

DIRECTING YOUR OWN SUPPORT

A USER'S GUIDE TO SELF-DIRECTED SUPPORT IN SCOTLAND



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DIRECTING YOUR OWN SUPPORT

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SUPPORT IN SCOTLAND

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DIRECTING YOUR OWN SUPPORT

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1. HOW TO USE THIS GUIDE

This guide offers advice to people who are thinking about being in charge of their own social care support, or who are already doing so, but have questions about the process.

A summary of the key points from this guide is given in Chapter 2 'The basics'.

The main detail of the guide is given in Question and Answer format and it describes how self-directed support works, how you can set up your own support package and how to go about buying the support you need.

Some words appear in **bold** with an explanation to try to make things clear. Some recommended publications appear in *italics*. We have tried to make this guide as accurate and helpful as possible, but you should still check the information for yourself. This is particularly important for legal issues. The guide contains information on where you can go for extra help.

Where to find more information

Having read this guide you may still have many questions about self-directed support. You should not feel that you are the only person asking these questions. Local support services and local area coordinators are there to help you, and Annex A gives full contact details. They should be able to put you in touch with people who live near you who are already directing their own support and who can offer you this first hand experience of what it feels like to be in charge.

Local services have their own publications and leaflets on directing your own support. *An easy guide to direct payments in Scotland* is available from the Scottish Consortium for Learning Disability. Full *National guidance on self-directed support* has been published by the Scottish Government. More details are available at Annex B.

2. THE BASICS

What is self-directed support?

1. Self-directed support is when **you** arrange some or all of your (or your child's) support instead of receiving services arranged by your local authority social work or housing department. It is for people who would like more flexibility, choice and control over their care so that they can live at home more independently.
2. If you choose to organise your own community care support package, you are in charge of the arrangements. This should allow you to organise your life the way you wish. You will get a sum of money to spend on the support you need instead of receiving council services. If you want, you can choose to organise some of your own support and also receive some council services.
3. Most people who use social work services can get self-directed support, sometimes called **direct payments**. The term self-directed support is used because it emphasises that you are in control.
4. You might need support :
 - with personal things like having a bath, washing or getting dressed
 - to live in your own house, like help with managing your money, cooking or cleaning the house
 - to get out and about, so you can see friends, join in activities with other people, or go on a short break (respite)
 - to go to work or college.
5. You can buy the support you need from an agency that sells you care services. Or you can employ your own staff, sometimes called a support worker or a **personal assistant (PA)**, instead of

using services. The council will let you know what you can and can't spend the money on. You need to tell them your plans for buying support. Help is available to work out the practical arrangements so that they suit you. Your care manager and local support service can sort out some of the more difficult things with you.

6. You must have a bank account for the money you receive. If you don't have one, you can ask for help to set one up. You will also need to write down how you spend the money. Lots of people get a book-keeper to help with this.

What to do next

7. If you already use social work services, you could speak to the person you usually talk to about your support. If you don't have a social worker or care manager, but want to speak to one, you could phone or write to the social work department. Ask your council how to get in touch with local support services to help you understand self-directed support.
8. You will need to prepare for an assessment. Your social worker or care manager will discuss with you what support you need. Together you will produce a **personal care plan** which sets out your needs and how these will be met.
9. Before your assessment it is a good idea to keep a diary for a week or two to see what help and support you need each day. If you need support on specific occasions throughout the year make sure it's included. Directing your own support can help you to achieve changes in your life. Local support services can help you decide what you want to do. Some councils use **self-assessment** for some types of support, which is where you fill in a form that is used to work out your needs.

10. If social work services agree you need support, they must give you the choice of self-directed support instead of council services. Remember you can have a mix of both; it's up to you.
11. The money you are given is sometimes called an **individual budget** or direct payment. This goes into a separate bank account to make things easier for you. The money may come from your local authority to meet your personal needs, housing support, children's services or other social care needs. Some of your benefits money may also be added to the individual budget, and even some home-based health services money. This way you can use one budget to arrange all of the support you need. You should be able to do more with your package and achieve more flexibility.

Setting up self-directed support

12. You need to show the council that the support you want to buy will meet the needs that you have agreed in your personal care plan.
13. It is up to you to set up the support you need. This could mean arranging services or employing people. Local support services can help you with the practical things you need to do. They could help you with paperwork, or tell you about your legal responsibilities if you decide to employ staff. You will need to keep a record of how you are spending the money.
14. Don't worry if you have self-directed support and want to change your mind. Let your council know. Ask them to sort out services instead.

Employing staff

15. Employing a PA can give you a more flexible and tailor-made package of support which suits you. This is because you choose who comes into your home to support you and exactly what they do. You can work with your care manager and local support service to sort out some of the more difficult things. For example, you can get help with interviewing and payroll.
16. Being a boss means being in charge of people. It is important that you treat people fairly and carry out your legal responsibilities as an employer.
17. Taking up references and doing the necessary police checks will help make sure that the person you employ is safe and right for you.

