**Support with Confidence scheme consultation**

**Frequently asked questions**

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### **Why has the Support with Confidence scheme closed?**

East Sussex County Council operated the Support with Confidence (SWC) scheme under a license from Action for People (the SWC license owner).

We were contacted at the end of October 2023 by Action for People to inform us that they have made the decision to withdraw the Support with Confidence brand from use as of 31 December 2023.

This meant all current Support with Confidence schemes had to close on this date, including the scheme we delivered in East Sussex.

### Will East Sussex County Council be transferring over to a new accreditation scheme?

The current information relating to Personal Assistant (PA) employment status and registration, and the legal risks associated with this, means that the Council will not be developing a replacement accreditation scheme.

The Council will however continue to support residents to make informed choices about their care and support arrangements and to support PAs and businesses to develop their skills and promote their services in a different way.

### What support will there now be for residents and providers?

* We will help residents, carers and families find support by offering the following:
* Residents can use [East Sussex 1Space](https://1space.eastsussex.gov.uk/), our free online directory of groups and organisations that offer care, support, and wellbeing services in the county.
* The [Care Choices](https://www.carechoices.co.uk/order-copies-of-a-directory/) directory of registered care services is available online and in a free printed version.
* We will develop a **webpage with useful guidance**, including a downloadable and printable checklist to use when considering employing a personal assistant (PA), available in different formats and languages.
* The **Direct Payment Support Service; Independent Lives** will continue to support people who receive direct payments to be a good employer or buy services from individuals or businesses. They can help with recruiting staff, undertaking checks on possible PAs (including DBS checks), writing job descriptions, and understanding the rules that employers must follow. They also support adults who pay for their own care.
* We will support PAs and businesses by offering the following:
* PAs and businesses offering care, support and wellbeing services to people in East Sussex can **list their services for free on** [East Sussex 1Space](https://1space.eastsussex.gov.uk/).The listing can be personalised with availability, pricing and any external accreditations.
* PAs (and their employers) and businesses will continue to be able to access a wide range of core and specialist **free adult social care training** such as mental health, moving and handling, safeguarding and first aid. For more information visit: [Adult social care training](https://www.eastsussex.gov.uk/jobs/learning-portal/adult-social-care-training)
* We will develop an **‘Introduction to care’ training programme** for PAs and others new to care work in the community who don’t have access to training through a care provider. This will cover areas such as professional boundaries and lone working.
* Businesses will be able to access **DBS checks through the** [ESCC Umbrella Service](https://www.eastsussex.gov.uk/business/support/dbs-checks-for-businesses).
* The options that may be available to self-employed PAs include:
* [Applying for a basic DBS check](https://www.gov.uk/request-copy-criminal-record) to get a copy of their criminal record. This is called ‘basic disclosure’ and costs £18.
* Registering with an employment agency that can apply for a check to assess suitability to work for them.
* Accessing enhanced DBS checks through external organisations that offer this service (this may be subject to a fee and becoming a member of that organisation).
* **Free impartial legal advice** is available from [Business Companion](https://www.businesscompanion.info/).
* **Basic business advice** is available from our [Trading Standards Department](https://www.eastsussex.gov.uk/trading-standards/business).
* Businesses may be able to register for the Trading Standards [Buy With Confidence](https://www.buywithconfidence.gov.uk/) scheme.
* We will explore the options available for **ongoing engagement with PAs and businesses**.
* We will hold an **in-person event** in Spring 2024 for PAs and businesses to find out more about the support available.

### Where can I find out more information about the support that is being developed?

For residents, information on the new support will be added to the following webpages as it becomes available: [Support to stay at home](https://www.eastsussex.gov.uk/social-care/support-to-stay-at-home)

For PAs and Businesses, further information will also be shared through the East Sussex County Council’s Adult Social Care provider bulletin. If you would like to be kept informed on these, as well as stay up to date on a range of topics affecting all health and social care providers, please click here to subscribe: [Subscribe to the mailing list](https://public.govdelivery.com/accounts/UKESCC/subscriber/new?topic_id=UKESCC_175)

## Residents

### Where can I look now to find a support provider?

You can look for services yourself using the following online directories and webpages:

