

Cumbria County Council and NHS Cumbria Clinical Commissioning Group

Service Specification for Accredited Providers of advice and support for adults to use a Direct Payment

Introduction

Cumbria County Council (the Council) and NHS Cumbria Clinical Commissioning Group (CCG) would like to invite Providers to join an Accredited List of Providers of advice and support for adults to use a Direct Payment (DP). This will include advice and support to recruit and employ personal assistants, payroll and managed accounts.

It will not include provision of support at home or other care services and will not apply to advice and support to parents of children receiving a DP.

What is a Direct Payment?

A Direct Payment (DP) is a payment made by a local authority to a Customer who is eligible for social care. This enables the Customer to arrange their own support rather than ask the Council to do this for them. The Customer can use their DP to buy care services from Providers, arrange other services or they can use their DP to employ their own personal assistants.

To use a DP, the Customer produces a costing plan which sets out how the DP will be used to meet their assessed needs. This costing plan is then agreed by the Council before the funds for the DP are made available. Where a personal assistant is to be employed, the DP must cover all costs of employment.

DPs can also be made by a Clinical Commissioning Group to enable a patient to arrange some health services.

National context

Back in 1990, the NHS and Community Care Act 1990 introduced the concept of making DPs to individuals to purchase their own care. In 2001 it became mandatory for all local authorities to offer DPs to all eligible client groups. Subsequent acts further extended eligibility to DPs including carers and people who lack capacity. Department of Health guidance in 2009 encouraged Councils to make advice and support available to help Customers use DPs.

DPs are seen as a key way to empower Customers and give them greater choice and control so they can personalise the support they receive. Greater personalisation of social care support is a key Government priority appearing in the

Putting People First Concordat (2009), the subsequent Think Local Act Personal partnership (2011) and the Care Act (2014).

Further changes in the law have allowed NHS services to provide DPs for some health services. In October 2011, the Government announced that from April 2014 people receiving Continuing Healthcare (CHC) support from the NHS will have the right to ask for a Personal Health Budget (PHB) or DP and from October 2014 the right to have one. From 2015, individuals with Long Term Conditions (LTC) who could benefit will also have the right to ask for a PHB or DP.

Cumbria context

Cumbria is a diverse county, covering an area of 2,635 square miles with a population of 499,900, an increase of 12,300 people (+2.5%) since 2001. Cumbria is the second largest county in England, yet it is also the second least densely populated county, with over 50% of the population living in rural communities compared to 19% in England.

Cumbria is made up of six districts: Allerdale, Carlisle, Copeland, Eden, Furness and South Lakeland. Each of these areas is supported by a district council and the county as a whole is overseen by Cumbria County Council.

Cumbria County Council's Health and Care Services Directorate has responsibility for meeting the social care needs of adults in Cumbria and is committed to providing the best possible outcomes for individuals and their carers. Individuals supported include adults aged 18+ who may, for example, have a physical disability, learning disability, sensory impairment, mental health needs or substance misuse problems as well as carers of individuals.

The Council has a statutory duty, as detailed in the NHS and Community Care Act to assess the needs of individuals whose circumstances mean they may need support and ensure support is arranged to meet these needs. Practitioners, such as social workers, health professionals and occupational therapists, will work with the Customer and their carer(s) offering professional support to produce an outcome based support plan aimed at retaining or regaining the Customer's independence.

To ensure Customers have choice and control, a support plan may be managed via a direct payment, an individual service fund, care managed support or a combination of these. Customers of Adult Social Care are financially assessed and may need to contribute towards the cost of support.

