

Direct payments factsheet 12

Purchasing your own support: managing risks

What are the risks when you're purchasing your own support?

Like with all aspects of life, there are a range of risks when purchasing your own support. Everyone manages risk in their daily life; this doesn't mean that they stop doing all activities that come with risks but they think about ways to minimise the risks. This factsheet contains suggestions for the different ways you can manage risks when you purchase your own support. Risks might include risks to your personal safety, the safety of staff who support you and the safety of those around you (your family, friends and the general public). Unfortunately, there are also some people who specifically look for work with people with disabilities in order to commit abuse. There may also be risks to your finances or property. The level of risk will vary depending on what activities you receive support for.

However you find staff, it is important that you carry out the right level of checks, even if individuals are known to you or recommended by someone you know. Just mentioning to applicants that you would like to carry out checks can serve as a deterrent for potential abusers. You may decide to use family members, relatives or friends. It is usually your decision how many checks you would like to carry out on them. If they are going to be supporting a child then there are some checks that must be carried out. These checks can also help to ensure that you are going to receive a good quality service and that your needs will be met.

This factsheet covers 6 different areas for managing risk

1. Health and safety
2. Checking out staff
3. Insurance
4. Supervision of staff
5. Emergency cover
6. Alternatives to employing staff or using self-employed staff

This information should support you to be aware of ways to manage risks and so allow you to feel in control when using direct payments.

1. Health and safety

Health and safety procedures are about keeping everybody safe. Employers, service users and staff all have a responsibility to ensure good health and safety is maintained. This is about not placing an unsafe number of risks on yourself and others and ensuring that the working environment is safe.

Risk assessments

Your social worker or care manager may have carried out risk assessments in relation to the support you receive. They have a duty to give you copies of any risk assessments they have carried out. The Direct Payments Guidance states:

‘...local councils should give the recipients and potential recipients the results of any risk assessments which were carried out as part of the care assessment.’¹

Risk assessments should contain practical and reasonable steps to reduce risk. They usually involve good communication and individuals deciding on how best to manage risks alongside their staff. As you start to write up risk assessments, you will need to work out the best way to do particular tasks.

2. Checking out staff

Criminal Record Bureau (CRB) checks

A CRB check or ‘police check’ will check for any listed previous convictions for a criminal offence. CRB checks are useful but will only reveal relevant convictions up to the date the check was done. Good practice would be to ask for a CRB check on staff every 3 years.

You cannot apply for a CRB check as an individual direct payments user. You should be able to apply through your council or a local organisation – called an umbrella body. Your council or local direct payments support service should be able to tell you how you can apply for a CRB check locally. The CRB also have a database of organisations that can apply for CRB checks. Although you will not be sent a copy of the CRB check, it is advisable to ask the person you want to employ to see a copy of their CRB check. You can then decide if you would like to employ them or not. It is important to remember that not all kinds of abuse are criminal offences so the CRB check has its limitations, so it may be useful to carry out some of the other checks listed below.

CRB checks for staff working with adult direct payments users

If the direct payments user is an adult, it is optional to carry out a CRB check on prospective staff. However it is highly recommended as one way for you to check out staff. If you employ staff yourself or use a freelance worker, you may want to carry out a CRB check on them. If you purchase your support from an agency or organisation, you may want to ask them whether they carry out CRB checks on their staff and what criteria they use to decide if staff are safe. Councils should support adults to get a CRB check or advise individuals which local organisation can help.

CRB checks for staff working with children

It is obligatory to carry out a CRB check on support staff who work with children. If you are employing someone to provide services to a child and you ask your council to obtain a Criminal Records Bureau check, they must do this.²

Standard CRB check

The Standard check contains details of all convictions held on the Police National Computer including current and 'spent' convictions as well as details of any cautions, reprimands or final warnings. The CRB check will indicate whether information is held on three government lists of those who are banned from working with children or vulnerable people (List 99, POCA list and POVA list).

