

Agency Care and Support – TF08

Owner: ILF Scotland

Subject: Agency Care

Version: 1.0

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Next Review: March 2018

1. Background

ILF Transition Fund grant recipients may use their grant to purchase support or services from a range of agencies or providers, some of which require to be registered. This policy only applies to agencies or providers engaged in Scotland.

The Public Services Reform (Scotland) Act 2010 requires that where a person seeks to provide a care service, that person must apply to the Care Inspectorate for registration of that service. The purpose of the legislation is to verify that care services meet required quality and safety standards. A person providing a care service while not registered commits an offence.

Recipients using all or part of their grant to purchase any other (not care) services that are regulated, must ensure that any agency, company or provider of services is appropriately registered with the relevant regulatory body. For example, approved driving instructors.

ILF Transition Fund grants may at times be used to purchase goods and/or services from agencies who are not required to be registered, for example agencies providing support

with employment. Recipients are advised to ensure they deal with reputable companies, and they should consider seeking independent verification or references if in any doubt.

2. Registration of care **agencies** services

Where an applicant is intending to use a care service that is providing support or other regulated services ILF Scotland will only provide funding if that agency is registered.

Where an applicant intends to use a care service which is not appropriately registered, ILF Scotland will advise the applicant of our policy not to provide funds in such circumstances. In order to progress with such an application, the applicant must find an alternative provider with the appropriate registration.

Should an applicant wish to await the registration of a particular care service ILF Scotland will hold their application for a period of up to six months. If at the end of this period the registration has not been confirmed, the application will be unsuccessful. The applicant may reapply at a future date in line with Policy TF01 – Eligibility Criteria.

3. Self-Employed Personal Assistants

If an applicant intends to use their grant to purchase support from self-employed personal assistants, they should first confirm with the worker that their self-employed status is lawful within HMRC guidelines.

In the case of employed personal assistants, the applicant (or his/her representative), will be responsible for ensuring they are recruited and employed in line with statutory regulations. Please see Policy TF09 – Employment Support.

4. Agency support and relatives of the recipient

Should a recipient or their partner set up a care service which for example provides support, the recipient cannot themselves receive support from that service, as they would, in effect, be profiting from their ILF Transition Fund grant.

Should a relative other than the recipient's partner set up a care service, which then provided support to the recipient, ILF Scotland will allow ILF Transition Fund grants to be used to pay for that service.

If a relative who lives in the same household as the recipient is employed by a care service provider to provide support to the recipient, ILF Scotland will allow this arrangement. It would not be right in such circumstances for ILF Scotland to intervene if the agency is legitimate and appropriately registered as the recipient would not be the employer of the relative. ILF Scotland would be removing a recipient's choice and control as well as the employment choice of the relative by refusing to support such arrangements.

5. Regulatory authorities

Care Inspectorate

The Care Inspectorate regulates and inspects care services in Scotland in order to ensure that they meet the required standards. <http://www.careinspectorate.com/>

Healthcare Improvement Scotland

Healthcare Improvement Scotland's purpose is to drive improvements that support the highest possible quality of health and social care services for the people of Scotland.

http://www.healthcareimprovementscotland.org/about_us.aspx