



Independent
Living Fund
Scotland

We also support
independent living in
Northern Ireland

Your Responsibilities Guide

Independent
Living Fund



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Your Independent Living Fund Award

The Independent Living Fund Scotland (ILF Scotland) exists to support independent living for disabled people in Scotland and Northern Ireland.

Through its Independent Living Fund, ILF Scotland provides an ongoing weekly financial award, paid monthly, to disabled people in Scotland and Northern Ireland. This funding enables people to purchase additional social care support so they can live independently in their communities.

We want to ensure that the disabled people we fund can exercise choice and control over how they use their award to help achieve their independent living outcomes.

There are a range of organisations that can provide information and direct support in relation to the matters discussed in this guide. Please see our website <https://ilf.scot/go/advice-for-award-managers> for more information. If you need help to identify a suitable organisation to assist you with your particular circumstances, please get in touch with us.

Throughout this guide, local authority includes Health & Social Care Partnerships, Health & Social Care Trusts, NHS Organisations or Integration Joint Boards.

Managing your Award

An Award Manager is someone who manages an ILF award. This can be the fund Recipient, or someone appointed to manage the award on the Recipient's behalf.

The following people can act as an Independent Living Fund Award Manager:

- the ILF Recipient themselves
- someone with Power of Attorney or Financial Guardianship
- a Benefits Appointee
- a third party (such as a family member or management organisation) suitable in ILF Scotland's view
- a Social Work representative from within your local authority

ILF Scotland reserves the right to require a change in Award Manager if, for any reason, we have concerns about their fulfilment of the role.

Award Manager Responsibilities

The Award Manager is responsible for managing the ILF Scotland award. This includes making sure that you use the funding only in the way you have agreed with your ILF Scotland Assessor to achieve your independent living outcomes.

The Award Manager is responsible for informing ILF Scotland of any changes affecting your use of ILF Scotland funding.

The Award Manager is also responsible for ensuring safe and effective recruitment processes when appointing Personal Assistants (PAs) in line with relevant legislation and good practice.

ILF Scotland will expect the Award Manager to be present at any ILF Scotland arranged review visit.

What can you use your award for?

You can use the funding to provide additional social care support to help you achieve those independent living outcomes that are important to you, in a way that suits your individual needs and wishes. For example, ILF funding can help support and assist Recipients to:

- overcome barriers to independent living that you face
- have choice, control and independence in your life
- develop or maintain your physical, mental, spiritual health and well-being
- help to keep you safe and to manage any risks inside and outside your home
- undertake work, learning, training, hobbies and interests
- see your family and friends and be involved in your community

You should discuss and agree how you wish to use your award with our Assessor during an arranged review visit, or earlier if your circumstances change.

You must contact us if you want to change how you use the funding. Please see **Policy 41 - Use of Funding** <https://ilf.scot/go/policy-41>, **Policy 20 - ILF Scotland Payments** <https://ilf.scot/go/policy-20> and **Policy 36 - Short Term Care** <https://ilf.scot/go/policy-36> for further information.

Limits on using the funding

You are responsible for making sure you do not use ILF funding to pay for:

- Independent Living Aids and equipment including wheelchairs
- adaptations to a home or home boundaries
- communication aids
- everyday expenditure, such as food or clothing
- medical, nursing, or residential care
- care and support currently or previously funded by a local authority

Your responsibilities to ILF Scotland

If you employ your own Personal Assistant (PA), you must:

- provide a contract of employment for your PA <https://ilf.scot/go/employment-contracts>
- give serious consideration to obtaining PVG or Access NI checks for PAs <https://ilf.scot/go/pvg> or <https://ilf.scot/go/accessni>
- keep accurate records of when your PA has worked and the date they began working for you
- keep evidence of payments made to your PA
- pay your PA the Scottish Living Wage in Scotland or National Minimum Wage in Northern Ireland
- ensure that you pay any Pay as You Earn, (PAYE), National Insurance contributions, pension contributions payable by your PAs, and any Life Insurance and pension contributions payable by you, and keep a record for HMRC compliance
- provide evidence of the PA's holiday entitlement and holiday pay
- show evidence of sick leave and provide Statutory Sick Pay (where the PA is eligible)
- pay Redundancy Pay or Pay in Lieu of Notice (PILON) costs (where the PA is eligible)
- contribute towards the current minimum pension contributions.
- ensure you have Employer's Liability Insurance in place. ILF Scotland will cover the cost of the enhanced level of insurance where a Recipient directly employs a PA

You may wish to use the services of a financial management or payroll agency to ensure you fulfil your responsibilities as an employer. ILF Scotland can pay towards the cost of these services. Please see our website page <https://ilf.scot/go/advice-for-award-managers> to see the agencies that some of our Recipients use and our Employer Support Information Note for further details of employer responsibilities and about how ILF Scotland can help support you to be a good employer.





Self Employed Personal Assistants (PAs)

Most ILF Scotland Recipients employ their own PAs, but if you wish to appoint a self-employed PA, we strongly advise you to obtain PVG or Access NI checks for PAs. ILF Scotland can pay for the cost of PVG or Access NI scheme records, and any associated umbrella costs, for anyone who will be providing support to an ILF Scotland Recipient, providing that there is scope within the Recipient's maximum award. ILF Scotland may cover these costs whether the PA is employed directly or is self-employed. You can find further information at <https://ilf.scot/go/pvg> or <https://ilf.scot/go/accessni>.