The Directorate is committed to the 2014-17 County Council priorities which are:

- Promote health & well-being and tackle poverty
- Support older and vulnerable people to live independent and healthy lives.
- To be a modern and efficient council

The way Health & Care Services in Cumbria delivers support continues to be challenged by emerging government policy, shrinking budgets and rising expectations. The objectives for Health & Care Services in 2014-15, which all our activity aims to achieve, are:

1. We will focus on prevention and proactive support for excluded and vulnerable adults
2. We will ensure adults at risk are free from harm and abuse in their home and community
3. We will personalise our services ensuring people have maximum choice and control
4. We will work with our partners in the health, independent sector and other areas to bring services, particularly for adults with combined health and social care needs, together
5. We will support and manage the development of all our staff

Direct Payments in Cumbria

DPs are available to people eligible for social care support living in their own homes. The numbers of adults supported to live in the community in April 2013 to March 2014 were:

User group	LD	PD	MH	OA	Other	Total
Number of people	1105	1244	1204	6281	79	9913

In the year April 2013 to March 2014, 1249 adults received DPs as follows:

District	LD	PD	MH	OA	Carers	Equip	Total
Carlisle	58	84	23	138	3	0	306
Eden	34	37	9	62	1	0	143
Allerdale	50	56	6	59	2	0	173
Copeland	25	42	4	23	0	0	94
South Lakes	29	55	5	147	3	5	244
Furness	45	121	31	87	4	1	289
Total	241	395	78	516	13	6	1249

(Note: LD = people under 65 with learning disabilities; PD = under 65 with physical disabilities; MH = under 65 with mental health issues; OA = older adults 65+; equip = DPs used to purchase disability related equipment.)

The Council would like to see these numbers of people using DPs increase. Currently around 13% of Customers use a DP.

The Council would also like to see more people using DPs to employ personal assistants (PAs). The advice and support available from Accredited Providers would

support the use of DPs to employ PAs. The Council does not have access to numbers of PAs currently being used.

Services will also be Accredited to provide support to people receiving DPs for Continuing Health Care (CHC) from Cumbria CCG. This is a new way of providing DPs. The CCG will have at any one time approximately 30 high cost CHC domiciliary packages who may be eligible to receive a Personal Health Budget and could choose to take a DP in this way.

The Care Sector Alliance Cumbria is setting up a new website which will promote the use of personal assistants. This will include advice on how to be a personal assistant and how to employ a PA. It is also considering setting up a PA register where potential employers can go to find PAs and potential PAs can promote themselves.

DP process in Cumbria

The DP process used in Cumbria County Council's Health and Care Services and Cumbria CCG is shown in the diagram on the next page. Following an assessment of need, the practitioner will start the support planning process discussing different ways the Customer's needs can be met. The practitioner could be a social worker, social care worker, occupational therapist or a health professional.