Buying services

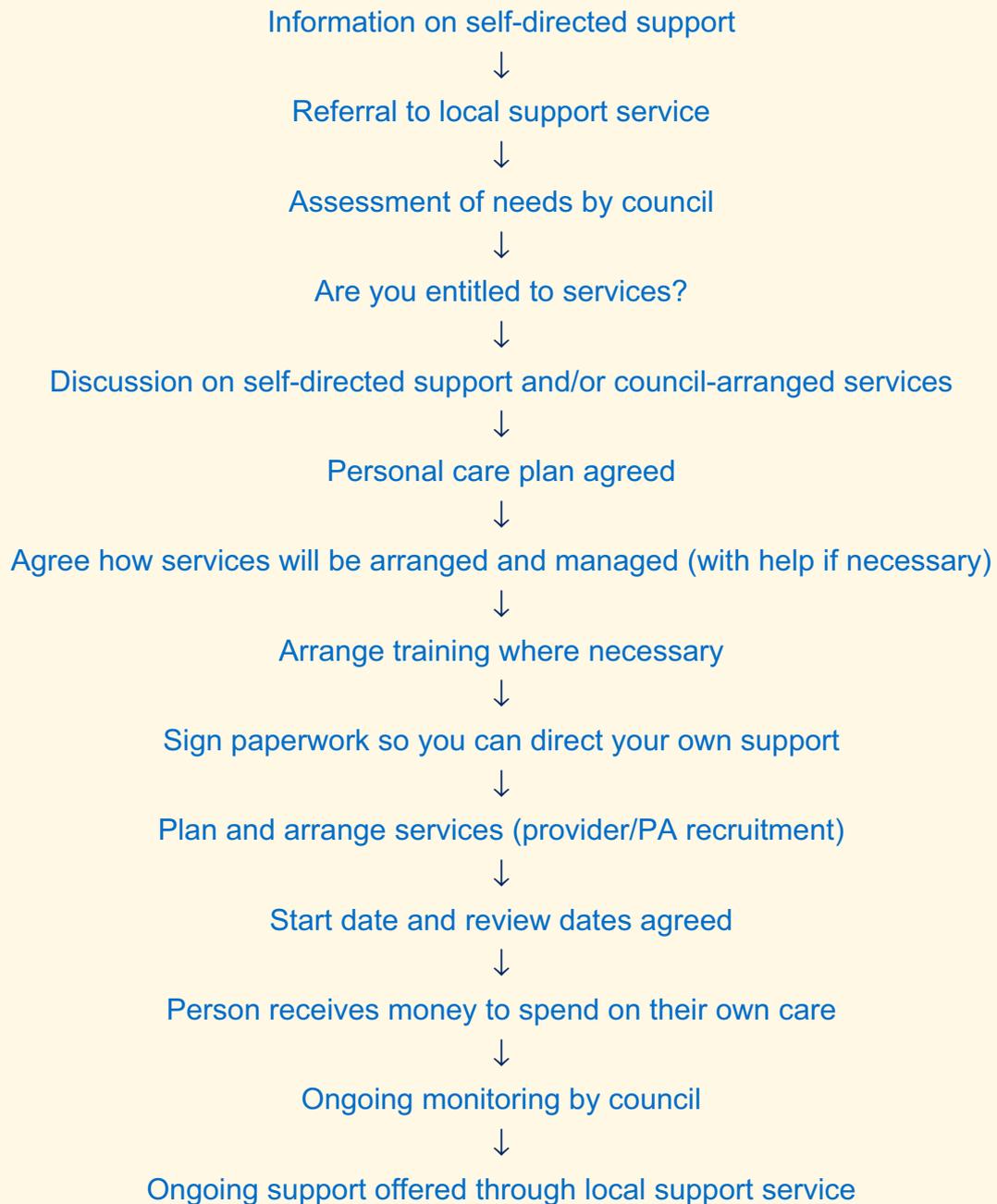
18. If you don't want to employ staff, you can buy services from a service provider to meet your support needs. Or you can do both; you can employ staff and buy services, for example to provide back-up cover. A service provider is an agency or business that sells you care services, like care workers. Your local authority will be able to provide names of regulated service providers in your area which provide the services you need. If you have a contract with a service provider, they will be answerable to you, not the local authority.
19. Help is available to work out the practical arrangements so that they suit you. You can work with your care manager and local support service who can help sort out some of the more difficult things with you. For example, your local support service can help you work out the details of the contract that you need to set up.

20. If a service provider is not able to meet your needs, you may be able to find another that will. Always contact more than one provider before deciding. Remember that you are the customer.

3. HOW SELF-DIRECTED SUPPORT WORKS

Questions and answers in this chapter outline the benefits of self-directed support and how you can make it work for you.

Pathway to self-directed support



What is self-directed support?

Self-directed support is when **you** arrange some or all of your (or your child's) support instead of receiving directly provided care services from your local authority social work or housing department. It is for people who would like more flexibility, choice and control over their care so that they can live at home more independently. It is not the name of a particular type of service, but a way to tailor-make community care that better suits you. It is sometimes called **direct payments** because money is allocated to you to pay for the support you need. We now refer to direct payments as self-directed support because it emphasises that you are in control.

From June 2003 every Scottish local authority must offer those who are eligible the opportunity to direct their own support. Self-directed support gives you choices over the services you get so that you can tailor arrangements to suit your individual circumstances. This might be for short term help after a hip operation, for example, or for longer term needs.

Some people may not always find social services flexible enough to respond to their needs, or some may feel that services lack continuity. You may find that the home help or carer arranged by the local authority cannot come at the time you want. If you direct your own support you can negotiate times to suit you.

People directing some or all of their support can decide how their needs will be met, by whom and at what time. They are in control. They say it is more creative and responsive to their needs, helping them to build their confidence and self-esteem. It is a lifeline, helping them do more with friends, family and community.

Who can direct their own support?

Almost any disabled or older person should be able to direct their own support if they choose it.

Helpful hints:

Those who are eligible are:

- older people who have been assessed as needing community care services;
- disabled people who have been assessed as needing community care services;
- disabled 16 and 17 year olds assessed as needing children's services;
- those who need some mental health services support;
- parents of, or people with parental responsibility for, a child (under the age of 18) who has been assessed as needing children's services, and
- attorneys and guardians with welfare and financial powers to act on behalf of a person with reduced capacity.

There are only very limited circumstances when self-directed support would not be offered, but local authority eligibility criteria must be met. The flexibility achieved is such that those with complex needs can also have self-directed support using the Adults with Incapacity (Scotland) Act 2000 to safeguard their interests.

What can you use it for?

You (or your child) can get support to live in your own home, such as help with having a bath or getting washed and dressed. Out of the home it could support you (or your child) in college, to continue in employment or take a job, or to enjoy leisure pursuits more. Instead of relying on the activities run at a day centre, you might arrange for a **personal assistant** (PA) to help you attend local classes, go swimming, or be a volunteer helping others. It could also be used to provide a short break (respite), for equipment and temporary adaptations, or for housing support services. You can choose whether you would prefer to get support from a service provider such as a voluntary organisation or care agency, or by employing PAs, or a combination of both. It may also be used to pay for someone to provide care and support to enable you to take a short break.

If you wish, you can get a mixed package of self-directed support and local authority arranged social care services, it is up to you.

How does it work?

You need a community care **assessment** carried out by your local authority social work department to look at your needs. You can work out a **care plan** together and decide which needs you would want to manage using your own practical arrangements, with help from a local support service.

In some local authorities, you may hear the term **individual budget**. This is the sum of money you get for your self-directed support to meet your total support needs. It may be made up of money from many different funds to help you meet different needs, perhaps including health and disability benefits. The total cash payment to pay for your care goes into a dedicated bank account so that you can keep track of what you have to spend more easily. The money is monitored as a whole, and with as light touch as possible to enable the most flexible outcomes for you. You know your combined total budget up front because your assessed needs directly relate to the resources allocated you.

For example, besides local authority care budgets that may include Supporting People (for housing needs) and funding for equipment and temporary adaptations, some disability benefits may be included in your individual budget such as the Independent Living Fund (ILF), Access to Work, Disabled Student Allowance (SAAS), Disability Living Allowance (DLA) and Carer's Allowance (CA). Health money may also be included.

