

DIRECT PAYMENT AGREEMENT GENERAL TERMS

**WREXHAM COUNTY BOROUGH COUNCIL
2022-23**

This document is also available in Welsh

Date Updated: 07/03/2023.
To be reviewed annually.

Basis of Agreement

Wrexham County Borough Council ("WCBC") has carried out an assessment of eligible needs and has agreed to the support described in the recipient's current Personal Plan (referred to in this document as a "Care and Support Plan") to be provided through a Direct Payment.

Please ensure you read this document carefully and in full.

You will be issued with a Prepaid Card onto which the Direct Payment monies will be paid in order to enable the recipient to purchase the support they have been assessed as needing.

The recipient may only use the Direct Payment to arrange and receive the support as detailed in their Care and Support Plan. They will be responsible for paying for the support they receive, including all invoices and/or employee wages.

You must sign and return the signature page from this Agreement in order for Wrexham County Borough Council to begin your Direct Payment. Once signed, failure to comply with the terms of this Agreement may result in your payments being stopped.

For information as to how Wrexham County Borough Council handles personal data, please see our [Privacy Notices](#) on our website.

This Agreement is to be used in conjunction with the Direct Payments Operational Policy and Terms, and the North Wales Regional Direct Payments Policy, which are available on the [Direct Payments](#) area of our website, or upon request.



This agreement sets out the responsibilities and obligations of:

1. Wrexham County Borough Council (“WCBC”)
- and
2. The recipient of a Direct Payment

Name of recipient

Address

The above are known as the parties to this agreement.

This agreement will also be applicable to representatives of the recipient known as Nominated or Suitable Persons, detailed in Section 21 “Confirmation of Agreement and Signatures”.

Contents

DIRECT PAYMENT AGREEMENT GENERAL TERMS.....	1
1. Purpose & Expectations of the Agreement	1
2. Requirements on the Social Care Department	1
3. Representative of the Recipient	1
4. Contingency Planning.....	2
5. Entitlement and Rates	3
6. Charges.....	3
7. Payments.....	4
8. Record Keeping	5
9. Balance Reviews.....	6
9.6 Excess Funds in a Prepaid Card Account.....	6
9.7 Excess Funds in a Bank Account.....	7
10. Self Employed Carers	7
11. Information, Advice and Guidance	7
12. If Difficulties Arise	8
13. Escalation Procedure	8
14. Termination of the Agreement	9
15. Rights and Responsibilities.....	9
16. Data Protection	10
17. Using a Personal Assistant	10
17.1 Rates.....	10
17.2 Liability Insurance	10
17.3 Payment	11
17.4 Training	11
17.5 Compliance with Employment Legislation & Practice	11
18. Using a Care Provider.....	12
18.1 Contracts	12
18.2 Rates.....	12
18.3 Payment	13
19. Using a Micro-enterprise	13
19.1 Contracts	13
19.2 Complaints	13
19.3 Rates.....	13
19.4 Payment	14

19.5	Training	14
20.	Useful Contact Details.....	15

1. Purpose & Expectations of the Agreement

- 1.1 Wrexham County Borough Council's Social Care Department agrees to provide the Direct Payment recipient with a sum of money to enable them to arrange and manage their own services.
- 1.2 The payment is subject to the terms applying to the offer as outlined in the Care and Support Plan, including any conditions or restrictions on use.
- 1.3 Direct Payment recipients will need to ensure that records of Income, Expenditure and Provider visit times are kept and maintained. The Social Care Department reserves the right to exercise the powers of auditing of service provision at any time, and recipients will be expected to give reasonable access to duly authorised staff to carry out such auditing.
- 1.4 Any offer will be subject to all matters relating to decisions about Direct Payments provision applying at all times as outlined in the Direct Payments policy.