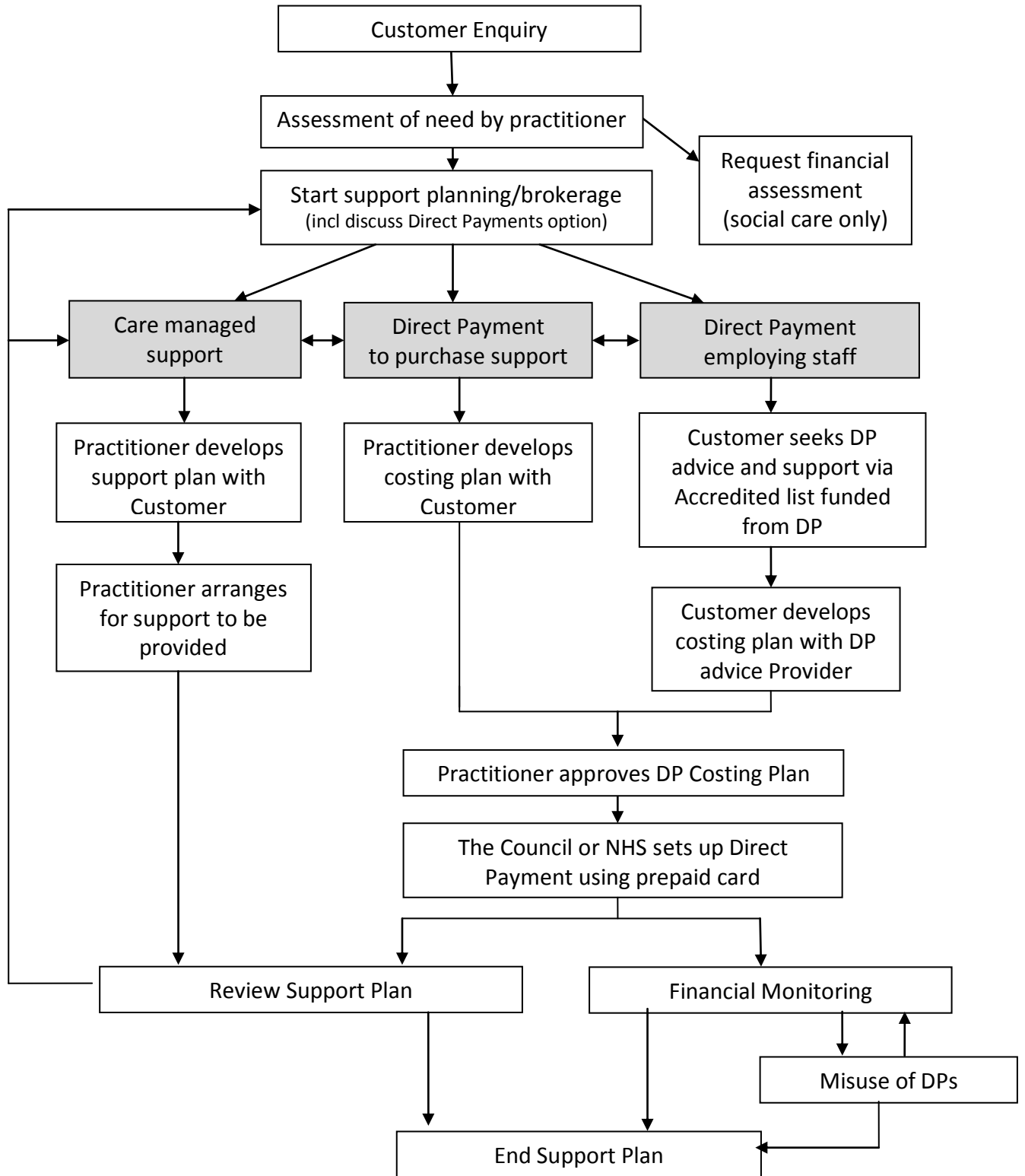
Note that Cumbria CCG carries out an assessment of health needs but does not carry out a financial assessment.

If the Customer expresses an interest in using a DP to purchase support from care agencies, self employed carers and other service providers, the practitioner will work with the Customer to develop a costing plan for this support.

If the Customer expresses an interest in using a DP to employ their own PAs, the practitioner will give them a copy of the Accredited List of Providers of DP advice and support. The practitioner will recommend they choose a Provider from this Accredited List to provide them with advice and support on how to use their DP. However, the decision whether to use a Provider and who to use will be the Customer's.

The Customer will discuss and agree with their chosen Accredited Provider what services are required and how much these will cost. These costs will be funded from the Customer's DP and included in the Customer's costing plan. The costing plan will be agreed by the practitioner who will then arrange for the DP to be paid. The Provider's costs will not be paid until the DP starts. The Provider will agree a contract with the Customer for the provision of DP advice and support.

**Cumbria County Council Health and Care Directorate and Cumbria Clinical
Commissioning Group – DP process**



Vision and outcomes

The provision of the Accredited Services will contribute to the Council achieving the following vision and outcomes:

- Improved health and emotional well-being
- Increased choice and control
- Improved quality of life
- Feeling safe, secure and free from discrimination or harassment
- Maintaining personal dignity and respect
- Making a positive contribution
- Economic well-being

The provision of the Accredited Services will also contribute to Cumbria CCG achieving its vision to make a real difference to people's lives by:

- improved health and wellbeing
- Reducing health inequalities
- Adding years to life and quality to extra life years
- Improving the day to day experience of patients and staff of health care

Safeguarding adults

Insofar as they contain obligations on Providers of services, the Provider must comply with such Cumbria Multi-agency Policy Guidance and Procedures for the safeguarding of adults, details of which are available on request, as are adopted during the currency of the accreditation. The Provider must also comply at all times with the Safeguarding Vulnerable Groups Act 2006.

