



counsel + care 
for older people, their families and carers

guide

Information from Counsel and Care: 15

Home Care Agencies: what to look for

A home care agency can provide home care workers – people who can assist you with everyday activities that you may have difficulty with, such as getting out of bed, dressing, or going to the shops. This guide explains what to expect from your home care agency and any home care worker they provide you with, and what to look for when you are choosing an agency. It also explains about the standards that agencies should meet and how to complain if you are not satisfied with the service you receive.

Counsel and Care is the national charity working with older people, their families and carers, to get the best care and support. If you have found our service helpful, please consider making a donation or leaving a legacy in your Will. You can arrange this either by telephoning 020 7241 8555 or using the secure service on our website www.counselandcare.org.uk.



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Your donations, legacies and payroll giving enable Counsel and Care to get the best care and support for older people, their families and carers

Counsel and Care is a national charity, however the creation of the Scottish Parliament and the Welsh and Northern Ireland Assemblies means there are differences in the ways each region cares for and supports older people. The information in this guide applies essentially to England although there may be similarities with Scotland, Wales and Northern Ireland.

We also produce five separate guides for both Scotland and Wales, covering the community care assessment of need process, paying care home fees and making a formal complaint – which are the key areas where the policy and legislation differ significantly to England. All of the guides we publish can be downloaded from www.counselandcare.org.uk/helping-you/guides or posted to you by calling our guide orderline on 020 7241 8522.

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1 What is a home care service?

A home care service can provide a wide variety of support in order to assist you to continue living independently in your own home. Home care agencies can provide someone to give you assistance with the following examples:

- Basic household tasks, such as cleaning or shopping
- Assistance with eating and drinking
- Collecting pensions and paying bills
- Help with bathing and personal hygiene
- Getting in and out of bed
- Assistance in taking medication.

Some agencies are also registered to supply nurses to people in their own homes, although nursing must only be carried out by a registered nurse.

2 Who provides home care services?

Local council social services departments still provide some home care services, although there has been a very rapid growth in councils using private and voluntary organisations which offer the same services. Your local primary care trust also employs staff who provide nursing care to people in their own home. Nursing care can be accessed through your GP.

Home care services are now provided by a variety of organisations, individuals and companies. All agencies that offer care to people in their own home must register with the Care Quality Commission (CQC); formerly the Commission for Social Care Inspection (CSCI). CQC will only register agencies that meet their minimum standards (tel.: 03000 616161; www.cqc.org.uk). These standards are set out in a Government policy document called the National Minimum Standards for Domiciliary Care and the National Minimum Standards for Nurses Agencies. These standards are subject to change in October 2010 with the introduction of compliance guidance under the Health and Social Care Act 2008. Please see the CQC website for more information www.cqc.org.uk/guidanceforprofessionals/independenthealthcare/registration/newregistration.cfm.

2.1 General Social Care Council registration

The Government has announced that soon all people who work with vulnerable adults will have to be registered with the General Social Care Council (GSCC). This will not only ensure that those who work with older

people have been assessed as trained and fit to be in the workforce, but that they can be held to account for their conduct by codes of practice. Social work students and social workers are currently the only two groups required by law (since 2005) to be registered. The GSCC is about to start registering home care workers and home care managers. Please see www.gsc.org.uk for more information about who needs to be registered now and in the future. It is envisaged that this register will be one of the largest of its kind with over 250,000 social care workers included.

2.2 Independent Safeguarding Authority (ISA)

From July 2010, with the introduction of the Safeguarding Vulnerable Groups Act 2006 (England and Wales), any person wishing to start work with vulnerable adults in England and Wales should apply for registration with the Independent Safeguarding Authority (ISA) (tel.: 0300 123 1111; www.isa.gov.org.uk) with a one-off registration fee of £64.00.

When a person seeks employment within a care setting, there will be a legal requirement for the home care agency or care home to check the person is registered with the ISA, which will seek information from the Criminal Records Bureau (CRB) in making checks. If a care worker is matched against the ISA Vulnerable Adults Barred list, they have caused harm to a vulnerable adult in their care and it is against the law to offer them employment in a care position. It is also an offence for an adult on the Vulnerable Adults Barred list to apply for work with vulnerable adults, and the ISA should be notified of anyone who applies to work with an agency and is found to be on the list.