Your social worker or care manager arranges this budget for you and will make clear what you can spend the money on. It is an opportunity to meet your total needs in creative and flexible ways. It also keeps the system as accessible, joined-up and streamlined as possible.

You will need to show the council that the support you want to buy meets your assessed needs. You will need to show how you are spending the money by recording it in various ways and by keeping bank statements and receipts.

Self-directed support from your council is not taken into account for the purpose of assessing income for social security benefits and is not liable to income tax. This is explained further in the next chapter.

Self-directed support does not put you at an advantage over other people who have requested services: the same prioritisation and eligibility is applied whether for self-directed support or arranged services.

4. SETTING UP YOUR SELF-DIRECTED SUPPORT PACKAGE

Questions and answers in this chapter outline how you can go about getting self-directed support for some or all of your care package and how you go about making sure that your needs are met.

Who can help me plan, set up and manage my own support?

You can get as much help as you need setting up and running your care package. A carer, friend or relative may be able to support you with some things, and there are council funded local support services in most parts of Scotland to help you plan, set up and manage practical arrangements and work through the paperwork. Independent Living Officers can help, for example, with buying an individualised service from a service provider. Or if you are unsure of the idea of recruiting and employing your own staff, they can help with this and offer training in good employment practice. Some offer a payroll service to help with paying staff. Others may offer a book-keeping service to help you do the paperwork that shows how you are spending the money. If you need learning disability support a Local Area Coordinator (LAC) may be able to help with care planning. Support services are listed in Annex A.

Helpful hints:

You may need some of the following extra support and local support services can advise you how to get it:

- **advocacy**, which is where someone supports you in discussions to make sure you get what you need;
- **communication support**, if you need help with for example, spoken or written communication, including where English is not your first language;
- **time-limited support** through periods of fluctuating or deteriorating condition. For example if you use mental health services you may wish to set up a support structure to help you manage at times when you are not feeling well;
- care planning support from **Local Area Coordinators** (LACs) who are able to support people with learning disabilities (see Annex A);
- **third party person** (unpaid agent), which is where you nominate a person that you trust to receive the money on your behalf. They can deal with many practical arrangements so long as you retain overall control;

- **circle of support**, where a group of your family, friends and carers helps you manage your arrangements;
- **user-controlled trust**, where a group of people form a trust to legally act for you. The money goes into a trust bank account;
- **advocate or guardian**, where a person acts for you legally in some matters where you lack capacity in order to safeguard your interests. This is under the terms of the Adults with Incapacity (Scotland) 2000 Act.

What do I have to do to get direct payments?

Your social worker or care manager should discuss this option with you when they assess your care needs. If they do not, or if you already get services, ask your local council about self-directed support (direct payments). It will probably be best to start by asking the person you usually speak to.

Ask to be put in touch with your local support service so that you can discuss self-directed support with them and even meet someone who directs their own support and can tell you about it first hand.

What if the local authority has not previously assessed my needs?

To get self-directed support you need an assessment in the same way as you would for any social care service. Contact your local council to ask them to assess your needs. You will find details of how to contact them in the local phone directory or Yellow Pages under Social Services.

It is a good idea to think about your needs before the assessment, and some local support services and LACs are able to help you work through your priorities and plan what you need. You might find it helpful to get advice from a friend or relative. Some people find it helpful to keep a diary for a week before the assessment. Take care not to overlook things that do not happen every week.

You may be asked to complete a form before the assessment to say what you think you need help with. This is sometimes called a **self-assessment** and it can be used to give you an idea of the level of support you are entitled to.

Helpful hints:

You might find the following things useful to consider in a self-assessment or in preparing for your assessment. They will become the basis of your personal care plan:

- what is important to you, interests, friends, family, taking control, living independently, flexibility, spontaneity, taking some risks etc.,
- how you look after yourself e.g. washing, dressing, using the toilet, shopping, cooking, eating, cleaning, staying healthy and safe, how you communicate with people, what happens at night,
- the activities you do and how long each takes e.g. work, school/college, training, shopping, library, visiting neighbours and friends, swimming, cinema, community centre, place of worship, hobbies,
- what help you get,
- what you want to change,
- how you will be supported to do this e.g. by family, friends, PAs, providers,
- how you will organise things and be in control of arrangements
- what support you may need to do this.

Your local authority should make available information about any eligibility criteria used in the assessment process that may affect whether support can be offered to you. This helps avoid raising expectations about services, which are always subject to assessment.

The local authority may not be able to offer you assistance with everything but your own assessment will help to make sure that nothing is missed and that your needs are described in a way you are comfortable with.

What if I am already getting services arranged by my local authority?

Ask your local authority about self-directed support. They are obliged to offer you this in place of arranged services you currently receive.

What if my local authority has assessed my needs before but has not arranged services for me?

If your local authority decided that you did not need services, then it will not offer you self-directed support. If you think your needs or circumstances have now changed, ask your local authority for a new assessment.

If your local authority offered you services but you turned down what they offered, self-directed support may be an alternative. Ask them about this.

If I am entitled to social services, am I automatically entitled to self-directed support?

Yes, most people who get social services have a right to self-directed support. There are some limited circumstances where self-directed support is not given and your council will be able to tell you about these.

You will have a discussion about whether you can manage self-directed support and what kinds of support you need to be able to do this. You must have arrangements in place to manage the necessary paperwork, either alone or with help. Help should be available from your local support service. You will also need to satisfy the council that the services which you intend to buy will meet your assessed needs. For disabled children, the council must be satisfied that the services bought will safeguard and promote the welfare of the child.

In addition, if you plan to employ staff, you will need to show that you will meet your legal requirements as an employer.

If my local authority offers me self-directed support, can I refuse?

Yes. You do not have to direct your own support if you prefer not to. You can have services arranged by your council. Or you can have a mixed package where you direct only some of your support. People sometimes try out self-directed support this way to see if it suits them.

What responsibilities will I have?

Self-directed support offers you much more flexibility, but managing it is also a responsibility. You are in charge of arranging the services you need, sorting out any problems with the service and accounting for the way you use the money. If you use the money to employ your own staff,

you will have the legal responsibilities of an employer. These are described in Annex D.

However, you can get the help and support you need to do this and working out who can help you is an important part of developing your personal care plan. This approach emphasises the right of people to whatever assistance they need in order to be confident about making decisions and managing self-directed support. Your local support service is usually the first point of contact for this. See Annex A for contact details.

What can I do if I think the payments are not enough?

If you think the money you are offered is not enough, you do not have to accept it. You can dispute the amount offered. You will need to discuss with your local authority what will happen while your complaint is being worked on. You can accept the individual budget if you want, while your complaint is being dealt with. If you do not want to do this while your complaint is being considered, you can choose to get arranged services instead.