Where the Provider has a financial interest in supplies (including medical supplies), equipment, or other introductions being made, or offered to Customers the Council or CCG shall be informed in writing as soon as is reasonably practicable. Where the Council or CCG considers the conflict of interest to be significant, it may by notice require the Provider to take specified steps to minimise or remove the conflict. The Provider will comply with the requirements of such a notice.

The Provider, or any person employed by the Provider, or any associated, or subsidiary business of the Provider, (whether, or not employed pursuant to a contract of employment), and any independent contractor, or volunteer engaged by the Provider, or any subsidiary business of the Provider shall not purchase from an existing Customer, or any third party acting on behalf of the Customer, any property or personal effects owned by the Customer, either jointly or in their own right.

The Accredited services

Providers are accredited to provide one or more of five services including:

1. Set up to employ a named personal assistant - up to the successful completion of the probationary period of no more than six months
2. Advertise and recruit a personal assistant – this will complement (1) above for employers who do not know who they wish to employ
3. Ongoing support to employ a personal assistant – can include ad hoc support or ad hoc and planned contact – this will complement (1) above
4. Payroll – this will complement (1) above for people needing assistance with payroll
5. Managed account – usually involving use of a prepaid card

The follow pages set out the minimum standards required of Accredited Providers for each service.

The standards are described in terms of ‘advice’ and ‘support’ where:

- Advice - means to provide information and advice tailored to the Customer’s situation and needs.
- Support – means to prompt and, where needed, assist Customers to carry out a task

The Provider will identify the level of need for advice and support needed with the Customer.

Minimum service standards for Accredited Providers

Service	Outcomes	Shall include as a minimum standard for Accredited Providers when providing support to Customers:
<p>(1) Set up to employ a named personal assistant - up to the successful completion of the probationary period (maximum six months)</p>	<ul style="list-style-type: none"> • Customer understands responsibilities of being an employer • Customer has all arrangements in place to employ a PA 	<ul style="list-style-type: none"> • Advise Customer of response time standard (in days) from initial enquiry by Customer to first meeting to discuss employing PAs. • Advise Customer on all relevant employment law responsibilities, including but not limited to, health and safety and equal opportunities in employment. • Work with Customer to produce a costing plan setting out how the DP will be spent. This should calculate pay, include all employment costs and make allowances for contingencies. • Advise Customer on how to manage employees. • Advise Customer on safeguarding including safe recruitment of employees. • Support Customer to carry out DBS check for employee. • Support Customer to take up references for employee. • Ensure employee is eligible to work in the UK. • Support Customer to agree rate of pay and make job offer. • Support Customer to produce job description and employee specification. • Support Customer to produce contract of employment. • Advise Customer on holiday entitlement and support Customer to set up arrangements to record leave taken. • Advise and support Customer to set up arrangements for sickness reporting, recording and statutory sick pay. • Advise Customer about maternity and statutory maternity pay. • Advise Customer on need for payroll to produce payslips and make HMRC payments. Support Customer to set up payroll arrangements. • Support Customer to register as an employer with HMRC, if not provided as part of a payroll service. • Advise and support Customer to set up staff roster/rota. • Advise and support Customer to set up arrangements for time recording and timesheets. • Advise and support Customer to set up arrangements for salary payments.

