

Your Responsibilities

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Your ILF Scotland Award

From 1st July 2015 the payments for every ILF recipient in Scotland and Northern Ireland are being administered by a new organisation – ILF Scotland. This change happened because of the closure of the old ILF which operated across the whole of the UK until 30th June 2015.

The funding is designed to support individuals who have significant disabilities to live independently. It should make a positive difference to your life, in areas such as:

- **Making sure that you have choice and control over your life.** This is about the support that you need to manage your life in the way you want.
- **Keeping fit and well in body and mind.** This is about what support you need to maintain your mental and physical health.
- **Making sure that you are safe and well.** This is about what support you need to make sure that you are safe inside and outside your home.
- **Undertaking work, learning, training, hobbies and interests.** This is about the work, learning and activities that you wish to pursue.
- **Maintaining relationships with friends, family and your community.** This is about the support that you need to be included in your community.
- **Supporting your informal carers.** This is about the support that is needed for your unpaid carers to continue to assist you.

Although the fund will help you with things like this, you also have some responsibilities as a recipient of the independent living fund. This booklet explains these responsibilities.

What can you use your funding for?

You can use your funding to pay for personal care and domestic assistance that allows you to exercise choice and control in your life and to live independently. We call these 'Qualifying Support and Services', and they include the following :-

- Cleaning and other domestic duties
- Cooking and preparing food and drink
- Laundering and ironing
- Shopping
- Personal hygiene and grooming
- Dressing
- Eating
- Drinking
- Physical movement such as turning, walking
- Supervision in order to avoid substantial danger to self or others.

You are responsible for making sure your funding is used for these purposes.

What can't you use your funding for?

You can't use your ILF money to pay for:

- Care provided by a relative who lives with you, unless we exceptionally approve this.
- Maternity, paternity or adoption pay – it is your responsibility to pay these and then apply to claim the money back from HMRC.
- Any care provided by social work.
- Maintaining your home or paying your bills.
- Gardening.
- Petrol, diesel or taxi fares.
- Holidays (other than care costs while on holiday).
- Childcare.
- Private hospitals or residential care.
- Equipment, including wheelchairs.
- Adapting your home.
- Hairdressing, chiropody (foot care) and physiotherapy.

You are responsible for making sure your funding is not used to pay for these things.

Do you need to keep records?

Yes, you need to keep statements and records that confirm that you have spent your funding on qualifying support and services and which help you to meet the outcomes you have detailed in your plan. This will include things like:

- Bank statements for your ILF Scotland account.
- Time sheets.
- Payment records including agency invoices and personal assistant salary details.
- Details of your agency or personal assistants – hours of support, amount paid, method of payment etc.

If your ILF Scotland money is held by a payroll organisation, we need to see a statement of account that shows at least the last six months of activity.

It is up to you how you keep records.

Some people like to write everything down in a notebook and others like to keep records on a computer.

If you employ your personal assistant(s) privately you will need to keep records for the last six years. For more information, contact HMRC. Their employer helpline number is **0300 200 3200** or visit **www.hmrc.gov.uk**

It is also useful if you keep a record of all the payments in and out of your ILF Scotland bank account. You can record the date and amount of ILF Scotland money you receive, as well as the dates and amounts you pay to your personal assistants or care agency (or both), and any other ILF Scotland expenditure you may have. You should also record how much tax and National Insurance you have paid.

Your responsibilities to ILF Scotland...

If you employ your own personal assistant(s)

You need to keep a record of:

- The date your personal assistant began working for you
- Timesheets for each of your personal assistants showing the dates when they worked for you and how many hours they worked
- Receipts confirming the amount of money you paid them
- The HMRC records showing the tax and National Insurance contributions made
- Your personal assistant(s)' holiday entitlement and holiday pay
- Any sick leave they have taken
- All correspondence between you and your personal assistant
- Any problems you have discussed with your personal assistant and what action you have agreed.