2. Requirements on the Social Care Department

- 2.1 The Social Care Department will have assessed the need for services with the person concerned and in light of this assessment will have provided a Care and Support Plan detailing services to be provided to meet any identified needs. This will be the basis of any Direct Payment offer to recipients.
- 2.2 The Social Care Department will provide the Direct Payment recipient with written confirmation of the costed care and support, which is an amount up to that which it estimates it costs the Authority to provide a reasonable level of service, based on its own service provision responsibilities. This is known as the Direct Payment Offer Letter.
- 2.3 The Social Care Department will monitor and evaluate the quality of the support provided, detailed within the individual Care and Support Plan as per the department's normal review policy.
- 2.4 Where the recipient experiences difficulties, or the Social Worker becomes concerned about the quality of care, long-term viability of arrangements, or the administration of the Direct Payments, options for further support including provision of services arranged by the Social Care Department will be proposed, and the "Escalation Procedure" may be invoked.

3. Representative of the Recipient

- 3.1 A representative can manage a Direct Payment on behalf of the recipient; however the circumstances around this are defined by Welsh Government and must be adhered to.

- 3.2 There are two definitions of a representative that must be considered, and this will outline the role and responsibilities of both the representative and the recipient.

The two terms as agreed by Welsh Government are “**Suitable Person**” and “**Nominated Person**” (Nominee).

A **Nominated Person** will manage the Direct Payment on behalf of a person with capacity. A Nominated Person’s role is to support the recipient with the administration of the Direct Payments. A Nominated Person merely undertakes administration on behalf of the recipient and will not make choices on behalf of the recipient. The responsibility of maintaining the package of care, and ensuring this is paid for as per their specific terms and conditions, will still be with the Direct Payment recipient.

A **Suitable Person’s** role carries far more responsibility than a Nominated Person’s as it includes managing the Direct Payment on behalf of the recipient, and making choices about the care and support the recipient receives via Direct Payments. The Suitable Person will be responsible for maintaining the package of care and ensuring, on behalf of the recipient, that the care and support is paid for as per their specific terms and conditions. The Suitable Person may not, under any circumstances, receive Direct Payments in order to pay themselves for providing care.

- 3.3 Throughout this agreement, references to the “recipient” and “representative” both apply to anyone who is acting on behalf of the recipient as either the Suitable Person or Nominated Person. The representative is bound to the same agreement as the recipient. The recipient of the Direct Payment will remain the named recipient in the Care and Support Plan, and on this Agreement.

4. Contingency Planning

- 4.1 The Direct Payment recipient and/or their representative are responsible for ensuring effective contingency plans have been considered and are in place prior to a Direct Payment commencing. Contingency plans for the following eventualities should be considered (please note, this list is not exhaustive):
- Sickness.
 - Annual Leave.
 - Accidents/Emergencies.
- 4.2 The Social Worker is responsible for ensuring that any contingency planning is written within the individuals Care and Support Plan should an emergency arise.
- 4.3 Should these arrangements break down, the recipient must contact the appropriate Social Care team, or if out of office hours the Emergency Duty Team for alternative cover as similar to the Care and Support Plan as possible.

5. Entitlement and Rates

- 5.1 The amount of money to be paid to a Direct Payment recipient will be calculated on the basis of their Care and Support Plan.
- 5.2 Payments will be made four weekly, in advance, onto the Prepaid Card set up on the recipient's behalf by the Local Authority, or the bank account which the Direct Payment recipient or their representative has set up for the sole purpose of administering Direct Payments.
- 5.3 The standard rates WCBC pay to the Direct Payment recipient for the 2022/23 financial year are as follows:
- When employing Personal Assistant(s): payment of £14.39 per hour.
 - When employing Micro-enterprise(s): payment of £16.13 per hour.
 - When employing a Care Provider: payment of £21.97 per hour.
 - When attending Day Care: payment of £46.26 per day/session.
 - When requiring a Sleep In from either Personal Assistant(s) or a Provider: payment of £92.24 per night (based on 9 hour "Sleep-in").
- 5.4 Other rates and costs may be agreed that are different or additional to the above rates, based on the needs of the recipient; this will be detailed in your Care and Support Plan, and Direct Payment Offer Letter.
- 5.5 These rates are reassessed annually and WCBC reserves the right to amend the rates stated within the Agreement upon written notice.