		<ul style="list-style-type: none"> • Advise Customer on need for insurance - Employer's liability insurance, Public liability insurance, vehicle and household insurance. Support Customer to ensure appropriate insurance is put in place. • Support Customer to produce risk assessments for employee. • Support Customer to develop contingency arrangements including cover for holiday, sickness and maternity. • Advise and support Customer on induction of employee. • Advise and support Customer on setting up and implementing a training plan. • Advise Customer on any specific requirements for employees providing health related tasks, for example, specific training, use of equipment and health professional sign off • Advise and support Customer on employee record keeping. • Support Customer through the probationary process and reviews. • Support Customer to carry out supervision and appraisal of employee.
(2) Advertise and recruit a personal assistant	<ul style="list-style-type: none"> • Customer advertises and recruits a PA who meets Customer's requirements 	<ul style="list-style-type: none"> • Advise Customer on cost effective ways to advertise employee vacancy and support Customer to do this. • Advise Customer on use of application form or CVs and support Customer to develop an application form if required. • Support Customer through short listing process. • Support Customer to develop interview questions and prepare for interviews. • Support Customer with interviews and note taking. • Support Customer to confirm interview results, job offer and feedback to unsuccessful candidates.
(3) Ongoing support to employ a personal assistant – can include ad hoc support or ad hoc and planned contact	<ul style="list-style-type: none"> • Customer is able to deal with ongoing issues around employing a PA 	<ul style="list-style-type: none"> • Advise Customer of agreed nature of ongoing support e.g. ad hoc only or ad hoc and planned meetings, telephone only or telephone and face to face. • Advise Customer of working hours availability for ongoing telephone support and response time standard (in days) from Customer request to face to face meeting. • Support Customer with: <ul style="list-style-type: none"> ○ Leave recording and issues ○ Sickness recording and sick pay issues ○ Maternity arrangements ○ Pay slips and salary queries

		<ul style="list-style-type: none"> ○ Employee roster and cover issues ○ Implementing training plan ○ Employee record keeping ○ Supervision and appraisal <ul style="list-style-type: none"> ● Provide Customer with telephone support with face to face meetings if needed ● Advise Customer on retention of employees ● Advise and support Customer if change of contract is needed. ● Advise and support Customer with employee competence and performance issues and use of grievance and disciplinary process. ● Support Customer and employee with dispute resolution. ● Support Customer with termination of contract and redundancy. ● Advise Customer on changes to employment law. ● Advise Customer on ways to re-recruit or recruit additional employees – may use (1) and (2) above for this. ● Supporting Customer to arrange cover if usual contingency arrangements break down.
(4) Payroll	<ul style="list-style-type: none"> ● Customer is aware of role of payroll service ● Employees are paid correctly and on time ● HMRC requirements are met 	<ul style="list-style-type: none"> ● Advise Customer about payroll set up and management. ● Advise Customer of timeliness for pay slips and returns ● Support Customer to register as an employer with HMRC (if not already done). ● Keep payroll records for Customer. ● Provide timesheets for employee(s) to complete. ● Receive completed timesheets from employee(s). ● Create and send pay slips to employee(s) as agreed weekly/4 weekly/monthly ● Support Customer to make wage payments to employees and payments to HMRC (if required) via Customer's prepaid card account or own bank account (if used). ● Arrange holiday, sickness and maternity pay. ● Produce end of year returns PAYE, P45, P60.
(5) Managed Account	<ul style="list-style-type: none"> ● Customer's prepaid card account is managed including receiving payments and paying 	<ul style="list-style-type: none"> ● Advise Customer of response time standards to pay invoices and make salary payments ● Use Customer's prepaid card account from ASC for income and payments. (Prepaid cards are the default arrangement but some Customers may use a DP

	invoices and wages	account they have set up.) <ul style="list-style-type: none">• Keep financial records for Customer.• Ensure Customer contribution is made into the account.• Receive and pay invoices with agreement from Customer.• Arrange employee wage payments.• Produce financial statements for Customer (if prepaid card is not used).• Support Customer to keep records of receipts where cash is used.
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The Accredited Provider List

The Council and CCG will maintain an Accredited Provider List. All Providers who are successful in becoming accredited will be included on this List. The number of Providers on the Accredited List is not restricted.

The List will be refreshed quarterly. Newly Accredited Providers will be added to the List within the next quarter following accreditation. Providers who no longer meet the requirements of the accreditation questionnaire or who do not meet the minimum standards set out in the service specification will be removed from the Accredited List immediately. Providers who have been removed from the Accredited List cannot reapply to be accredited for 12 months after their accreditation has ended.