Can I change how I spend my individual budget?

You will need to discuss with your local authority what kinds of changes need to be agreed in advance, and the kind of changes you can make on your own without asking.

Will I have to pay a part of the money for my self-directed support services?

To receive any service from your council you will be assessed financially (means tested) to see whether you should contribute some money to help pay for it. Your local authority will charge you in the same way that it charges people it provides arranged services to.

If the council decides you have to pay something towards the cost of your self-directed support, they should pay the total amount you need gross and recover your contribution later.

Where can I go to buy the services I need?

You can make arrangements yourself and employ your own staff and they will report directly to you. Or you can buy services from an agency, a private service provider or voluntary organisation. They will be

responsible to you, not to the local authority. Some people have a contract with a service provider to provide any emergency cover they may need should any problems arise.

Can I buy services from my local authority?

Yes, you can buy services from any local authority provided it agrees to sell its services to you.

Can I buy residential care with my self-directed support?

No, self-directed support is intended to support you in your community, so you cannot use it to pay for permanent residential accommodation.

Can I buy occasional short breaks (respite)?

Yes, respite is a short break which is to act as a positive experience for the person with support needs and the carer, where there is one. The term includes a wide range of different services of limited duration. The common factor is not what service is provided, but its purpose. Respite can be offered in a wide variety of settings, including breaks in residential homes, respite-only units (e.g. specialist guest houses), breaks in the home of another individual or family who have been specially recruited, breaks at home through a support worker or sitting service, or holiday type breaks.

Can I use self-directed support for 'Free Personal Care'?

Yes, if you are aged 65 or over and wish to use self-directed support to buy personal care services at home you will not be asked to pay part of the cost of these services.

5. HAVING A CONTRACT WITH A SERVICE PROVIDER

Questions and answers in this chapter describe what you need to do to buy support from a provider for some or all of your care package. This is different to employing staff directly, which is covered in the next chapter.

What do I need to know about contracting with a service provider?

Buying services from a service provider means that you have a contract with the provider to provide the care workers you need. You do not employ directly the people who provide the services, and so you do not have the responsibilities of an employer. Your local support organisation will be able to assist with this (see Annex A).

Your local authority will be able to provide names of regulated service providers in your area which provide the kinds of services you need. You may also be able to find out about providers from other people who use self-directed support, your GP or community nurse, libraries, or Citizen's Advice Bureaux, or by looking in the Yellow Pages.

The Care Commission regulates the services provided by service providers. You can find out about the quality of any service provider from the Care Commission, see Annex A.

How do I choose a service provider?

Before contacting a provider it is important to be clear in your own mind what help you are looking for. Start by making a list of the tasks you would expect staff to do, just as you would if you were employing your own staff. Then think about what is most important to you about the way those tasks are done. This will help you get questions ready to ask providers when you are working out which one is best for you. Local support services and your council can help with defining job roles - they sometimes have a skeleton job description called a job proforma that you can use.

Always contact more than one provider before deciding. Remember that you are the customer. If one provider is not able to meet your needs, you may be able to find another that will.

Helpful hints:

You might find it helpful to ask some of the following questions before making a decision:

- What services are available?
- What charges will be made?
- Is everything in the price or are there extras to be added in, for example, National Insurance or travelling expenses?
- Is there a minimum service that has to be bought?
- Can I choose the person who provides my care?
- Can I expect to see the same person on a regular basis?
- What if the regular person is sick or on holiday?

Can I contract with someone who is self-employed?

PAs are usually employed directly by an individual on self-directed support (see Chapter 6). However it is possible for a PA to be self-employed and for you to contract their services.

A PA cannot be asked to be self-employed to enable the individual on self-directed support to avoid taking on employer's responsibilities such as paying tax and national insurance. It is essential that self-employed PAs provide proof from the Inland Revenue that they are regarded as self-employed for tax purposes. Details of the criteria the Inland Revenue apply to determine if a worker should be classed as self-employed are given at the HM Revenue and Customs website <http://www.hmrc.gov.uk/employment-status/index.htm>. See Annex A for details of HM Revenue and Customs New Employers helpline.

Helpful hints:

If an individual decides to contract a self-employed worker, the self-employed worker is responsible for:

- providing a service agreement detailing items such as how much the worker is charging and how they will invoice
- providing a written statement to the effect that they will take responsibility for the paying of tax and national insurance
- funding their own training, including ensuring that they are trained to carry out the service they are offering
- providing a written statement that they have appropriate insurance indemnity cover, and
- undertaking and meeting the costs of an enhanced disclosure check.

Only registered agencies are able to provide cover as part of their service agreement. If the local authority thinks that someone is acting as an agency and is not registered, they have a duty to report this to the Care Commission. If there is any doubt about whether the terms and conditions under which a worker is carrying out their duties are those of self-employment, then the individual on self-directed support must seek advice from the Inland Revenue.

6. BECOMING AN EMPLOYER

Questions and answers in this chapter describe the process of becoming an employer and what is good, safe employment practice.

What do I need to know about employing a member of staff or personal assistant (PA)?

Employing a **personal assistant** (PA) can be the way to get the most flexible package of support which suits you, because you choose who comes into your home to support you and exactly what they do. You can work with your care manager and local support service to sort out some of the more difficult things.

If you employ your own member of staff, you will have legal and other responsibilities. You need to be aware of, and comply with, these responsibilities (see Annex D).

You will also need to make sure that a police check, sometimes called an **enhanced disclosure**, is carried out on anyone you may wish to employ. This is done through Disclosure Scotland (the clearing house where criminal record checks are carried out under the Police Act 1997). Your local authority, local support service, and SPAEN (Scottish Personal Assistant Employers Network) can help you further (see Annex A for contact details).

How do I find people to employ?

The first step is to decide what kind of support you need and the number of PAs (experienced/part-time etc.) required to provide it. Your personal care plan will make clear the number of hours of support you need to meet your assessed needs.

Start by preparing a list of the tasks you want your staff to do. Then ask yourself what skills and personal qualities they will need to do those tasks properly. You will also need to think about what hours you would expect your staff to work.

Helpful hints:

Decide what essential skills are needed, such as being a good listener, ability to take responsibility, ability to use initiative, ability to work unsupervised. If part of the job is to enable you to get out and about, you may need someone who can drive.

Choose which criteria are desirable, for example, being a non smoker.

If you think you will need more than one person, you might also consider whether they all need to have all these skills and qualities.

When you have decided on the skills and personal qualities you are looking for, you need to decide how to go about finding the right people. You might find someone by word of mouth, by asking around amongst your friends and neighbours, or you could put a notice in a public place, such as a local Post Office, shop or college of further education, or advertise in a newspaper or in the job centre.

