

**Service Specification**

**Lot 3 - Third-Party Employer Service**

This specification includes all those requiring support including direct payment recipients, personal health budget recipients and children’s direct payments

**Service Type:**

Third-Party Employer Service – Where the Provider will employ the Individual’s chosen Personal Assistants on their behalf and take on full employer responsibilities

**The aim of the Service is:**

* to provide tailored support to Individuals wishing to employ Personal Assistants to meet their support needs without the Individual having to take on employer responsibilities
* to provide fully managed account and/or payroll support to meet the specific needs of the Individual, if required
* to give Individuals or their representative / nominee and Carers the opportunity for greater choice, flexibility and control when meeting their support needs
* to liaise with all stakeholders in order to provide a seamless service to all Individuals and Carers

**Providing the Third-Party Employer Service**

**Service requirements:**

* Where a Provider is acting as the Third-Party Employer, the Provider will have full responsibilities of being the employer of the Personal Assistants chosen by the Individual, which will include:
	+ - Third Party Employer being registered with CQC
		- the Provider being the legal employer for recruited Personal Assistants
		- having employer’s liability insurance
		- Insurance scheme to pay personal assistant’s sick, maternity or paternity pay (protecting your budget against such unforeseen costs)
		- personal assistant recruitment service to meet care certificate requirements.
		- telephone support for the Individual and the chosen Personal Assistant’s
* If required, open and manage dedicated bank accounts for the Direct Payment on behalf of Individuals.
* To support people to manage the direct payment so that they can purchase sufficient care and support throughout the year
* To meet all statutory HMRC and Pension responsibilities as applicable on behalf of the individual.
* It is the responsibility of the Direct Payment recipient to ensure that invoices for services received are checked, authorised and sent to the Provider
* Invoices need to be paid within 30 days of receipt
* Where the Provider is employing a Personal Assistant on behalf of the Individual, to provide a Payroll Service which will include but not be limited to:
* provision of a payment of salary service
* processing timesheets and wage slips
* retention of payroll records
* setting up and registering as a new employer
* completing and submitting returns to HMRC
* advising on and assisting with the set-up of workplace pensions for eligible Personal Assistants
* calculating tax, NI, SMP, SSP, pension contribution etc.
* financial monitoring and assistance with the assessment documentation
* Comply with all financial monitoring requests within agreed timescales as requested by Oxfordshire County Council.
* Liaise with Oxfordshire County Council in a timely way in respect of any surplus funds in the account.
* To inform the Council or Oxford Health NHS Foundation Trust as applicable of any financial irregularities or any issues of concern regarding Individuals wellbeing
* To liaise closely with the Council’s Direct Payments Team in an agreed format (which meets the Council’s and Oxford Health NHS Foundation Trust’s Data Protection requirements) and to agreed timescales to meet the needs of the Individual.
* The Service Provider will be flexible to adjust to both national and local changes and developments to the Direct Payments Scheme and should have the flexibility to amend its own services to meet the changes

The Third-Party Employer Service (prepaid card or dedicated bank account) will include but not be limited to:

* + maintaining, reconciling and reporting on Individuals’ financial records
	+ maintaining cost support plans and notifying the Direct Payment recipient and Council or Oxford Health NHS Foundation Trust of any discrepancies
	+ completing and submitting quarterly/annual returns and payments as required to the Council
	+ reconciling bank accounts and providing income/expenditure statements as required
	+ ensuring sufficient funds are maintained to meet expenditure and monitoring any identified risks
	+ ensuring payment, pension and HMRC requirements are met

 **Providing the Services**

The Service Provider will provide the Service in line with all relevant legislation and good practice, including:

* The Care Act 2014
* Employment law requirements
* HMRC regulations
* The Pensions Regulator requirements
* National Framework for NHS continuing healthcare October 2018 (Revised)
* Guidance on Direct Payments for healthcare: Understanding the Regulations (2014)

**Accessing and Purchasing Services on the Approved Provider List**

The Approved Provider List will be accessed by a variety of people including older people, adults and children with a physical disability, learning disability or mental health problem. In addition, the services will be made available to people in receipt of Personal Health Budgets.

People in receipt of a Personal Budget or Personal Health Budget and registered with a GP in Oxfordshire will self-refer to their chosen direct payment support providers including those on the approved provider list.

People new to Direct Payments will be given information by the Council’s Direct Payments Team on how to access the Approved Provider List to enable them to have choice and control over which Providers they would like to support them to meet their managed account needs.

All Providers on the Approved Provider List will be included on Live Well Oxfordshire under the category of Direct Payment Support Services, which will enable self-funders to access and purchase support from an approved Provider.