6. Charges

- 6.1 Charges for the service will be in accordance with Wrexham County Borough Council's Charging Policy for Services, based on Section 5 of The Social Services and Well-Being (Wales) Act 2014. This charge is known as the "Client Contribution".
- 6.2 These charges apply for all services provided by the Social Care Department, including Direct Payments. This charge remains the same regardless of the services an individual receives from Wrexham County Borough Council.
- 6.3 This charge is managed by the Financial Assessment Team, who are responsible for the calculation and updating of this charge. Any correspondence with regards to the Client Contribution will be sent to the recipient directly from the Financial Assessment Team.
- 6.4 The Direct Payment Award, as detailed in the recipient's Offer Letter, is paid as a "net" figure – i.e. the total cost of the service minus the value of any assessed Client Contribution.
- 6.5 If the recipient already has services from Wrexham County Borough Council's Social Care Department and they have been assessed as needing to pay a Client Contribution, they will currently receive an invoice for this charge. At the

commencement of the Direct Payment, invoices will cease and instead the recipient or their representative will be required to make this payment directly onto their Prepaid Card, or into their Direct Payment bank account (if applicable), to ensure the full cost of services are covered.

- 6.6 The recipient must pay their Client Contribution in advance, either weekly or four-weekly, onto the Prepaid Card, or the bank account (if applicable) set up for the sole purpose of administering Direct Payments.
- 6.7 In special circumstances, at the Social Care Department's discretion, it may be agreed to pay a Direct Payment as a "gross" payment; the total cost of the service; and instead send the recipient a regular invoice for their Client Contribution.
- 6.8 Direct Payment recipients will have the normal right to request a review of the charges, as set out in the Council's Charging Policy. If the recipient has any queries regarding their Client Contribution, they should contact the Financial Assessment Team via:

Email: financialassessments@wrexham.gov.uk
Telephone: 01978 298220
Address: Financial Assessment Team
1st Floor, Lambpit Street
Wrexham, LL11 1AR

7. Payments

- 7.1 Wrexham County Borough Council offer each new Direct Payment recipient a Prepaid Card (an online banking account). The recipient and/or their representative will receive a MasterCard that can be accessed securely via the internet, or over the telephone, in order to manage the Direct Payment. The card can be used in a similar fashion to a standard debit card.
- 7.2 The payment provider for the Prepaid Card service is EML Payments Ltd, and the card merchant is MasterCard. The card the recipient receives will have a unique account number to the recipient, and they will also receive a PIN number to keep the card secure.
- 7.3 EML Payments Ltd may periodically request "Know Your Customer" (KYC) data from Wrexham County Borough Council as part of this service, whereby all individuals who wish to receive a Prepaid Card will be required to verify their identity to the Local Authority prior to a Prepaid Card being ordered by means of either photographic identification, proof of address identification, or official referral documentation.
- 7.4 The card provider, EML Payments Ltd, and the card merchant, MasterCard, will hold the recipient's data in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. They can provide the recipient with a copy of their Privacy Notice upon request.

- 7.5 There is no set-up or ongoing charge for a Prepaid Card account, however Wrexham County Borough Council may need to charge, at cost, for replaced cards.
- 7.6 If a recipient feels a Prepaid Card would not be suitable for their current circumstances, they will need to discuss this with their Social Worker, who can discuss the possibility of using a standard bank account. The rights and responsibilities of the recipient and/or their representative remains the same regardless of the way in which the Direct Payment is administered.
- 7.7 In all circumstances, the Prepaid Card account, or bank account set up solely for the purpose of administering the Direct Payment, must show all payments to Personal Assistant(s), Care Providers, Micro-enterprises, Day Care services, and any other chargeable costs/service as stipulated within the Care and Support Plan.
- 7.8 It is not acceptable for the recipient or their representative to use the account as a “holding” account, and transfer the Direct Payments monies to a different account. All payments related to the Direct Payments service must come directly from the Prepaid Card account, or bank account.
- 7.9 If at any time the recipient feels they have too large or too small a balance in their Direct Payments account, they may contact the Direct Payments Team to discuss this.
- 7.10 Should an overpayment occur, the Council will contact the recipient to recover this amount via the Balance Review process (see “Section 9”), or alternatively the Local Authority may deduct funds from subsequent payments to the value of the overpayment. The Social Care Department may also follow the Council’s debt recovery procedures.
- 7.11 Direct Payments recipients must not use cash to pay for any services without prior approval from a Social Worker.

