

## **Section 7 Offers And Awards**

**Information in this section is relevant to all Fund Users (see Preface) unless otherwise stated**

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## **7.1 Making An Offer**

### **7.1.1 How An Offer Is Calculated**

Once it is established that a Fund user meets the eligibility criteria and the input from the Local Authority (LA) is confirmed, an assessment can be made of the level of qualifying support and services (personal care and domestic assistance) required, and the cost of this. This is usually straightforward if the intended provider, and the rates they charge, are known and provided; if not further discussion will be required. The Funds will also need to know a Fund user's and their partner's financial details to calculate how much they will be asked to contribute towards the package (see Section 8).

Once the total cost of the care package is ascertained, the LA provision and Fund user's available income are deducted from this amount, leaving a figure that will be the Funds' offer.

An exception to this is that the Funds can consider in some circumstances making a provisional offer, based on provisional figures given where the Fund user is not able to identify the cost of care required. If you wish to request a provisional offer please contact the Funds to discuss this further. If a provisional offer is requested, the Funds will need an explanation as to why actual costs cannot be obtained. When the actual cost of care is received, the Funds will reassess the offer based on the new figures. The Funds will not commence payments until the real cost of care is provided. This type of offer should only be used if exact care costs cannot be clarified, as it duplicates work both for the LA, and the Funds.

## 7.1.2 Qualifying Support And Services Cost Components

The Funds make an offer based on actual costs of the qualifying support and services which are:

- 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 him or herself or others

The following components can also be considered: -

**7.1.2.1 Hourly Rates** The hourly rate should reflect the local rate for the type of support and skill required, at least the national minimum wage must be offered to PAs. Enhanced rates can be considered for unsocial hours or bank holidays.

**7.1.2.2 Travel Expenses** If required by an agency or there are exceptional reasons why a personal assistant (PA) needs to be paid travel costs eg Fund user lives in remote area with no local transport routes, any reasons should be provided in writing.

**7.1.2.3 Food And Lodging** For 24-hour care packages, or live in PAs

**7.1.2.4 Employer's National Insurance** (see 10.2.5)

**7.1.2.5 Employer's Liability Insurance**

**7.1.2.6 PA's Holiday Pay** (see 10.2)

**7.1.2.7 Value Added Tax (VAT) If Payable** (see also 6.5.2)

**7.1.2.8 Statutory Sick Pay;** the Funds can consider a top up to the statutory amount required, if the Fund user is liable for the payment, and unable to reclaim the whole amount from the HMRC.

- 7.1.2.9 Advertising Costs;** a reasonable cost for advertising.
- 7.1.2.10 Payroll;** the reasonable cost of using a payroll service. **Note** The Funds cannot normally contribute towards a payroll service that is funded by a LA.
- 7.1.2.11 Direct Payment (DP)** (see 6.4); if the LA is providing the Fund user with a DP, then the Fund will consider matching the rates used, provided that these can be shown to reflect the individual Fund user's needs and care costs.

**The Funds can consider other on-costs to qualifying support and services that may be individual to a Fund user. If you are in doubt if something could be included in a package, please contact the Funds to discuss (to contact the Funds see 1.1).**

### **7.1.3 Annualised Payments**

The Funds are able to annualise payments made to Fund users. This means that payment for particular weeks could exceed the maximum Fund payment (see 2.5.8), providing the total paid during the financial year from April to March, does not exceed the maximum sum payable.

### **New Applicants and Fund Users Who Applied After March 1993**

The maximum amount can only be calculated over the number of weeks in the year that a Fund user is **eligible** to receive funding ie periods in which the LA are inputting regular and ongoing support and services that meet the threshold sum of £10400 per year (£200pw), (see 6.12 for examples). The assessments of these cases are individual to the Fund user, and often complex, any decisions will be made by the Funds after full details are provided.

#### **7.1.4 Shared Support** (see 6.13)

Where there are two or more Fund users in the same household or attending the same centre, it may be possible to share the support, and make economical use of the care employed. The planning and costing of such arrangements is usually complex as it is important to ensure that the combined package is workable, each individual's care package is identified, and the individual's needs are considered. When such a proposal is for people leaving residential care to embark upon a group living arrangement, the Funds must be told as early as possible.

#### **7.1.5 Carer's Allowance**

Carer's Allowance (CA) is a benefit that is paid to a carer, usually a family member or friend, to provide 35 hrs of care per week. The Fund's assessment will take account of the 35 hours of care provided per week, and only care over and above the 35 hours will be considered in an offer. The amount paid to the person receiving the Carer's Allowance, if they are a partner of the Fund user, will be disregarded in the Fund's financial assessment (see Section 8.3.2).

## **7.2 Making An Award**

### **7.2.1 Fund Users**

If an offer is made we will write to the Fund user and LA rep (if there is one and we have permission to contact them) explaining the offer, and the calculations used to make the offer. Included in the Fund user's letter will be the following: -

- ✓ **Agreement Form:** the person who will be responsible for the ILF award must complete the Agreement in order for an award to commence. The Agreement asks the responsible person to confirm the following: -
  - The date they wish the award to be paid from
  - The amount of the award they want ILF to pay

- Confirmation that the user knows they are expected to contribute their assessed Available Income
- Who they will use to provide the care paid for with an ILF award
- Details of the bank account they want the award to be paid into

The Agreement also contains a declaration that must be signed. The declaration specifically refers to some of the obligations attached to using an ILF award as well as referring to the ILF's 22 User Leaflets and Offer Letter, which fully outline all of the obligations. By signing the declaration the signatory is accepting all of the obligations and agreeing to use the money for the purpose intended.

- ✓ **Information About Respite Care:** this is required to be completed by the Fund user to provide any future dates that they will be in respite care; the Funds will then make any necessary amendments to payments (see Section 13)
- ✓ **Data Protection Collection Notice:** a collection notice is sent every time the Funds collect new information (see 1.12)
- ✓ **Example record sheets:** A weekly rota and PA details record sheets are included with the Offer Letter. These provide an example of how users can record how they spend ILF money and record details of people who work for them.

## 7.2.2 LA Representative

### Fund Users Who Applied After March 1993

Included in the letter for the LA representative will be: -

- ✓ **Copy Of Offer Made To Fund User:** this is for the LA representative's file. This details the amount a Fund user has been offered.
- ✓ **Copy Of Calculation Sheet:** this explains the joint package details and figures used in calculating the offer.

- ✓ **SSD Confirmation Of Input Form:** this is for the LA representative to confirm that they agree with the joint package details and figures used on the calculation sheet. **An award cannot commence without this form being signed and returned.**

When all relevant information is received, an offer will be made into an award, and payments can commence four weekly in arrears. Payments from the Funds cannot be made in advance. If a Fund user does not take up an offer from the Funds within 12 weeks the offer will be considered to have lapsed, and in the case of new applications, the file will be closed.

### **Fund Users Who Applied Before March 1993**

The details as described above can be provided to the LA rep for these users if the user has given their consent. Without the Fund user's consent the Funds cannot give out information (see 1.12 Data Protection).