Advertising in job centres is free, but there is likely to be a charge for putting a notice in a shop window or in a newspaper. Local user-led support organisations may also have newsletters in which you can advertise.

Helpful hints:

If you are placing an advertisement, you will need to:

- describe briefly what the job involves;
- say how many hours per week you are offering;
- describe what kind of person you are looking for;
- give the rate of pay (usually hourly) and
- give a contact number or address.

You may prefer not to give your own address or telephone number at this stage, for security reasons. Your local support organisation or local area coordinator may let you use their address. Or, you could arrange with the Post Office to set up a P.O. Box.

How do I decide how much to pay people?

You can ask people who are already employing people using self-directed support how much they pay or look at advertisements for similar jobs. You can also discuss rates of pay with your local authority. How much you can afford to pay will of course depend on your individual budget, but the amount should be enough for you to pay for the services you have been assessed as needing. If you cannot recruit anyone at the pay rates you are able to offer, you should discuss this with your local authority.

You may need to offer different rates of pay for different bits of the job. For example, you may find that you need to offer higher rates for evenings or weekends than for weekdays. Or you might have to pay more if you need someone with particular skills (for example driving) for some parts of the job. Details of the national minimum wage can be obtained from the National Minimum Wage helpline on 0845 6000 678.

Payroll services

Many people find it helpful to use a specialised payroll service. Such services may take on responsibility for paying wages, tax and National Insurance based on information supplied by you. For details of payroll services in your area ask your local authority, local support service or local area co-ordinator.

Do I need to prepare a job description?

Yes. A job description will help you set out clearly what the job is. It will help you to think through what sort of person you are looking for and to explain to applicants what the job involves. It will also be a record of what you expect from your employees, which will help if any difficulties arise.

Helpful hints:

It may be helpful to start by saying what the job is for and how you expect your employees to fit into your life. You could use your personal care plan to help write a list of the main tasks. Remember to make it clear that you may sometimes need some flexibility so that they do a little more than what is listed in the job description.

The job description should list:

- the tasks your employee will be expected to do;
- essential and desirable skills;
- how often they are needed and likely variations; and
- anything else you will expect of your employee (for example, flexibility);

Your local support service may have useful fact sheets to help you prepare a job description, advertisement and shortlist from the people who reply.

What information should I ask applicants to provide?

To help you decide who to invite for interview you will need to ask for information which will help you to decide. You should ask applicants to complete an application form, or ask for a letter saying why they want the job, with full details of where they have worked before. The fuller a picture of the applicant you can get now, the easier it will be to decide who to interview.

Helpful hints:

If you are interviewing, you will need to:

- go through the job description together;
- say how many hours per week you are offering and what variation there may be;
- prompt the person to describe relevant past experience and to say what they can offer the post;
- discuss what you would expect of a PA, such as flexibility, punctuality, confidentiality;
- discuss pay and conditions.

Your local support service may be able to train you on how to interview prospective staff. Organisations such as the Lothian Centre for Integrated Living (LCIL) have useful fact sheets on how to prepare for interviews and the kinds of questions to ask. Alternatively, the Scottish Personal Assistant Employer's Network (SPAEN) can give you advice. See Annex A for contact details.

How do I get police checks done?

Doing a police check on a PA you want to employ is an important part of good recruitment practice which will help ensure your safety. Your council will pay for these checks, sometimes called **enhanced disclosures**, which are done through Disclosure Scotland. Your council will sometimes carry these out for you, or you can also ask for them to be done through some local support services.

The prospective PA should give their agreement to the information on the disclosure certificate being shared with the council. This helps them assess the level of risk to you if you wish to employ the person.

Police checks are covered in more detail in section 5 of the National guidance on self-directed support, see Annex B. You can also ask your council or local support service to go through things with you and they may have a fact sheet that is useful.

Will I need a contract with my employee(s)?

A contract of employment is made when the offer of employment is accepted. A written statement of main terms and conditions must be in place within 2 calendar months of starting work, but it is good practice to provide this as soon as possible.

Helpful hints:

A statement of the main particulars of their work is essential. This is to make sure that both you and your PA have the same understanding and may be helpful if disagreements arise.

The Department of Trade and Industry booklet *PL810, Contracts of Employment*, is helpful, as is their booklet *PL700, Written Statement of Employment Particulars* (see Annex D). Alternatively, local support services have sample contracts and written statements and can discuss them with you.

How can I get the best from my staff?

Local support services are able to train you and offer ongoing support. Your local authority should pay for this training as it is essential for the success of your support package.

Helpful hints:

Training will cover how to make the best of interpersonal relationships, sometimes called 'soft' skills. For example learning how to:

- discuss with your PAs how you like things done and listen and respond to any difficulties, questions or suggestions they may have;
- tell your PAs when they are doing well;
- tell your PAs straight away if you are not satisfied with any aspect of their work;
- deal with problems as they occur; and
- comply with employment legislation.

If I employ staff, what legal responsibilities might I have?

You will find a summary of the type of legal responsibilities you are likely to have in Annex D. Every effort has been made to ensure that this information is accurate at the time of publication, but we advise you to check for yourself. Your local support service or SPAEN can help you further.

What can I do to protect my child?

Parents are understandably cautious about allowing someone to have close contact with their child. By carefully following up references, ensuring police checks are done, and by being alert to signs of distress in your child, parents can reduce the risk of abuse. Some useful publications are listed in Annex B and organisations such as Contact a Family Scotland can offer advice (see Annex A).

Can I employ a family member?

Close relatives cannot normally be employed to provide support services. This general position remains important because of the very different relationships that a person would have with an employee and a family member and the conflicts of interest that can result from employing a close relative.

Self-directed support is not meant to replace the help you get from your family and community. So you cannot use local authority funds to get a service from:

- your husband, wife or partner or
- close relatives or their partner or husband or wife.

You should discuss your situation with the local authority if you think that any person you would like to employ or buy services from might be in one of these categories. In exceptional circumstances, your local authority may be prepared to consider allowing you to use self-directed support to pay a close relative.

Alternatively, if you are receiving money from the Independent Living Fund (ILF) it may be possible to use this part of your overall budget to employ a close relative. You will need to discuss this with your care manager.

7. NOW YOU ARE DIRECTING YOUR OWN SUPPORT

This chapter covers record keeping and how to make back-up arrangements in case of any unexpected events.

Will I need to keep records?

Yes. The money you get in your individual budget is for services to meet your assessed needs. It is public money and so it is not yours to spend as you wish. Your local authority will require you to account for the money you receive. You will be told what records you need to keep and what information you will be expected to provide. You will probably find it easier to keep records as you go along, rather than leaving completion of any forms until they have to be returned.