The information included on the List about Accredited Providers will be submitted by Providers as part of their accreditation application (see 'Proforma for Accredited Provider List'). This information will include which services the Provider is Accredited for and the charges for these services.

Providers will be listed alphabetically by name of Provider. The Council and CCG reserves the right to make reasonable amendments to information submitted by Providers.

The List will be made public and included on the Council's website. The List will make clear the status of Accredited Providers on the List:

The Accredited Providers on this List have demonstrated to the Council that they have the capability to meet minimum standards for Direct Payments advice and support services. The Council will investigate complaints where a Provider does not appear to meet these minimum standards and may remove the Provider from the Accredited List where these complaints are upheld.

The List will be used by practitioners from the Council and NHS who will give this to Customers who:

- Express an interest in receiving a DP to employ their own personal assistants;
- May need help with payroll for their employees; or
- May need help to manage their DP account – this will usually be a prepaid card account but could be a DP account the Customer has previously set up

Practitioners from the Council and NHS will recommend Customers choose an Accredited Provider from the List. The Customer will choose which Provider they wish to use. If a Customer chooses to use a non-accredited Provider or another non-accredited source, the practitioner will inform the Customer of the minimum standards Accredited Providers are required to conform to. Choice of a Provider is the Customer's and the Customer's alone. Customers are not obliged to use Accredited Providers.

Provider charges and how these will be paid

The information submitted by Providers for the Accredited List will include information on charges for Accredited Services. The stated charges will apply for the 12 months accreditation period and the review of accreditation after 12 months offers Providers the opportunity to update these. Any increase in charges included on the Accredited List shall apply to new Customers only. The Provider shall discuss and agree any price increases directly with existing Customers.

The Customer will pay the charges for their chosen services from their DP funds. The costing plan for the DP produced by the Customer and Provider shall include these charges.

Payments for one off services like (1) set up to employ a named personal assistant and (2) advertise and recruit a personal assistant shall be included as one off additional amounts in the Customer's first DP. The Provider shall only be paid when the DP starts.

Payments for ongoing services like (3) ongoing support to employ a personal assistant, (4) payroll and (5) managed accounts shall be spread across the year in monthly DP payments.

As the Provider will be paid from the Customer's DP funds, the Provider will not be paid by the Customer or the Council or CCG for work on a DP which is started but not completed, for example, if the Customer decides not to have a DP or goes into residential care.

When a DP ends, any ongoing services will be paid for via DPs up to the end of the notice period agreed between the Customer and the Provider for the service.

Ending accreditation

Accreditation lasts for 12 months after which the Provider can request to be Accredited for a further 12 months subject to a review. The review will use a revised version of the accreditation questionnaire.

The Council and CCG reserves the right to end the accreditation process giving existing Accredited Providers a minimum of 60 days' notice.

The Council and CCG can, while acting reasonably and proportionately, end the accreditation of a Provider who is shown to not meet the requirements of the accreditation questionnaire or the service Specification. For example, this may be the result of information provided by the Provider or following concerns expressed by a Customer.

Complaints from Customers must be raised with the Accredited Provider through their complaints procedure. Where a Customer is not satisfied with the response from the Provider to their complaint, the Customer can express their concerns to the Council and CCG.

On receipt of concerns about an Accredited Provider, the Council and CCG will investigate the concerns to see if they provide evidence that the Provider does not meet the requirements of the accreditation questionnaire or the service Specification.

The outcome of this investigation could be:

1. Take no further action.
2. Give the Provider a written warning.
3. End the accreditation and remove the Provider from the Accredited List.
4. The Provider will not be able to reapply for accreditation for 12 months.

Contractual arrangements

The contract for DP advice and support will be between the Customer and their chosen Provider. Neither the Council nor CCG will have a contract with Accredited Providers other than the agreement in place defining the terms of accreditation.

Schedule 1 of the Accreditation Agreement sets out what, as a minimum, the contract between Provider and Customer should include.

If advice and support is provided but the Customer chooses not to progress with the DP, neither the Customer nor the Council or CCG will be liable for these costs.