8. Record Keeping

- 8.1 The recipient must keep all records, e.g. receipts, invoices and payslips for 7 years to show what the money has been spent on. The Social Care Department will periodically carry out random and targeted spot checks and may ask to see these documents at any time. Wrexham County Borough Council reserves the right to request this information at any time which you must provide within 14 days of the request.
- 8.2 If the authority has agreed that the recipient may withdraw cash, recipients will need to keep records of cash withdrawals.

9. Balance Reviews

- 9.1 A Balance Review is undertaken every quarter (every 3 months) on all Direct Payment accounts.
- 9.2 Failure to respond to a Balance Review request may result in payments being suspended under the “Escalation Procedure” (see “Section 13”).
- 9.3 If an Officer auditing an account identifies or suspects fraud, they may suspend the account with immediate effect, and invoke the “Escalation Procedure” (see “Section 13”). This will include notifying the recipient of reason(s) for suspension identified.
- 9.4 If you are using a Prepaid Card, the Balance Review will be completed by a member of the Direct Payments Team using the online EML Portal. You will not be required to submit any documentation unless there are any issues identified with transactions during the audit process, at which stage receipts, or any other supporting documentation will need to be submitted to WCBC.
- 9.5 If you are using a bank account solely for the purpose of Direct Payments funding, you will receive a request to submit your bank statements (and any income and expenditure information, if applicable) at this time. Bank statements need to show all transactions in and out of your Direct Payments bank account, and the balance of the account during the specified dates requested. It is the responsibility of the Direct Payment recipient and/or their representative to ensure their information is sent securely. Once the Social Care Department has received the information, it will ensure the data is held securely in line with data protection requirements. Please note that while the Direct Payments Team will try to return original bank statements, this cannot always be achieved. Any information or documentation the recipient sends will be securely shredded after the relevant information has been recorded. When the recipient or representative is sending original documentation, they should ensure they keep a copy for their own records.
- 9.6 Excess Funds in a Prepaid Card Account
 - 9.6.1. Where an Officer determines there is excess funding in the account, they may contact the recipient and/or their representative by phone, email, or letter to request these funds back. In most cases this will simply require verbal agreement from the recipient and/or their representative and the Officer will be able to withdraw the agreed amount through the Prepaid Card system. Alternatively the recipient and/or their representative may wish to return the agreed amount themselves, using the methods listed in the Balance Review letter.

9.7 Excess Funds in a Bank Account

- 9.7.1 The Direct Payments Team will write to the recipient to ask for surplus monies to be returned. Monies can be returned via the methods detailed in the Balance Review letter. Failure to respond to a Balance Review request may result in the Direct Payments Team contacting a member of the relevant Social Work Team, and this may lead to suspension or withdrawal of the Direct Payment as per the “Escalation Procedure” (see “Section 13”).

10. Self Employed Carers

- 10.1 For the purposes of Direct Payments, a Self Employed Carer providing care to multiple recipients is classed as a Personal Assistant or Micro-enterprise, and not a Care Provider. In order to be classed as a Care Provider, they would need to register with CIW and any other appropriate regulatory bodies.
- 10.2 The Self Employed Carer should be able to produce evidence of their up-to-date DBS and Liability Insurance upon request.
- 10.3 The Self Employed Carer will indemnify Wrexham County Borough Council against all actions, claims, demands, proceedings, damages, costs, charges and expenses, whatsoever in respect of any breach of the statutory and other provisions occurring as a result of them providing the care and support services.

