



Information Sheet

INFORMATION ON WILTSHIRE CIL AND DIRECT PAYMENTS FOR WILTSHIRE COUNCIL STAFF

Wiltshire Centre for Independent Living (Wiltshire CIL)

Wiltshire CIL is an independent, user-led charity supporting people to lead independent lives. It has been contracted by Wiltshire Council to provide advice and guidance on managing a DP and a support planning service.

Who can have a DP?

The ethos behind DPs is self-directed support. This means that it is for people who have the capacity to manage their own affairs.

But a person can appoint someone else to act on their behalf (a “nominated” person) or, if they lack the appropriate capacity, then an “authorised” person can be appointed.

It is for you and the service user to decide whether a direct payment is right for them and whether a nominated or authorised person is to be involved and this is done as part of the assessment process.

The control and management of a DP is always in the hands of the recipient or the nominated/authorised person. **Neither Wiltshire CIL nor the Wiltshire CIL banking service manage a DP on behalf of a service user**

What does a nominated or authorised person have to do?

- A nominated or authorised person in effect assumes all the responsibilities that a service user in receipt of a DP would have. They will act on behalf of the cared for person in all aspects of managing a DP.
- The cared for person who has capacity can appoint a **nominated** person to act on their behalf.
- If the cared for person does not have capacity, then an **authorised** person will have to be appointed. This will be for you to decide as part of the assessment process.
- They will have to sign the Council’s DP Agreement and will be the account holder for the DP funds.
- If a personal assistant/carer is engaged, the nominated/authorised person will be the employer and responsible for ensuring all the legal and financial obligations of an employer are met.

- Whether a nominated or authorised person is required and who that person should be is a decision for you to make with the customer.
- Wiltshire CIL has a fact sheet on the responsibilities of a nominated or authorised person.

Referrals to Wiltshire CIL

- At the assessment, you will need to talk through the responsibilities of having a DP with the customer. These are contained in the Council's DP Agreement which the customer has to sign before a DP can be authorised. This is not something that can be delegated to Wiltshire CIL as it is a Council document and therefore the Council's responsibility to ensure that it has been understood and signed.
- If the customer requires more detailed information before making a decision, you can make a referral to Wiltshire CIL for advice at any stage.
- A referral just for advice and support is made via the Wiltshire CIL Referral form available on Carefirst and sent to [**WCIL@wiltshire.gov.uk**](mailto:WCIL@wiltshire.gov.uk)
- A referral for Wiltshire CIL to do a support plan will normally be made after the assessment has been completed. This is done via Carefirst to the Wiltshire CIL team desktop (321).
- A referral for a support plan for a new customer will automatically be taken by Wiltshire CIL as a referral for advice and support.
- There is a Customer Co-ordinator's Process Guidance available to you on Carefirst for more detailed guidance
- On receipt of a referral for advice, the DP Adviser Team will make initial contact, usually by telephone

DP Agreement

This is a Wiltshire Council document and you will need to go through it with the service user and ensure that they understand their responsibilities as a recipient of DP money and, if possible, obtain their signature. You then need to follow the Council procedure on recording and filing it.

Wiltshire CIL Advice and Support

Wiltshire CIL encourages DP users to develop their skills and knowledge concerning the management of their DP, enabling them to support themselves and increase their independence. We provide advice online and through our office and newsletters, run regular workshops and have a peer support network, including peer mentors, enabling people to get advice and support from experienced DP users.

The specific advice and support provided by the DP Advisers at Wiltshire CIL includes:

- An overview of what it means to have a DP and the choice of care it provides – i.e. agency or PA.

- The implications of employing a PA direct which include: registering with HMRC and reporting requirements, keeping appropriate records of holiday and sick leave, carrying out risk and health & safety assessments, sick pay and paid annual leave; pensions; employer's liability insurance (available free through the Council); recruiting a PA, including using the Wiltshire CIL PA Register and JobCentrePlus. Employment contract and sample interview questions. Wiltshire CIL process DBS checks for PA. Wiltshire CIL will not participate in recruitment interviews although a peer mentor may be available to sit in for moral support (but cannot participate).
- how to budget and build up a contingency.
- keeping records to comply with the Council's DP Agreement.

Support Planning

The default process is for the support planning activity to be referred to Wiltshire CIL. Wiltshire CIL provides 3 levels of support:

Level 1: People are encouraged to complete the support plan themselves. Wiltshire CIL support provided online and through office-based resources

Level 2: People receive assistance from peer mentors in addition to resources available through Wiltshire CIL

Level 3: A support planner to work 1:1 with people with more complex needs.

The Banking Service

- This is provided free of charge by the Council through Wiltshire CIL
- **The Banking Service is only available for those who would otherwise be unable to open a bank account.**
- The Banking Service receives the Direct Payment money from the Council and pays any outgoings as approved by the service user.
- **The Banking Service does NOT manage the DP user's account.** The DP user (or their nominated/authorised person) is responsible for ensuring there are sufficient funds in the account to meet the outgoings. There is no overdraft facility on the account
- The Banking Service sends out monthly bank statements and DP users should check these to ensure they are correct and that they have sufficient funds
- When a DP closes, you should liaise with the DP Adviser team in Wiltshire CIL who will ensure that all outgoings have been paid and will then arrange for any surplus money to be returned to the Council. *NB: if a DP recipient is employing a PA directly, they could be entitled to redundancy pay, pay in lieu of holiday not taken and pay in lieu of notice.*

The Payroll Service

- This is provided free of charge by the Council through Wiltshire CIL
- It is available to anyone employing their own PAs who wishes to use it.
- The Payroll Service will register each DP recipient (or their nominated/authorised person) as an employer with HMRC.
- Based on the hours worked by the PA and notified to the Service by the employer, it will advise the employer how much to pay their PA and HMRC and will carry out the necessary monthly reporting to HMRC on the service user's behalf to ensure they are compliant and avoid being fined. However, this does require the employer to notify the Service of the hours worked by a deadline every month.

Carers' DP

This is a DP for a carer to provide them with a break from their caring duties.

- These will usually be funded at the lower PA rate (although there may be some cases where an agency is used and the funding will be paid at agency rate).
- The recipient must set up a separate bank account.
- If the recipient employs someone direct, then they should register as an employer with HMRC as they are subject to the same legal and financial rules as any employer. They will receive the same advice from Wiltshire CIL as a DP recipient employing a PA.
- There used to be a DP called "Sitting Service" which was paid annually on 1st April and was for 8 hours a month. This has been absorbed into the Carers' DP and when an existing client is reviewed, they will normally be moved to a monthly Carers' DP.
- DPs for respite will continue to be paid annually.

DP Bank Accounts

Whether the service user has their own DP bank account or uses the Wiltshire CIL Banking Service, they are still responsible for ensuring that there is sufficient money in the account to meet the outgoings.

Wiltshire CIL are not contracted to provide a bookkeeping service and the service user must keep appropriate records and bank statements.

Financial reviews form part of the review/reassessment process which is undertaken by yourselves. This provides the opportunity for you to check if there are any excess funds to be repaid to the Council or whether the account is in deficit. A detailed analysis of the account is not required as accounts with a potential surplus or deficit can be referred to the Direct Payment Finance Team for further work.

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