* [East Sussex 1Space](https://1space.eastsussex.gov.uk/) - East Sussex County Council's 1Space online directory brings together groups and organisations that offer care, support and wellbeing services to people in East Sussex.
* **Care Choices** website (a paper copy is also available): [Care Choices](https://www.carechoices.co.uk/order-copies-of-a-directory/)
* **East Sussex County Council's Support to stay at home** webpage: [Support to stay at home](https://www.eastsussex.gov.uk/social-care/support-to-stay-at-home)

If you would prefer to receive a paper copy of the Care Choices directory, please contact [Health and Social Care Connect](https://www.eastsussex.gov.uk/social-care/getting-help-from-us/contact-adult-social-care), who can organise for one to be posted out to you:

Phone: 0345 60 80 191

8am to 8pm, 7 days a week (including bank holidays). Calls are charged at a local rate.

### Can I continue to receive support from my current **support provider**?

**Yes**, there is no need to do anything different. Please continue work with your current Personal Assistant (PA) or Care and Support provider.

### Will my direct payment arrangement be reviewed in the future?

Adult Social Care will review your Care and Support Plan with you at your normal scheduled review. If your needs have changed and you would like a review sooner, please contact Health and Social Care Connect:

[Health and Social Care Connect](https://www.eastsussex.gov.uk/social-care/getting-help-from-us/contact-adult-social-care)

Phone: 0345 60 80 191

8am to 8pm, 7 days a week (including bank holidays). Calls are charged at a local rate.

### Can I still receive support from Adult Social Care workers to find a Personal Assistant (PA)?

If you have eligible care and support needs and are considering having a PA, the Adult Social Care worker will first direct you to our Direct Payment Support Service provider. They will work with you to understand whether your care and support needs will be suitable for employed or self-employed PAs. The Direct Payment Support Service are:

**Independent Lives:** [Home - Independent Lives](https://www.independentlives.org/)

Phone - 01903 219 482

Email – info@independentlives.org

### **I am paying for my care privately how can I access support** to find a Personal Assistant (PA)?

If you are paying privately for (self funding) your care, the Direct Payment Support Service; Independent Lives can also help you to access PA support:

**Independent Lives:** [Home - Independent Lives](https://www.independentlives.org/)

Phone - 01903 219 482

Email – info@independentlives.org

### How will the Direct Payment Support Service support me to find a PA and assess employment status?

Our Direct Payment Support Service provider, Independent Lives, will support you to find a PA who has the skills and experience that you are looking for.

They use several methods to advertise jobs on your behalf. This includes advertising on their website, on Indeed (an employment website) and using methods local to clients such as physical adverts in libraries and local shops.

They can also support with applications and interviews, but any final decision will be yours, ensuring you have choice and control over every aspect of the employment process and who provides your care and support.

Independent Lives use self-employment checklists covering:

* PA HMRC registration & the HMRC ‘Check Employment Status for Tax (CEST) Tool’
* Guidance from the Low Incomes Reform Tax Group - <https://www.litrg.org.uk/>
* If the self-employed PA has offered Contract for Services, agreeing the Terms and Conditions of service
* PA Public Liability Insurance
* PA registration with CQC where appropriate
* PA invoicing
* DBS checks complete
* Can the PA provide Business References

It should be noted that Independent Lives help you to find PAs, they do not employ PAs themselves. In cases where the PA needs to be employed, it will be you or your suitable person who will be the employer.

### Will the Direct Payment Support Service take a percentage of the funding I am given to provide their service?

**No**, the Direct Payment Support Service are contracted by the Council to provide information and advice to you about direct payments and working with PAs. They will support you to find PAs, ensuring you are advertising for roles under the correct employment status.

However, payroll and managed accounts from the Direct Payment Support Service are chargeable and payment for these are built into individual personal budgets.

### How is the Council ensuring the correct employment status to protect both people with care and support needs as employees and PA’s statutory employment rights?

The Council is working with a specialist Direct Payment Support Service, Independent Lives, to ensure the correct information, advice and guidance is given to individuals when considering employing a PA and this includes supporting the individual and the PA to determine correct employment status.

### Where can I find guidance on how PAs should deliver their services to keep in line with the employment law legislation?