For example, you may be asked to keep timesheets signed by your **personal assistants** (PAs) recording the hours they have worked, or receipts for services purchased from agencies.

Will the local authority check on the service being provided?

By agreeing to be on self-directed support you are taking on responsibility for buying services to meet your assessed needs. However your local authority will have to satisfy itself that your needs are being met in the same way as if you received services. Your local authority should tell you how they would go about this. This may involve someone visiting you in your home to review the arrangements you make using self-directed support.

What if I don't need to spend all the money?

If you don't need services for a short period, for example if you are in hospital, or if you need less than usual because your condition improves, tell your local authority as soon as possible, as they may need to adjust your individual budget.

Do not spend your budget on something that has not been agreed. Your local authority has the power to require you to repay any money that you do not spend on meeting your assessed needs.

What will happen in emergencies?

Whatever arrangements you make, there will be times when they break down. For example, your PA may be ill. You will need to make back-up

arrangements to provide cover for sickness etc. You might arrange this with an agency or with off-duty or former employees. You will need to discuss with your local authority what arrangements they expect you to make to prepare for unexpected events like this. Your local authority may be prepared to give you extra money to enable you to buy services in an emergency.

If something happens which your arrangements cannot cover, you should not be left without the services you need. The local authority has a responsibility to step in if it is not satisfied that your needs are being met by your own arrangements using self-directed support. Contact your local authority as soon as you realise you will need help.

Don't worry about contacting your local authority for help. Almost everyone needs help at one time or another. It is impossible to plan for every situation that may arise. Having to contact your local authority does not mean that you will be taken off self-directed support. However your local authority may wish to discuss with you the arrangements you have put in place for emergencies.

What if my needs change?

Contact your local authority as soon as possible and ask for your needs to be reassessed.

Could I be asked to repay money?

Yes, your local authority could ask you to repay some or all of the money if you:

- do not spend the money on the services as agreed, or
- spend it in a way, which does not meet any conditions the local authority has set.

What do I do if I no longer want to use self-directed support?

Contact your local authority to ask them to stop making payments if you no longer want to get them. Your local authority will arrange services instead. If you refuse or withdraw your consent to using self-directed support, this alone will not stop you from getting it in the future.

Who can I complain to if I am not happy with the service?

If you are not happy with any action, decision or apparent failing of the local council, you can use the local council complaints procedure. The council will be able to explain to you how to make a complaint. You may find that an independent mediator can help solve the difficulty. If this is not successful then you can go to the Scottish Public Services Ombudsman (see Annex A).

If you are not happy with the services being provided by a provider or an individual, you should complain to the provider or take it up with the person concerned. Alternatively, a complaint can be made to the Care Commission about any registered service. Local support services and SPAEN can provide information and advice about how to conduct any complaints.

SUPPORT SERVICES

Local authorities can give you details of local support services and organisations that can offer advice, information and services, or you can choose the appropriate organisation from the following list.

Local Area Coordinators (LACS)

If you or your child needs learning disability services, local area coordinators (LACS) may be able to assist you with care planning. Not all areas in Scotland have a LAC, and some LACS only cover specific places in their local authority area. You can find up to date LAC contact details on the Scottish Consortium for Learning Disability website www.sclld.org.uk or at the following site <http://www.sclld.org.uk/sclld-projects/local-area-co-ordination.xhtml>

Local Support Services

If there is currently no support service within your area, the self-directed support adviser from the local authority has been noted down.

Local Authority Area	Local Support Service
Aberdeen	Aberdeen City Council Kirkgate House St Nicholas Street Aberdeen AB10 1HW Direct Payment Co-ordinator: Elaine Berry Telephone: 01224 264 090 Email: eberry@aberdeencity.gov.uk
Aberdeenshire	Direct Payments Caledonia Unit 13 Huntly Business Centre Gordon Street Huntly AB54 8FG Telephone: 01463 224740 Email: info@dpcaledonia.org.uk Website: www.dpcaledonia.org.uk

Argyll and Bute	Argyll and Bute Council Sensory Impairment Dolphin Hall Annexe Manse Avenue Dunoon PA23 8DQ Direct Payments Advisor: Dinah Macdonald Mobile: 07795 052656 Email: dinah.macdonald@argyll-bute.gov.uk
Borders	Borders Direct Payments Agency Anderson's Chambers Market Street Galashiels TD1 3AF Telephone: 01896 759700 Email: borders.directpayment@virgin.net Website: http://www.bordersdpa.org.uk
Clackmannanshire	Forth Valley Direct Payments Support Service Dundas Resource Centre Oxgang Road Grangemouth FK3 9EF Telephone: 01324 508794 Email: directpayments@fsmail.net
Dumfries and Galloway	Dumfries and Galloway Direct Payments Support Service Partnership 166 St Michael Street Dumfries DG1 2PR Telephone: 01387 240000 Mobile: 07834 667545 Email: dgdpsupportservice@btconnect.com
Dundee	Dundee Direct Payments Support Service Thomas Herd House 10-12 Ward Road Dundee DD1 1LX Contact: Vanessa Dallas-Ross Telephone: 01382 226440 Email: directpayments@dundeecarerscentre.org.uk vanessa.dallas-ross@dundeecarerscentre.org.uk Website: www.dundeecarerscentre.org.uk

East Ayrshire	Ayrshire Independent Living Network (AILN) Eglinton Disability Resource Centre Pavilion 9 Ayrshire Central Hospital Kilwinning Road Irvine KA12 8SS Telephone: 01294 272260 Email: mail@ailn.org Website: www.ailn.org
East Dunbartonshire	East Dunbartonshire Direct Payments Support Service Suite 1 Enterprise House Southbank Business Park Kirkintilloch G66 1XQ Telephone: 0141 776 2219/6342 Fax: 0141 776 2219 Email: direct.payments@eddpss.co.uk Web site: www.eddpss.co.uk
East Lothian	Lothian Centre for Integrated Living (LCIL) Norton Park Centre 57 Albion Road Edinburgh EH7 5QY Telephone: 0131 475 2350 Email: lcil@lothiancil.org.uk Web site: http://www.lothiancil.org.uk/
East Renfrewshire	East Renfrewshire Council Independent Living Services Lygates House 224 Ayr Road Newton Mearns East Renfrewshire G77 6FR Contact: Innes Turner Telephone: 0141 577 3367 Email: innes.turner@eastrenfrewshire.gov.uk
Edinburgh	See East Lothian
Falkirk	See Clackmannanshire