11. Information, Advice and Guidance

- 11.1 The Direct Payments Team will be able to provide Direct Payment recipients with information, support and advice to manage their care and support independently. They can provide advice on a wide range of topics, such as:
- Recruitment.
 - Tax and National Insurance.
 - Calculating rates of pay.
 - Contingency planning.
 - Rights and responsibilities.
 - Setting up standing orders, Direct Debits, payroll, insurances.
- 11.2 The recipient will be referred to the Direct Payments Team by their Social Worker as part of the Direct Payments process. The use of the Support Service is free to the recipient.
- 11.3 Recipients may choose to refer at a later date to the Support Service. The recipient will need to contact their Social Worker to make a referral. If the recipient is not allocated to a Social Worker at that time, they can contact the relevant Social Work Team, or the Direct Payments Team directly.

12. If Difficulties Arise

- 12.1 In the event of serious concerns the Social Worker will discuss these concerns with the Direct Payment recipient at the earliest opportunity. The Social Care Department reserves the right to suspend the Direct Payment arrangements. In such an event, the arrangement of Direct Payments will not be resumed until the concerns have been addressed and rectified through the “Escalation Procedure” (see “Section 13”).
- 12.2 If Direct Payment recipients are dissatisfied with any aspect of the service they have the right to use Wrexham County Borough Councils’ complaints procedure. Details of this can be found on the WCBC website, or can be provided on request.

13. Escalation Procedure

- 13.1 Wrexham County Borough Council’s Escalation Procedure details the steps the Social Care Department will take to resolve concerns around Direct Payments.
- 13.2 This procedure can be invoked by an officer of WCBC in relation to concerns around a Direct Payment, including but not limited to:
- Balance Review / Audit documentation not returned upon request.
 - Refusal to make the financial Client Contributions.
 - Refusal to engage with the department and/or supply any documentation requested.
 - Refusal to allow any WCBC Department to undertake their statutory duties.
 - The recipient or their representative(s) are using the money illegally or not in accordance with the Care and Support Plan.
 - The way the recipient or representative uses the money is not in the recipients best interests.
 - Financial Abuse concerning the recipient or the Direct Payment.
 - The recipients’ health and safety is at risk and they are failing to minimise the risks identified in the assessment.
 - Not all of the eligible needs are being met.
 - Not adhering to all points of this agreement.
- 13.3 The first stage of the Escalation Procedure will involve notifying all relevant Social Work teams that the procedure has been invoked, the reasons why and what the steps needed to resolve this are. The Direct Payment may be suspended at this point, depending on the severity of the issue. The recipient will be notified of the issue with the account, and if their payment is suspended.
- 13.4 The second stage of the Escalation Procedure will be invoked if the Recipient or their representative fails to engage with the Social Care Department, or does not resolve the issue in a way that is satisfactory to WCBC, within 28 days. If the Direct Payment is not already suspended, it will be suspended at this point. The recipient will be notified that WCBC are going to withdraw services if the recipient does not engage with the department or rectify the issue within 14

days. Social Workers will be asked to intervene to make contact directly with the recipient or suitable person to discuss concerns.

- 13.5 The third stage of the Escalation Procedure will involve the Social Care Department withdrawing the Direct Payment, and transferring the recipient to a Council managed package of care, where applicable.

14. Termination of the Agreement

- 14.1 Wrexham County Borough Council reserves the right to terminate this agreement if one or more of the terms and conditions of this agreement are not being met, in line with the Escalation Procedure.
- 14.2 Other reasons we may terminate this agreement include, but are not limited to:
- The recipient or their representative have advised that they no longer wish to continue the arrangement.
 - The recipient is no longer capable of managing the Direct Payment even with support available to them.
 - The recipient is no longer eligible for a Direct Payment from Wrexham County Borough Council under the Social Services and Well-being (Wales) Act 2014.
 - Any significant issues arise which are subject to Safeguarding procedures under the Social Services and Well-being (Wales) Act 2014, and the statutory Working Together To Safeguard People guidance.
- 14.3 On termination of this agreement, all remaining monies must be repaid to Wrexham County Borough Council immediately, ensuring any remaining outgoing expenditure has been covered. If a bank account has been in place, which has been used solely for the purpose of administering the Direct Payment, this should be closed. Evidence that the bank account balance is at zero will be required. Wrexham County Borough Council will take action against the recipient to reclaim any monies which have been spent inappropriately.
- 14.4 Both parties reserve the right to end the Direct Payment Agreement by providing the other party with a minimum of 28 days' notice.

