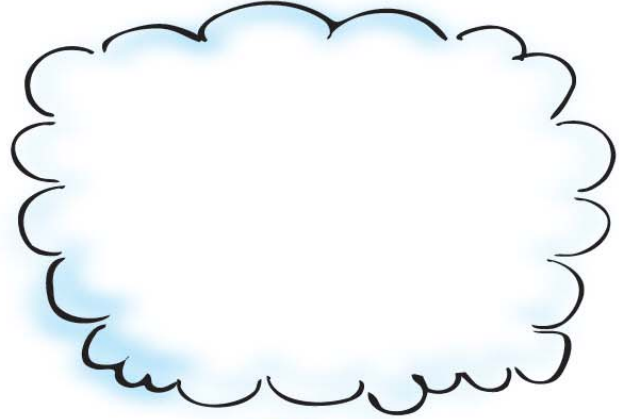
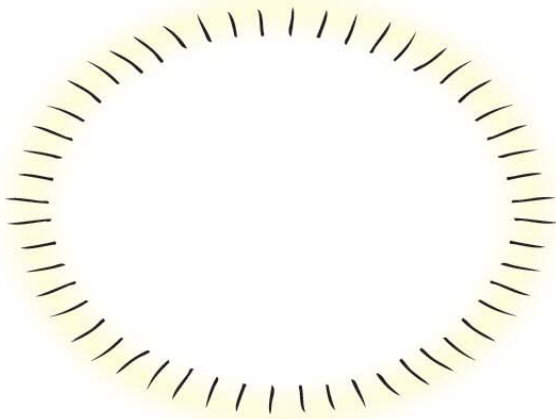
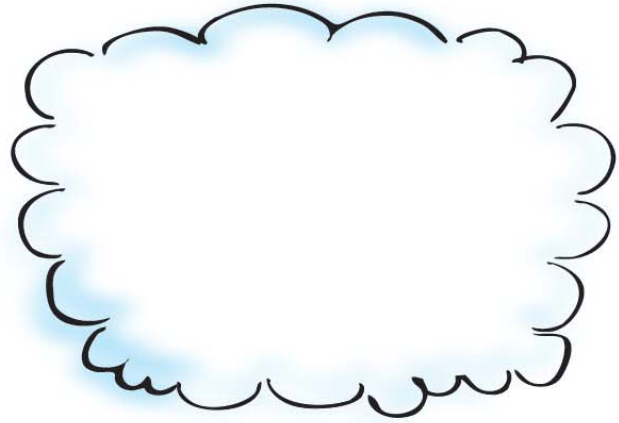
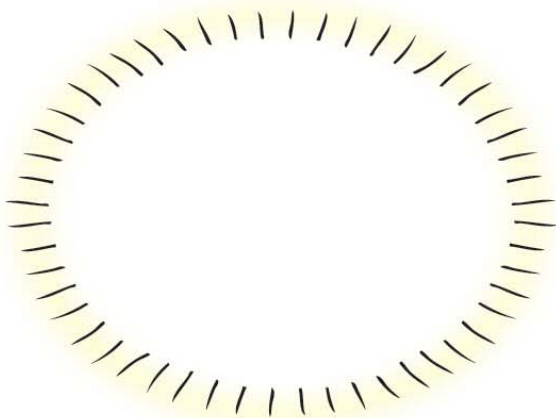
This helps to analyse an issue/situation across different perspectives/from different people's views and provides a picture of how things are right now. You can either use the table or the graphic.

	What's working	What's not working
Perspective 1 Name:		
Perspective 2 Name:		
Perspective 3 Name:		
Perspective 4 Name:		

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WORKING

NOT WORKING



Helen Sanderson Associates/TLCELP
Created by The Grove Consultants International

Helen Sanderson Associates

Section 9

Personal Budgets: examples

Section 9: Personal Budgets: examples

Below are examples of people who have had a Personal Budget. The examples show how they spent their money and how it has changed their lives. *Their names have been changed.*

These and other stories can be found on the In Control website at:

www.in-control.org.uk/stories/index.php

Example 1 – “Tony”

Tony has a mental illness.

By planning for a Personal Budget Tony was able to spend some time thinking about his needs and what he would do with the allocation. Tony eventually wanted to be well enough to come off benefits and go into employment and felt that having a Personal Budget could help him with this.

Tony enjoys painting and find it helps him to relax. He has used some of the money in his Personal Budget to buy paints which helps him feel less stressed and more positive.

Tony was thinking about respite, he had been advised to ‘have a break’ and had been looking into local council provided respite options. Using his Personal Budget, he was able to go to buy a cheap flight to Greece and instead had his ‘respite’ in the form of a holiday with a friend.

Tony has also chosen to spend his budget on driving lessons, which he hopes in the future will make him more attractive to potential employers.

Example 2 – “Sarah”

Sarah is in her 80s and in need of support because of her deteriorating health.

Before preparing her support plan, Sarah was using day support as the only way of having something to do or a way of going out. She asked her friends and family to form a circle of support, to help her with her plan. By making a support plan, Sarah was able to try things that she had not done for a long time.

Sarah joined a craft club near to where she lived. She also decided that, if she was ever unwell, she would receive communion from the minister at her local church, with the support of a friend. Sarah also used her plan to say what support she would like if she fell ill or if she became seriously unwell.