**Self-funding Individuals**

Providers included on the Approved Provider List will be encouraged to provide managed account support to self -funding Individuals and their Carers at an agreed standard rate to be paid by the Individual.

**Individuals receiving Children’s Services:**

* Ensure parent carers are aware that authorisation from a Children's Disability Team Manager is needed if they want to use Managed Accounts, as Parent Carers are usually only eligible for a Managed Account if they wish to employ Personal Assistants
* Raise awareness to Parent Carers that any specialist training for Personal Assistants needed to support individual children's specialist care (for example epilepsy management, gastronomy feeding etc.) is provided by Oxford Health's Delegated Healthcare Task Protocol training coordinator
* Ensure that Parent Carers requesting information about other support services for disabled children are signposted to the Council's Family Information Service

**Service eligibility and location, time and duration of service:**

* + The Service will be available to people who are ordinarily resident in Oxfordshire or who are registered with a GP in Oxfordshire and have been assessed as requiring a direct payment to meet eligible support needs.
	+ The Service Provider will ensure that all Individuals and Carers choosing to use the Service can contact the Service via a variety of communication methods: telephone, text-phone, e-mail, social media if appropriate and through the Council’s Live Well Oxfordshire website.
	+ We would expect the Service to be available on weekdays from 9.00am to 5.00pm, with a member of staff contactable at all times during those hours. Outside of these times there will be an answer-phone service and all messages left will be dealt with the following working day including emails that are sent out of hours

**Service Volume**

* + This is a new aspect of support being offered to recipients of Direct Payments in Oxfordshire.
	+ The Council does not guarantee work to any Provider included on the Approved Provider List, nor is any exclusivity conferred as volume will be driven entirely by end user beneficiary selection over which the Council has no control

**Service Price**

* + Providers will submit a pricing structure within their Application to be included on the Approved Provider List. These prices will be shared with direct payment recipients to help inform them to make a selection decision about which support provider may be right for them.
	+ The opportunity for Providers to refresh prices will be on an annual basis
	+ Fees charged can only be altered once invited by OCC as an annual price review.

**Complaints**

* The Service Provider will have a complaints protocol and process in place. Individuals (or representatives thereof) who are not satisfied with the Service that they are receiving should make their initial complaint to the Provider. It is expected that all complaints will be immediately investigated.
* To ensure the Council is aware of the number and type of complaints received, the Service Provider will be expected to log and resolve all complaints, to provide the Council with notification of complaints raised / resolved if requested and to grant the Council a right of audit as to the matters raised. If the Service Provider is unable to resolve the complaint or needs advice, they should contact the Council’s Direct Payment Support Team. Providers will be asked to consent to the basis of the right of audit for example safeguarding concerns.
* The Council has a duty to investigate any allegations or complaints about the services they approve. The Council undertakes to carry out any such investigations fairly and as quickly as possible. Any such investigation will be conducted by an officer.

**Staffing**

* All Staff employed by the Service Provider will have an enhanced Disclosure Barring Service check (DBS) and cross referenced with the Protection of Vulnerable Adults and the Protection of Children Act register lists
* Staff will need to be appropriately trained and supervised to enable them to enact the services outlined in this document in a safe and competent manner

**Conflicts of interest**

This Service requires the provision of impartial information, support and advice to Individuals and their families. It is recognised that the Service Provider may also be involved in the supply of other services to Individuals or have an interest in the supply of services to Individuals, thus resulting in the potential for a Conflict of Interest.

**ICT**

Any software required to support this Contract must be compatible with that of the Council. Details will be made available upon successful application to the approved provider list.

Safeguarding Policies and Procedures

* The Service Provider shall comply with the Oxfordshire Safeguarding Adults Board’s policies and procedures as amended from time to time.
* The Service Provider shall ensure that it has in place systems, policies and procedures to ensure the protection of children and young people consistent with the Oxfordshire Safeguarding Children Board’s Procedures Manual, as amended from time to time, and section 11 of the Children Act 2004 and shall ensure compliance with such systems, policies and procedures.

**Confidentiality**

The Service Provider shall adhere to the General Data Protection Regulation framework that sets out guidelines for the collection and processing of personal information from individuals.

**Mechanism to pay Providers**

Payment for the provision of Third-Party Employer responsibilities from the Provider when employing Personal Assistants chosen by the Individual.

**Payment**

* The fees charged by the Provider for services purchased by the Individual to meet their support needs will be included in their agreed budget and support plan.
* Payment will be between the Individual and the Provider
* Payment Terms will be within 30 days of invoicing the Direct Payment Recipient.
* Payments should not be accepted in cash or by standing orders.