15. Rights and Responsibilities

- 15.1 The Direct Payment recipient has the same right as other individuals to request that the Social Worker arrange for a review and/or re-assessment of their care and support needs at any time.
- 15.2 The Direct Payment recipient has the right to elect to return to Council provided services at any time.
- 15.3 The Direct Payment recipient must abide by the terms and conditions of the Direct Payments Operational Policy and Terms which is available on WCBC's website, or can be forwarded by request. Failure to comply will result in the

Direct Payment being suspended or withdrawn in accordance with the Direct Payment “Escalation Procedure” (see “Section 13”).

16. Data Protection

- 16.1 Wrexham County Borough Council is committed to compliance with data protection legislation, as well as the rights of the recipient and/or their representative to confidentiality and privacy. WCBC will ensure that it keeps the recipient and their representative’s personal data accurate and secure to provide them with efficient services.
- 16.2 The Local Authority will only use the data it holds about the recipient in accordance with the law. The Local Authority will also only collect the minimum data necessary, and when it no longer has a need to keep the recipient’s data, it will be disposed of in a secure manner.
- 16.3 The Local Authority will include a copy of their Privacy Notice with the Direct Payments Offer Letter, which details where to find more information about how WCBC processes the recipient’s data. This information can also be found on WCBC’s website.

17. Using a Personal Assistant

17.1 Rates

- 17.1.1 The amount of money to be paid to the Direct Payment recipient will also include an element in respect of the following costs:
- 5.6 weeks statutory minimum holiday entitlement.
 - 2 weeks sick pay.
 - Employers National Insurance Contributions.
 - 3 days training per annum.
 - Administration costs such as payroll, recruitment, DBS checks.
 - Relevant insurance policy.
- 17.1.2 The expectation of the Social Care Department is that the recipient will ensure that the above costs are taken into account when deciding on a rate of pay for their Personal Assistant(s). No additional payments will be made in order to cover the above elements.

17.2 Liability Insurance

- 17.2.1 The Direct Payment recipient will indemnify Wrexham County Borough Council against all actions, claims, demands, proceedings, damages, costs, charges and expenses, whatsoever in respect of any breach of the statutory and other provisions occurring as a result of the work of the Personal Assistant(s), employed by themselves, in providing the care and support services.
- 17.2.2 Such indemnity should be covered by the Direct Payment recipient arranging appropriate insurance. As a minimum, the Direct Payment recipient must take

out Employers' Liability and Public Liability insurance policies for the intended purpose. Our Third Party Support Service can advise on the correct type of insurance for your situation.

- 17.2.3 Evidence of current insurance will be checked as part of the auditing process. As part of your initial payment, you will receive monies to ensure the appropriate insurances are in place.

17.3 Payment

- 17.3.1 Direct Payment recipients can choose how to pay their Personal Assistant(s) and the frequency of payment to their staff (weekly, four weekly or monthly). They must not use cash to pay for any services without prior approval from a Social Worker.

- 17.3.2 As an employer, the Direct Payment recipient is responsible for making sure that any Income Tax, National Insurance payments, and other payments (i.e. Student Loans) are deducted from wages and duly paid over to the appropriate agency. The use of payroll services will not result in the transfer of responsibility in this regard.

17.4 Training

- 17.4.1 Direct Payment recipients must ensure appropriate training, in line with the needs of the recipient, is undertaken for their Personal Assistant(s) which should be discussed with the Social Worker or the Direct Payments Team, and detailed within the Care and Support Plan. Training may include Moving and Handling, First Aid, Food Hygiene, Infection Control, etc., based on personal circumstances.