Sarah is good friends with her neighbour, who helped her with her support plan. By using her Personal Budget, Sarah’s neighbour was able to give up her job and become Sarah’s PA.

Example 3 – “Greg”

Greg has Downs Syndrome.

Greg’s family had supported him to be as independent as possible, for example, helping him to get a job.

Greg's parents go away every weekend to their caravan, but this wasn't something that Greg wanted to continue to do. By using a Personal Budget, he decided to employ someone to support him when his parents were away. This was part of Greg's plan to become more independent.


















The first step to getting his Personal Budget was to prepare a support plan. He did this using pictures and line drawings so that he could understand it.

















Greg made a file which showed what he liked to do, what was important to him and how carers could support him. He used this information when he interviewed people. By having personal assistants, Greg is able to do more within his local community and do so independently.

Section 10

















**Where to get
further
information**

Section 10: Where to get further information

ACAS (Advisory, Conciliation and Arbitration Service)	 08457 47 47 47  www.acas.org.uk
Age Concern	 01983 525282  www.aciw.org.uk
Attendance Allowance	 0800 882200  www.direct.gov.uk
Business Link	 0845 600 9 006  www.businesslink.gov.uk/employment
Business Link Employing People Checklist	 www.businesslink.gov.uk/employerchecklist
Business Link Holiday Entitlement Calculator	 www.businesslink.gov.uk/annualleave
Business Link Redundancy Calculator	 www.businesslink.gov.uk/redundancycalculator
Citizens Advice Bureau (CAB)	 0845 120 2959  www.citizensadvice.org.uk
Commission for Race Equality (CRE)	See Equality and Human Rights Commission
Commission for Social Care Inspection (CSCI)	 0845 014 0120  www.csci.org.uk
Community Legal Services Direct (CLS Direct)	 0845 345 4 345  www.clsdirect.org.uk/index.jsp

Criminal Records Bureau (CRB)	 0870 90 90 822  www.crb.gov.uk
Department for Work and Pensions (DWP)	 www.dwp.gov.uk
Department of Health (DoH)	 020 7210 4850  www.dh.gov.uk
Direct Payments Support Scheme	 01983 522823  directpayments@riversidecentre.org.uk
Directgov	 www.direct.gov.uk/employees
Disability Living Allowance (DLA)	 0800 882200  www.direct.gov.uk
Disability Rights Commission (DRC)	See Equality and Human Rights Commission
Duty Team	 01983 823340
Emergency Duty Team (outside office hours)	 01983 821105
Equal Opportunities Commission (EOC)	See Equality and Human Rights Commission
Equality and Human Rights Commission	 0845 604 6610  www.equalityhumanrights.com
Fish Insurance	 0500 432141 (freephone)  www.fishinsurance.co.uk

General Social Care Council	 0845 070 0630  www.gsccl.org.uk
Health and Safety Executive (HSE)	 0845 345 0055  www.hse.gov.uk
Health and Safety Executive (HSE) "Five steps to risk assessment"	 0845 345 0055  www.hse.gov.uk/pubns/indg163.pdf
Health and Safety Executive (HSE) Health and Safety Policy	 0845 345 0055  www.hse.gov.uk/pubns/indg259.pdf
Helen Sanderson Associates (support planning tools)	 0161 442 8271  www.helensandersonassociates.co.uk
HM Revenue and Customs	 08457 143 143 (employer helpline)  www.hmrc.gov.uk
Housing Benefit	 01983 823950  www.iwight.com
In Control	 0121 708 3031  www.in-control.org.uk
Incapacity Benefit	 01983 273000  www.jobcentreplus.gov.uk or www.direct.gov.uk
Income Support	 0845 608 8620  www.direct.gov.uk
Job Seekers Allowance	 01983 273000  www.jobcentreplus.gov.uk or www.direct.gov.uk
Jobcentre Plus	 01983 273000  www.jobcentreplus.gov.uk

Mencap	 01983 529461  www.mencap.org.uk
Mobility Allowance (mobility component of DLA)	 0800 882200  www.direct.gov.uk
National Minimum Wage Helpline	 0845 6000 678
NCIL (National Centre for Independent Living)	 020 7587 1663  www.ncil.org.uk
Person Centred Planning Co-ordinator	 01983 823099 ext 2955
Severe Disability Premium (Income Support)	 0845 608 8620  www.direct.gov.uk
Skills for Care	 0113 245 1716  www.skillsforcare.org.uk
The Law Centre	 01983 524715  www.lawcentres.org.uk
Tribunals Service	 0845 795 9775  www.employmenttribunals.gov.uk
Visiting Finance Officers	<p>Council officers who will do a home visit to look at your finances with you.</p>  01983 520600
Volunteering England	 0800 028 3304  www.volunteering.org.uk

Section 11: Notes

Use this page to make any notes you wish.

Section 12: Feedback about this pack

This information pack was developed in September 2008. We would be grateful for your views on it.

Thank you in advance.

	Yes	No	Comments
1) Was the wording easy to understanding?	<input type="checkbox"/>	<input type="checkbox"/>	
2) Was the layout easy to follow?	<input type="checkbox"/>	<input type="checkbox"/>	
3) What information would you have liked to have been given that wasn't included?			
4) What information was included that you didn't think was useful?			
5) Other comments:			

Please return this completed page to:

**Transitions Project Officer
IW Council, 17 Fairlee Road, Newport, Isle of Wight, PO30 2EA**