The law says that it is not possible to choose whether an arrangement is employment or self-employment. The law says that it is the nature of the arrangement between the worker and the employer which determines whether the work is being done on an employed or self-employed basis.

It is important to use the correct employment status as this can have tax and legal implications. More information on can be found on the Council website: [Employment status - employed or self-employed | East Sussex County Council](https://www.eastsussex.gov.uk/social-care/providers/a-guide-for-personal-assistants/business/employment-status).

You are also welcome to discuss your current arrangements at any point with our contracted Direct Payment Support provider, Independent Lives.

Independent Lives will provide information, advice and guidance on determining the correct employment status for PAs.

**Independent Lives:** [Home - Independent Lives](https://www.independentlives.org/)

Phone - 01903 219 482

Email – info@independentlives.org

## Former Support with Confidence members

### Can I continue to support my current clients?

**Yes**, there is no need to do anything different. Please continue to work with your current clients.

### Are there any plans to review current direct payment support arrangements?

There are no current plans to change existing direct payment client support arrangements. Please continue supporting your clients and invoicing for your services.

If you or your clients have any concerns regarding existing arrangements, please contact Independent Lives who offer free information and advice to people in receipt of Direct Payments:

**Independent Lives:** [Home - Independent Lives](https://www.independentlives.org/)

Phone - 01903 219 482

Email – info@independentlives.org

### Will I still receive Personal Assistant (PA) referrals from Adult Social Care (ASC) workers?

**No**, you will no longer receive referrals directly from ASC workers.

Where a client of Adult Social Care is considering having a PA, we will first direct that client to our Direct Payment Support Service (DPSS) provider, Independent Lives. They will work with the client to understand whether their package of care will be suitable for employed or self-employed personal assistants.

Independent Lives will also support clients in their search for a PA, however PAs referrals will only be via the client.

You can also visit their websites where they post PA jobs: [PA Pages (pa-pages.org)](https://pa-pages.org/)

### Can PAs continue to work on a self-employed basis?

**Yes**, however the correct employment status should always be determined by the nature of each working arrangement between the PA and the client, and whether the work should be done on an employed or self-employed basis.

### Can I still book training?

All adult social care courses, for which you are eligible to apply, are still available and can be booked. These courses will provide you with valuable skills and knowledge for the care and support services you are offering or plan to offer.

For more information on ASC courses currently available please visit: [Adult social care training](https://www.eastsussex.gov.uk/jobs/learning-portal/adult-social-care-training)

You can also contact the ASC Training team on: asct@eastsussex.gov.uk

### How can I find client work as a Personal Assistant (PA)?

You can find information on how to find client work on the following ESCC personal assistant webpages: [A guide for personal assistants](https://www.eastsussex.gov.uk/social-care/providers/a-guide-for-personal-assistants)

### Where can I advertise my care and support services?

PAs and businesses offering care, support and wellbeing services to people in East Sussex can **list their services for free on** [East Sussex 1Space](https://1space.eastsussex.gov.uk/). The listing can be personalised with availability, pricing and any external accreditations.

Businesses may be able to register for the Trading Standards [Buy With Confidence](https://www.buywithconfidence.gov.uk/) scheme

As care and support providers you can also consider registering yourselves with the various schemes and registers currently available. East Sussex cannot however provide any recommendations on these, you will therefore need to contact the organisations directly to find out more details.

### Where can I go to for business advice?

* **Free impartial legal advice** is available from [Business Companion](https://www.businesscompanion.info/).
* **Basic business advice** is available from our [Trading Standards Department](https://www.eastsussex.gov.uk/trading-standards/business).

### Are you still processing Disclosure and Barring Service (DBS) applications?

We will no longer be processing any DBS applications, as these checks were set as a requirement for the scheme.

Businesses will be able to access **DBS checks through the** [ESCC Umbrella Service](https://www.eastsussex.gov.uk/business/support/dbs-checks-for-businesses).

The options that may be available to self-employed PAs include:

* [Applying for a basic DBS check](https://www.gov.uk/request-copy-criminal-record) to get a copy of their criminal record. This is called ‘basic disclosure’ and costs £18.
* Registering with an employment agency that can apply for a check to assess suitability to work for them.
* Accessing enhanced DBS checks through external organisations that offer this service (this may be subject to a fee and becoming a member of that organisation).