<p>Fife</p>	<p>Fife Council Fife Direct Payments Support Service Talbot Cottage Station Road Leven KY8 4QU Contact: Rhona McCallum Telephone: 08451 555555/460707 Email: rhona.mccallum@fife.gov.uk Website: http://www.fife.gov.uk/atoz/index.cfm?fuseaction=service.display&objectid=E7303EE0-651C-4410-B4B26419B670B708</p>
<p>Glasgow</p>	<p>Glasgow Centre for Inclusive Living 117-127 Brook Street Bridgeton Glasgow G40 3AP Telephone: 0141 550 4455 Email: gcil@gcil.org.uk Website: http://www.gcil.org.uk</p>
<p>Highland</p>	<p>Direct Payments Caledonia Drumdevan Cottage Torbreck Inverness IV2 6DJ Telephone: 01343 224740 Email: enquiries@dpcaledonia.org.uk Website: www.dpcaledonia.org.uk</p> <p>Highland Council Kinmylies Building Leachkin Road Inverness IV3 8NN Direct Payment Support Officer: Claire Sutherland Telephone: 01463 703425 Email: claire.sutherland@highland.gov.uk</p>

Inverclyde	<p>Inverclyde Council 10/16 Gibshill Road Greenock PA15 2UP PA Advisor: Kathleen McGhee Telephone: 01475 714 350 Email: kathleen.mcghee@inverclyde.gov.uk</p> <p>Strone Office 1 Aberfoyle Road Greenock PA15 3DE Contact: Iseabail Howat Telephone: 01475 714 600 Email: iseabail.howat@inverclyde.gov.uk</p>
Midlothian	See East Lothian
Moray	<p>Direct Payments Caledonia Unit 5 Chanonry Business Centre 2 Chanonry Road North Chanonry Industrial Estate Elgin IV30 6NB Telephone: 01343 552307 Email: dp.caledonia@moray.gov.uk Website: www.dpcaledonia.org.uk</p>
North Ayrshire	See East Ayrshire
North Lanarkshire	<p>North Lanarkshire Council Social Work Dept Scott House 73 – 77 Merry Street Motherwell ML1 1JE Contact: Morag Dendy Telephone: 01698 332 075 Email: dendym@northlan.gsx.gov.uk</p>
Orkney	<p>Independent Living Project Orkney Carers Centre Anchor Buildings 6 Bridge St Kirkwall Orkney KW15 1HR Contact: Olivia Tait Telephone: 01856 870 777 Email: ilproject@tiscali.co.uk</p>

Perth and Kinross	<p>Perth and Kinross Direct Payments Support Agency Perth and Kinross Association of Voluntary Services The Gateway North Methven Street Perth PH1 5PP Contact: Annette Summersgill Telephone: 01738 567 076 Email: annette.summersgill@pkavs.org.uk Website: www.pkavs.org.uk</p>
Renfrewshire	<p>Renfrewshire Council Social Work Department Independent Living Team Social Work Headquarters, North Building Cotton Street Paisley PA1 1ZT Contact: Janice Toner Telephone: 0141 842 5123 (Advice Line Tuesday, Wednesday and Thursday 1.30 pm to 4.00 pm) Email: Janice.toner@renfrewshire.gov.uk</p>
Shetland Islands	<p>Direct Payments Support Service Citizens Advice Bureau Market House 14 Market Street Lerwick Shetland ZE1 0JP Contact: Angus Davidson Telephone: 01595 694 696 Email: angus.davidson@shetland.org sicab@zetnet.co.uk</p>
South Ayrshire	See East Ayrshire
South Lanarkshire	<p>South Lanarkshire Council Direct Payments Development Officer Floor 9, Council Offices Almada Street Hamilton ML3 0AA Contact : Karen Frame Telephone: 01698 453 716 Email: Karen.frame@southlanarkshire.gov.uk</p>
Stirling	See Clackmannanshire

<p>West Dunbartonshire</p>	<p>West Dunbartonshire Council Beardmore Business Centre 9 Beardmore Street Dalmuir G81 4HA Disability Development Worker: Victoria McKenzie Telephone: 0141 562 2327 Email: victoria.mckenzie@west-dunbarton.gov.uk</p>
<p>West Lothian</p>	<p>See East Lothian</p>
<p>Western Isles</p>	<p>Cobhair Bharraigh Kentangaval Castlebay Isle of Barra HS9 5XL Telephone: 01871 810 906 Email: cobhairbharragh@waitrose.com</p> <p>Crossroads Harris Harris Voluntary Service Room 2, Old Hostel Tarbet Harris HS3 3BG Telephone: 01859 502 171 Email: hcv@sco.org.uk</p> <p>Tagsa Uibhist East Camp Balivawich Benbecula HS7 5LA Telephone: 01870 602 111 Email: tagsa.uibhist@care4free.net</p>

Other Statutory Bodies and Support Organisations for disabled and older people and children

Capability Scotland

(Disability organisation working with children, adults and families)

Advice Service Capability Scotland (ASCS)

11 Ellersly Road

Edinburgh

EH12 6HY

Telephone: 0131 313 5510

Email: ascscapability-scotland.org.uk

Website: <http://www.capability-scotland.org.uk>

Care Commission

Compass House

11 Riverside Drive

Dundee

DD1 4NY

Telephone: 01382 207100

Telephone: 0845 603 0890 (Local rate applies)

The Care Commission can be contacted at its Headquarters, as above, or at regional offices listed on the website: <http://www.carecommission.com/>

Contact a Family Scotland

(For families with disabled children)

Craigmillier Social Enterprise and Arts Centre

11/9 Harewood Road

Edinburgh

EH16 4NT

Telephone: 0131 659 2930

Email: scotland.office@cafamilyscotland.org.uk

Website: <http://www.cafamilyscotland.org.uk>

Helpline 0808 808 3555 (Free phone for parents and families: 10.00am - 4.00pm

Monday to Friday, 5.30pm to 7.30pm Mondays only)

Text phone: 0808 808 3556

Website: <http://www.cafamilyscotland.org.uk/helpline.html>

HM Revenue & Customs

New Employer Helpline

Helpline: 0845 6070 143

Monday-Friday 8.00am-8.00pm

Saturday-Sunday 8.00am-5.00pm

Text phone: 0845 602 1380 (for employers who are deaf or hard of hearing)

Website: <http://www.hmrc.gov.uk/employers/new-emp-telephone.htm>

In Control Scotland

Room 16
Adelphi Centre
12 Commercial Road
Glasgow
G5 0PQ
Telephone: 0141 518 5433
Email: incontrolscot@sclld.co.uk

Mental Welfare Commission for Scotland

K Floor, Argyle House,
3 Lady Lawson Street,
Edinburgh
EH3 9SH
Telephone: 0131 222 6111
Email: enquiries@mwscot.org.uk
Website: <http://www.mwscot.org.uk>