All these need to be signed by your personal assistant.

If your personal assistant(s) is/are self-employed it is **extremely** unlikely that HMRC will consider your personal assistant to be self-employed.

If your personal assistant is self-employed they are responsible for their own employment costs such as paying their own tax, National Insurance, holiday pay and sick pay.

Even though they are self-employed you still need to keep a record of their timesheet; how much you have paid them and at what hourly rate. You need to check with HMRC that your personal assistant is self-employed for tax purposes.

This is very important.

If using a care agency

Before you start using an agency you need to make sure that they are registered with the Care Inspectorate – www.scswis.com

It is important that you check that the care agency you use is registered before using them. We will not be able to pay for any care provided by a care agency that is not registered.

You will also need to tell us the name and address of the agency you are using and you must keep the invoices you get from them.

The invoices you get need to show:

- The period of care covered.
- The number of hours worked.
- How much you paid them, how you paid them (for example by cash or by cheque), the hourly rate charges and when you paid them.
- The HMRC records showing the tax and National Insurance contributions made.

If you change your care arrangements, please let us know.

Changes in your life

You must tell us when things change, because it may affect the amount of money you get from us.

If you do not tell us about a change it could lead to an overpayment.

This means that the ILF Scotland may have paid you money you should not have had and you will have to pay this money back.

You must tell us about changes in your life, such as:

- You stop going to a day centre.
- The rate of Disability Living Allowance you get changes.
- You start or stop getting Personal Independence Payment or Severe Disability Premium.
- You (or your partner) get a new benefit or stop getting a benefit.
- You have a child or your child leaves home.
- You get married or start to live with your partner.
- You get divorced, or stop living with a partner.
- You go into hospital or residential care even if it is just for a short time.
- You move house.
- Someone starts to claim Carer's Allowance for giving care to you.
- Your income or your partner's income changes.

Unspent monies

You may find that sometimes you have money left in your bank account that you have not spent. It may be that you are putting this money aside to pay for your employer costs such as National Insurance contributions for your personal assistant or perhaps your personal assistant's holiday pay.

It may also be that you have not employed care for a short period, such as you went into hospital and therefore you have some money left over.

If this is the case you can keep up to one week of your normal ILF Scotland award as a contingency fund to pay for any extra care you may need but you need to return the rest of the money to us.

Our address is on the back of this booklet.

ILF Scotland Review Visits

We will visit you at home at least once every two years. We will talk to you about your support needs and how your ILF Scotland funding is helping you to achieve your goals. This is called a review visit, and we will always contact you in advance to make arrangements that suit you. We will also invite a representative from your Local Authority (or Trust in Northern Ireland) and any legal representative or person who helps you to manage your funding.

You have a responsibility to co-operate with us to arrange and carry out your review. This is how we make sure that you are fulfilling all of your responsibilities in relation to your ILF Scotland funding. You should have all of the necessary information available before the review takes place to make sure you can answer all of our questions.

If there is a significant change in your circumstances that prevents you from maintaining the level of care you need, please contact your ILF Scotland caseworker.

Our contact details are on the back of this booklet.

Contact us

Telephone: **0300 200 2022**
Monday–Thurs 9.00am–4.30pm
Wednesday 11.00am–4.30pm
Friday 9.00am–4.00pm

Email: **enquiries@ilf.scot**

Address: **ILF Scotland**
Ground floor, Denholm House
Almondvale Business Park
Almondvale Way
Livingston, EH54 6GA

ILF Scotland cannot give legal advice and this booklet is not to be construed as such. It is provided for general guidance. You should consult a solicitor or Citizens Advice Bureau for independent legal advice.

Any figures or references to documents are correct at the time of issuing.

The ILF Scotland reserves the right to update this booklet from time to time.

Available Formats

This booklet is available in alternative languages, Braille and audio. If you would like this booklet in an alternative format please contact your caseworker.

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