- 17.4.2 Training for your Personal Assistant(s) can be arranged privately, or the Direct Payments Team are able to support you in finding and accessing courses. Wrexham County Borough Council offer a wide range of free training courses. For more information on these courses, you can contact our Workforce Development Team either via email to workforcedevelopment@wrexham.gov.uk, or via telephone: 01978 298883.

17.5 Compliance with Employment Legislation & Practice

- 17.5.1 Direct Payment recipients employing Personal Assistant(s) will ensure that all relevant employment legislation is complied with.

- 17.5.2 Direct Payment recipients will be required to employ sufficient and appropriate Personal Assistant(s) to ensure that the support, as set out in the Care and Support Plan, is provided at an acceptable standard and provided in a safe way.

- 17.5.3 Direct Payment recipients will ensure that adequate precautions are taken when recruiting and selecting Personal Assistant(s) to be employed in line with Terms applying to the offer.

- 17.5.4 Direct Payments recipients may employ close relatives or other persons living in the same household, where the Local Authority deems that it is necessary to promote the well-being of the recipient, at the Local Authorities' discretion.
- 17.5.5 The Local Authority has the right to impose a condition that a Direct Payment cannot be used to pay a relative or member of the recipient's household where it does not believe it will promote the well-being of the recipient. This will be agreed at the point of assessment with the recipient's Social Worker, and the Local Authority may review this condition at any point.
- 17.5.6 When considering this condition, the Local Authority must take in to account the view of the recipient, their representative, and any person the recipient wishes the Local Authority to involve.
- 17.5.7 The recipient has a responsibility to ensure that their Personal Assistant(s) is/are receiving the National Living Wage (also known as "minimum wage"). They must also ensure that a Personal Assistant(s) receives their statutory annual leave entitlement, and any other statutory obligations, as and when required.
- 17.5.8 The recipient must ensure that the requirements of the Working Time Regulations 1998 and Working Time Directive are met at all times. If an employee wishes to work more than 48 hours, they must sign an "opt-out" agreement.
- 17.5.9 Failure to follow the above will result in the Direct Payment being suspended or withdrawn via the "Escalation Procedure" (see "Section 13").
- 17.5.10 The Direct Payments Team will be able to provide Direct Payment recipients with information, support and advice to manage their care and support independently (see "Section 11").

18. Using a Care Provider

18.1 Contracts

- 18.1.1 WCBC's Social Care Department expects any arrangements to be formally made and governed by Purchase Agreements with independent Care Providers (also known as "Agencies").

18.2 Rates

- 18.2.1 Providers may charge different rates to that paid by the Local Authority, and where a recipient or their representative chooses to procure support from a Care Provider that charges a higher rate than paid to them by the Local Authority, they will be required to cover this extra charge themselves. This is known as a "Top-up". This will need to be paid on top of any assessed Client Contribution (See "Section 6 - Charges") and recipients will need to be mindful of this when choosing a Care Provider. Any top-up payments should be made

as a separate payment than that of the Client Contribution in order to be easily identifiable as part of account auditing.

18.2.2 Where a recipient or their representative chooses a Care Provider that charges a lower hourly rate than offered by the Local Authority, it is a requirement that any unused money identified during the regular audit of expenditure will be repaid to the Local Authority. Repayment will not be required where it can be clearly demonstrated that the unspent sum has been accrued to pay for an agreed item or service, in agreement with a Social Worker.

18.3 Payment

18.3.1 Care Providers will offer Direct Payment recipients different ways in which to pay them for their services. The Care Provider will send you an invoice (either monthly or four weekly) and will tell you the methods of payment that they accept. This can be either by bank transfer, standing order or Direct Debit.

18.3.2 When paying by Standing Order, the recipient or their representative must be mindful they will need to change the value of the Standing Order themselves if/when their level of care changes, or if the rate the Care Provider charges the recipient changes. The recipient or their representative must do this in a timely manner to ensure they don't build a credit or a debt with the Care Provider.

