

Using an Agency Fact Sheet: Direct Payments

You can use direct payments to pay a home care (sometimes called domiciliary care) agency to supply staff to provide the services you want.

In most cases if you use an agency, the staff who will work with you will be employed by the agency but you need to check this.

You will be able to say how, when and where you want your support to be provided so you maintain choice and control over the arrangements.

Getting the information that you need

Before you decide to buy a service from an agency, it may be useful to talk to one of the support services on our Direct Payment Support Services List. They will be able to advise what to consider before you enter into a contract or agreement with the agency.

We recommend that you talk to several agencies to compare costs and the terms and conditions of services before you decide which one is best for you. We recommend that you ask each agency:

- To show you the details of its registration with the Care Quality Commission (CQC). The CQC regulates this type of service and requires that certain minimum standards are met.
- To see a copy of their insurance policy.
- How much it will cost you to use their services and whether there are any additional costs, e.g. mileage, working on bank holidays. You have to be able to afford to pay for services from your direct payments account.
- If you will be asked to verify hours worked so that you can track that you are being invoiced for the correct amount.
- About the terms and conditions of the contract that you will have to sign.
- If they employ the staff and meet all their tax and national insurance payments. If they do not, this may suggest that staff are self employed or it may mean that you become the employer. There are legal responsibilities involved in becoming an employer. You will be responsible for all costs of employment. Please refer to our **Becoming an Employer guide**.

- If all their staff have been screened through the Disclosure and Barring Service which checks criminal records and ensures that there is no known reason why staff should not work with vulnerable people.
- What qualifications and experience their staff have and what training and support the agency provides to its staff.
- If it will carry out a risk assessment for you and the staff who will work with you.
- How it manages its staff and how often someone will visit you to check you are happy with its services.
- How you can tell them if you are not happy with their service and how they would deal with your complaint.
- How they arrange cover when your regular personal assistant is on holiday or on sick leave. You also need to know how the agency will let you know when there is a change like this – so that you are not surprised if someone that you do not know comes to your home.

We have only given you a few suggestions of the type of questions you may want to ask. Please think about the information you want and what questions you need to ask the agency to help you to choose the right agency for you. Some of the direct payment support services can provide support and advice with this.

The contract or agreement

Once you have decided to use an agency, always check that you have discussed all of your arrangements with the agency and have an agreement in writing.

Make sure that the agency has given you a breakdown of all their costs in writing. You do not want to have any unexpected costs, such as additional charges for mileage, bank holidays and so on that you have not previously agreed to pay.

Paying the agency

The agency will invoice you for the cost of the services. You should check that the details are correct before paying the invoice from your direct payments account.

Please keep copies of invoices and correspondence. We have to account for how direct payments are used so will wish to see your records when we review your direct payment arrangements. See our Adult Social Care Direct Payments Guide for information about reviewing direct payment arrangements.

Agency staff

Sometimes, people who have been supported by agency staff for some time decide that they want to directly employ them rather than going through the agency. If you want to do this, **we strongly recommend that you talk to the agency and / or seek independent advice from one of the direct payment support services before you take any action.**

Some agency agreements allow you to employ their staff directly **but may charge you a fee** as part of their conditions for providing the service for you.

Also if you are not already employing staff, you will become an employer and will have legal obligations towards your employee. **Please refer to our Becoming an Employer guide.**

If the Agency tells you they cannot continue to support you

If the agency tells you they will not be able to continue to support you, you can contact our Adult Social Care helpdesk on **01452 426868** or email us at socialcare.eng@gloucestershire.gov.uk. If you are unable to arrange alternative services, we will do this for you.

Complaints

If you have a complaint about the services provided by the agency, you should contact the manager of the agency to discuss your concerns. If you are not satisfied with the response and the agency is registered with the Care Quality Commission (CQC), you can contact CQC at:

CQC
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Phone: 03000 616161
Email: enquiries@cqc.org.uk

Fax: 03000 616172

Further information

There is more direct payments information in our:

- Adult Social Care Direct Payments guide, and
- Becoming an Employer Guide

You can also contact our Adult Social Care helpdesk on **01452 426868** or email us at socialcare.eng@gloucestershire.gov.uk.