Scottish Consortium for Learning Disability (SCLD)

Room 16
Adelphi Centre
12 Commercial Road
Glasgow
G5 0DQ
Telephone: 0141 418 5420
Fax: 0141 429 1142
E-mail: administrator@sclld.co.uk
Website: <http://www.sclld.org.uk/>

Scottish Helpline for Older People (SHOP)

Scottish Helpline for Older People
Age Concern Scotland
Causewayside House
160 Causewayside
Edinburgh
EH9 1PR
Helpline: 0845 125 9732 (Monday to Friday, 10.00am - 4.00pm)

Scottish Independent Advocacy Alliance

Melrose House
69a George Street
Edinburgh
EH2 2JG
Telephone: 0131 260 5380
Email: enquiry@siaa.org.uk
Website: www.siaa.org.uk

Scottish Personal Assistant Employers Network (SPAEN)

Unit 9
Motherwell Business Centre
130 Coursington Road
Motherwell
ML1 1PR
Telephone: 01698 250280
Email: info@spaen.co.uk
Website: www.spaen.co.uk

Scottish Public Services Ombudsman (SPSO)

Freepost EH641
Edinburgh
EH3 0BR
Telephone: 0800 377 7330
Email: ask@spsso.org.uk
Website: <http://www.spsso.org.uk>

Self-Directed Support Scotland (formerly Scottish Consortium of Direct Payments Support Organisations)

SCDPSO
PO Box 7561
Glasgow
G42 2DG
Telephone: 0870 850 7795
Mobile: 07926190489
Email: sdsscotland@btinternet.com
Website: www.sdsscotland.org.uk

UPDATE

(Disability Information Service)

27 Beaverhall Road

Edinburgh

EH7 4JE

Telephone: 0131 558 5200

Fax: 0131 558 5202

E-mail: info@update.org.uk

Website: www.update.org.uk

Or for a direct link to their information on self-directed support

see http://www.update.org.uk/staff/web_faq_public_list_directpays.php

Voices of eXperience (VOX)

(National mental health service user led organisation)

c/o The Mental Health Foundation (Scotland)

5th Floor Merchants House

30 George Square

Glasgow G2 1EG

Telephone: 0141 572 1663

Email: voxscotland@yahoo.co.uk

Website: <http://www.voxscotland.org.uk>

USEFUL PUBLICATIONS

1. National guidance on self-directed support (2007)
<http://www.scotland.gov.uk/Publications/2007/07/04093127/0>
2. Scottish consortium for learning disability (2005) An easy guide to direct payments in Scotland <http://www.sclid.org.uk/library-publications/sclid-publications.shtml>
3. Contact a Family Scotland (2007) A parents' guide to direct payments in Scotland <http://www.cafamily.org.uk/directpaymentsscotland.pdf>
4. Lothian Centre for Integrated Living (LCIL) <http://www.lothiancil.org.uk/> A number of factsheets and downloads are available in relation to independent living services provided.
5. Scottish Personal Assistant Employers network SPAEN <http://www.spaen.co.uk> A number of leaflets are available on becoming a personal assistant (PA) employer.

The following publications are useful for their general approach, but references to legislation and regulations all relate to the laws of England and Wales. Self-directed support in Scotland operates under legislation specific to Scotland.

6. Department of Health (2006). A parent's guide to direct payments.
<http://www.everychildmatters.gov.uk/socialcare/disabledchildren/directpaymentfaqs>
7. Department of Health (2006). Direct payments for people with mental health problems, a guide to action.
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4131060
8. National Centre for Independent Living (2001) Direct payments for mental health users/survivors: A guide to some key issues.

CONTRACT WITH LOCAL AUTHORITY

When your needs are assessed and self-directed support is about to be put in place, you should receive a letter or contract from the local authority. This will describe how the following questions have been resolved:

- How much money (giving a breakdown) does the local authority consider necessary to secure the appropriate services?
- How much of this total will the local authority contribute to the individual budget, and how much is the person expected to contribute?
- How often and in what form will payments be made?
- What arrangements does the local authority propose for monitoring? How often? What information should the person provide? What access will be required to the person's home or financial records?
- What information does the local authority require for audit purposes, and when?
- When will the next review take place?
- What should the person do if they want to stop self-directed support and in what circumstances will the local authority consider discontinuing self-directed support (permanently or temporarily)?
- How will the local authority and individual handle any temporary gap in service?
- How much notice will be given if the local authority discontinues and how will any outstanding commitments be handled if payments are discontinued?
- In what circumstances would payments be withdrawn with no notice?
- In what circumstances would the local authority seek repayment?
- Has the individual been made aware of the local authority's complaints procedure?
- Is there a retainer fee for staff if the person on self-directed support is admitted to hospital for a short period? The person would have a contract of employment with their staff and if they were unable to retain staff, depending on the circumstances of the admission, it could disrupt their longer term support and could delay discharge from hospital.
- Can an individual on self-directed support nominate someone to be involved in the monitoring process with them?

RESPONSIBILITIES WHEN EMPLOYING STAFF

PA employers have a range of important responsibilities, all of which they can receive training on and other practical support from their local support service and SPAEN (see **Annex A**). This list is not exhaustive:

- Disclosure
- Equal opportunities
- Fair and unfair dismissal
- Handling employee grievances
- Health and safety
- Induction training
- Insurance and indemnity (for you as an employer and for your employee)
- Management and supervision of staff and relationship building
- National Insurance contributions
- Pay negotiations and awards
- Period of notice
- Redundancy
- Salary
- Staff appraisal
- Staff recruitment
- Statutory sick pay, maternity and paternity pay, adoption pay and leave
- Tax
- Terms and conditions of employment
- Unions
- Written statement of employment particulars

Glasgow Centre for Inclusive Living (GCIL) and Lothian Centre for Integrated Living (LCIL) provide a range of training modules on inclusive living for disabled people and training for people who want to gain employment as personal assistants. More information can be found at <http://www.gcil.org.uk/> and <http://www.lothiancil.org.uk/> SPAEN's coaching and development programme offers various modules designed to assist people employing PAs to deal effectively and confidently with employment and personnel issues. More information can be found at <http://www.spaen.co.uk/services/training.htm>

For more information about employment see the following websites:

Advisory, Conciliation and Arbitration Service (ACAS)

<http://www.acas.org.uk/>

Citizens Advice Bureau

http://www.adviceguide.org.uk/scotland/life/employment_scotland.htm

Direct Gov

<http://www.direct.gov.uk/Employment/Employees/fs/en>

Trade Union Congress (TUC)

http://www.tuc.org.uk/tuc/rights_main.cfm



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business.edinburgh@blackwell.co.uk

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