18.3.3 In rare circumstances, Care Providers may let us know when the recipient has built a debt if it may affect the continuity of the recipient's care. This will result in the Social Care Department invoking the "Escalation Procedure" (see "Section 13") and suspending the recipient's Direct Payment until the issue is resolved.

19. Using a Micro-enterprise

19.1 Contracts

19.1.1 WCBC's Social Care Department expects any arrangements to be formally made and governed by contracts with independent Micro-enterprises.

19.2 Complaints

19.2.1 Should there be any issues or concerns with regards to the care and support being provided by a Micro-enterprise, this should be addressed in the first instance using the Micro-enterprise's own Complaints Procedure. Otherwise, please refer to "Section 12 – If Difficulties Arise".

19.3 Rates

19.3.1 Micro-enterprises may charge different rates to that paid by the Local Authority, and where a recipient or their representative chooses to procure support from a Micro-enterprise that charges a higher rate than paid to them by the Local Authority, they will be required to cover this extra charge themselves. This is

known as a “Top-up”. This will need to be paid on top of any assessed Client Contribution (See “Section 6 - Charges”) and recipients will need to be mindful of this when choosing a Care Provider. Any top-up payments should be made as a separate payment than that of the Client Contribution in order to be easily identifiable as part of account auditing.

- 19.3.2 Where a recipient or their representative chooses a Micro-enterprise that charges a lower hourly rate than offered by the Local Authority, it is a requirement that any unused money identified during the regular audit of expenditure will be repaid to the Local Authority. Repayment will not be required where it can be clearly demonstrated that the unspent sum has been accrued to pay for an agreed item or service, in agreement with a Social Worker.

19.4 Payment

- 19.4.1 Micro-enterprises will offer Direct Payment recipients different ways in which to pay them for their services. The Micro-enterprise will send you an invoice (either monthly or four weekly) and will tell you the methods of payment that they accept. This can be either by bank transfer, standing order or Direct Debit.

- 19.4.2 When paying by Standing Order, the recipient or their representative must be mindful they will need to change the value of the Standing Order themselves if/when their level of care changes, or if/when the rate the Care Provider charges should change. The recipient or their representative must do this in a timely manner to ensure they don't build a credit or a debt with the Care Provider.

- 19.4.3 In rare circumstances, Micro-enterprises may let us know when the recipient has built a debt if it may affect the continuity of the recipient's care. This will result in the Social Care Department invoking the “Escalation Procedure” and suspending the recipient's Direct Payment until the issue is resolved.

19.5 Training

- 19.5.1 Direct Payment recipients must ensure appropriate training, in line with the needs of the recipient, is undertaken for their Micro-enterprise(s) which should be discussed with the Social Worker or the Direct Payments Team, and detailed within the Care and Support Plan. Training may include Moving and Handling, First Aid, Food Hygiene, Infection Control, etc., based on personal circumstances.

- 19.5.2 Training for your Micro-enterprise(s) can be arranged privately, or the Direct Payments Team are able to support you in finding and accessing courses. Wrexham County Borough Council offer a wide range of free training courses. For more information on these courses, you can contact our Workforce Development Team either via email to workforcedevelopment@wrexham.gov.uk, or via telephone: 01978 298883.

20. Useful Contact Details

WCBC Direct Payment Team

Direct Payments – Social Care
Wrexham County Borough Council
2nd Floor, Crown Buildings
Chester Street
Wrexham
LL13 8BG
Tel: 01978 298676
Email: directpayments@wrexham.gov.uk

WCBC Social Services

Tel: 01978 292066 (Out of Hours: 0345 053 3116).
Email: socialservices@wrexham.gov.uk

WCBC Financial Assessment Team

Financial Assessment Team
1st Floor, Lambpit Street
Wrexham
LL11 1AR
Tel: 01978 298220
Email: financialassessments@wrexham.gov.uk