Enhanced CRB check

This involves an additional level of check to those carried out for the Standard CRB check - a check on local police records. Where local police records contain additional information that may be relevant to the post the applicant is being considered for, the Chief Officer of police may release information for inclusion in an Enhanced check. This means that the CRB check might include more than the Standard check.

References

It is best practice to ask people for at least two references. This will mean they should give you the name and contact details for individuals who will be able to confirm their identity, skills and experience. One reference should be from their current or last employer. It's recommended that, where possible, at least one of these referees should be a deafblind person or carer. You can ask referees to confirm an applicant's identity and their work experience.

Many employers ask for staff to provide a five-year history of employment, study or other activities. This history shouldn't contain any gaps. If people were not in work or study, they should account for time spent. They should provide contact details for employers, places of education or other relevant information. You will then be able to check up on the information they have given.

Getting a second opinion

You may find it useful to ask someone else who you trust to give their opinion of new staff. This might be at the interview process or during a probation period.

Identification, certificates and qualifications

You may ask prospective staff to show you identity documents such as their passport, driver's licence or National Insurance card or recent payslip. You may want to check that individuals have actually got the qualifications they say they have. You may want to request to see copies of certificates for study or training.

Checking documents if they are in an inaccessible format

Some print documents such as Criminal Record Bureau (CRB) checks or training certificates may not be accessible to you. If you want to check the documents you may have to think of different ways to check that the documents are genuine. For example you could ask for the reference number for someone's CRB check and contact the CRB to find out if it is a genuine number. This is only partly useful as they will not be able to tell you the outcome of the check though. It may be useful to ask someone you trust to look at inaccessible documents on your behalf.

3. Insurance

Insurance policies

If you employ staff yourself, you must take out employer liability insurance and public liability insurance. This is compulsory, so if you are receiving direct payments, the amount must include the cost.³

Employers' liability insurance

This will insure you against your worker having an accident or becoming ill while working for you, in cases where you might be held liable (responsible).

Public liability insurance

This is needed to insure you against any damage or injury caused to someone else by you, or your staff while they are working for you.

4. Supervising staff

Probation period

If you employ staff yourself, you can include a probation period for staff in their contract. This will be a set period of time for you to assess whether you would like to make staff permanent or not. You may also like to start off by asking for support with activities where you feel more comfortable being supported by new staff.

Supervision and training

Regular supervision of your workers is a good way of keeping track of what they are doing and how, and also an opportunity to voice any concerns you may have. You or your staff may also decide that staff need training to support you safely. For more information, see 'Purchasing your own support: managing and supervising staff'.

5. Emergency cover

It is important to plan for emergencies and think about back-up support if staff are unable to work. You may decide to find out about agencies in your local area that would be able to provide support at short notice or you may discuss with the people who support you about whether they would be able to work additional hours at short notice. You should have a named contact in your council who you can contact when your plans for emergencies do not provide cover.⁴

6. Alternatives to employing staff or using self-employed staff

Remember that there are other ways to meet your assessed needs. If you are unhappy about the risks or responsibilities involved in employing staff yourself or using self-employed staff, there are other options. You could use staff from an agency or organisation. If you have eligible needs and receive direct payments, you can ask your council to provide you with a service instead and they should then provide this service.

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Resources:

Criminal Records Bureau

CRB Customer Services,
PO Box 110,
Liverpool, L69 3EF.
Telephone: 0870 909 0811
Textphone: 0870 909 0344
Web: www.crb.org.uk

National Centre for Independent Living (NCIL)

4th Floor,
Hampton House,
20 Albert Embankment,
London, SE1 7TJ.
Telephone: 0207 587 1663
Text: 0207 587 1177
Fax: 0207 582 2469
Email: info@ncil.org.uk
Web: www.ncil.org.uk

Endnotes:

- ¹ Direct Payments Guidance, Department of Health, paragraph 98, page 26
- ² Direct Payments Guidance, Department of Health, paragraph 104, page 27
- ³ Direct Payments Guidance, Department of Health, paragraph 83, page 23
- ⁴ Direct Payments Guidance, Department of Health, paragraph 156, page 42