You must also ensure that the PA is registered or registers as self-employed with HM Revenue and Customs (HMRC). You can find guidance from HMRC on how a PA might set up as self-employed at <https://www.gov.uk/set-up-self-employed>.

ILF Scotland has a right to ask you for evidence that you are complying with all statutory employment legislation and following HMRC guidance relating to any self-employed PAs you are paying to work for you.

At scheduled ILF Scotland review visits, if you are paying one or more self-employed PAs to work for you, our Assessor will ask to see the following:

- evidence that your PA is registered with HMRC
- invoices sent from any self-employed PAs to the Recipient
- details of any self-employed PAs' charges
- evidence of the payments made from the Recipient's bank account to any self-employed PAs' bank accounts

ILF Scotland has a duty to ensure that Recipients of its funds use their awards appropriately. It is important that you correctly contract with all PAs you use, including those who are self-employed, to ensure compliance with HMRC requirements. This will ensure that, as an employer, you avoid any risk of incurring a financial liability to HMRC.

If HMRC determines that you have been wrongly paying a PA as self-employed when you should have directly employed them, it is possible that HMRC would require you to pay all Tax and National Insurance due for the historic period of employment. HMRC also has the option to fine you. If this happens, ILF Scotland will not contribute to the cost of Tax, National Insurance, fines or legal support.



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If you are unsure about the employment status of a PA you are paying to work for you, you can contact HMRC on their Employment Status number 0300 123 2326 or via this link <https://www.gov.uk/working-for-yourself>.

If a PA you are paying to work for you is currently self-employed but you now wish to employ them, please contact your Specialist Caseworker on 0300 200 2022 who will be able to advise you. Our Employer Support Information Note, which you can find at <https://ilf.scot/go/employer-support-information-note>, outlines the support ILF Scotland can offer to Recipients who wish to directly employ their PA.

If you use a care provider for support or assistance

A care provider employs support workers to assist with personal care support, domestic support and support in the community. Before you start using a provider, you need to make sure they are registered with the Care Inspectorate in Scotland (www.careinspectorate.com) or the Regulation and Quality Improvement Authority (RQIA) in Northern Ireland (<https://www.rqia.org.uk>).

ILF Scotland cannot pay for any care or support if the provider is not registered. You will also need to tell us the name and address of the provider you are using and you must keep the invoices you get from them. These must show:

- the period of care or support covered
- the number of hours worked
- how much you paid them, how you paid them (for example by BACS or by cheque), the hourly rate charges and when you paid them

If you change your care or support arrangements, you must tell us.

Changes in your life

You must tell us when things change, because it may affect the amount of funding we pay you.

If you do not tell us about a change, it could lead to an overpayment. This means that ILF Scotland has 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:

- loss of unpaid assistance or support
- admission to hospital, residential or nursing care
- changes to care provider
- contract changes
- change of address
- changes to your benefits

Unspent monies

You may find that sometimes you have ILF Scotland 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 or holiday pay for your PA. Or it might be that you did not need your paid assistance or support for a short period, for example, if a family member provided some of your assistance or support in place of your paid assistance or support, and so you have some money left over.

You can keep up to one week of your normal ILF award as a contingency fund to pay for any extra assistance or support you may need, but you need to return the rest of the unspent money to us.

On an exceptional basis, you can ask to use some of the unspent monies to maintain or enhance an independent living outcome. We call this a Flexible Funding request. We will only consider a Flexible Funding request if it sits within ILF Scotland's current policy framework, in particular Policy 41 - Use of Funding.

Recipients must obtain permission from ILF Scotland to use any unspent money before doing so. We will not approve Flexible Funding requests retrospectively and will not fund support arrangements that another public body is responsible for example Access to Work or Disabled Facilities Grants.

Records you must keep

ILF Scotland will pay funds directly into your bank account. You should hold a separate bank account for this purpose. You must keep statements and records that confirm that you have spent the funding on the independent living outcomes agreed with ILF Scotland.

If you directly employ your Personal Assistants, you will need to keep records for the last six years. For more information, contact HMRC by using its Employer Helpline 0300 200 3200 or visit www.hmrc.gov.uk.

It is up to you how you keep these records and you can keep paper copies or electronic records, but you should include the following details, where relevant:

- bank statements for your ILF Scotland account for the last two years showing the date and amount of ILF Scotland money you receive and all payments going out of the account
- payment records showing the dates and amounts you pay to your PAs or care agency and the method of payment
- the hourly rate you pay
- payroll records
- HMRC records
- pay slips
- time sheets
- invoices from care agencies or self-employed Personal Assistants
- any other expenditure you have relating to your ILF Scotland award

If you use a payroll or financial management agency to manage ILF funding, we need to see a statement of the account from the agency that shows at least the last six months of activity.

Our Assessors will need to see these records when they carry out your review visit.



Independent Living Fund Review Visits

We will normally visit you at home at least once every two years. In some circumstances an additional visit may be required for example if your circumstances change significantly within that period. We will talk to you about your assistance and support needs and how ILF Scotland funding is helping you to achieve your independent living outcomes.

We call this a review visit and we will always contact you in advance to make arrangements that suit you. Our Assessor will involve you in inviting those who support you to the review. If you have an Award Manager, we expect them to be present at the review. An Advocacy Worker, family member, a friend, or anyone you would like to assist you, can also attend. If you receive funding or support from your local authority, we will invite a representative to come along to the review.

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 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.

Our Assessor will need to see all the records outlined in the section above.

If there is a significant change in your circumstances that prevents you from maintaining the level of assistance or support you need, please contact your ILF Scotland Specialist Caseworker immediately.





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