From October 2009, employers also have a duty to refer to the ISA information about individuals working with vulnerable adults where they consider “them to have caused harm or pose a risk of harm”. Referral forms and referral guidance are available from the ISA. This applies whether or not the person is a current or former employee (e.g. an allegation of abuse is made after a worker has left the homecare agency).

Under the Act, if an allegation is made about a former employee, it would also be an offence not to pass this information on to the ISA to see if the person should be included on the Barred list. The aim of the list is to ensure that a known abuser does not rejoin the care workforce again.

Until July 2010, new staff or staff changing jobs will not have to apply to be registered with the ISA. ISA-registration does not become mandatory for these workers until November 2010. All other staff will be phased into the scheme from 2011. Please note that existing workers will have to apply for registration on a “staggered” basis from 2011, so it is possible that some workers will not be registered with the Vetting and Barring Scheme for some time.

When considering which homecare agency to choose, or if you are provided with support from an agency via your Council for example, you may wish to check that the worker has a Standard or Enhanced CRB Disclosure (often called a CRB “check”). You may also wish to check from July 2010 onwards that any new workers have been registered with the ISA, or that the agency has plans to do so with existing workers.

Please also note that an employer’s duty to check against the Protection

of Vulnerable Adults (POVA) list before a person starts work has stopped, as the details of the current POVA list transferred to the ISA and any new referrals made after October 2009 must be made to the ISA.

In Scotland, the introduction of the Protection of Vulnerable Adults (Scotland) Act 2007 seeks to protect all vulnerable adults from abuse. Towards the end of 2010, the Scottish Government will introduce a new membership scheme (the Protecting Vulnerable Groups Scheme – or PVG Scheme) that will replace and improve upon the current disclosure arrangements for people who work with vulnerable groups (www.scotland.gov.uk/Topics/People/Young-People/children-families/pvglegislation)

The current arrangements are that a worker should apply for a Standard or Enhanced Disclosure, and you may wish to check that your homecare agency has done this. Disclosure Scotland (tel.: 0870 609 6006; www.disclosurescotland.co.uk) is responsible for carrying out checks on social care workers and those who seek to work with vulnerable adults in Scotland. They will do so whilst seeking information from the Scottish Criminal Records (SCRO) office.

2.3 United Kingdom Home Care Association (UKHCA)

The UKHCA is the body that was set up to promote the best possible standard of home care provision to older people. It promotes home care agencies which hold membership of the organisation and attain certain standards of home care provision. You may be able to get, via the UKHCA, a 'price list' from individual home care agencies for the services they provide to older people in their own home. Contact the

UKHCA (tel.: 020 8288 1551; www.ukhca.co.uk).

3 Having your care needs assessed

If you are experiencing difficulties managing at home and feel you may need assistance, then the first step towards arranging home care services is to contact your local council social services department to ask for an assessment of your needs to be undertaken. This assessment is known as a community care or a needs assessment.

After your assessment, you should be provided with a clearly written statement declaring what your needs are, how they will be met, and which organisations or individuals will be involved in meeting those needs. This statement is called the **care plan**. This care plan will be provided if you are council funded, that is if you have capital below £23,000 in England, £22,500 in Scotland or £22,000 in Wales. If you have money over these limits, you should still receive a written copy of your needs assessment. For more information about the assessment of need and care plan, see our guide **12: Assessment and services from your local council in England**. If you live in Scotland, see guide **50: Assessment and services from your local council in Scotland** and, if you live in Wales, see guide **70: Assessment and services from your local council in Wales**.

3.1 Home care agency assessments

If you employ and pay for a care worker from an agency without having an assessment by the council, the agency must carry out a full assessment of your care needs. You should be asked about the following things:

- The personal help you need and how ill or disabled you are

- Whether your family, friends or a carer is involved in supporting you
- Your sight and hearing and if you have problems communicating
- How you prefer to communicate
- If you have problems with your continence
- If you have mobility problems or need disability equipment
- If there is difficulty accessing your house, and who the keyholders are
- If you have mental health problems
- If you need help taking medication
- If you are at risk living at home
- Any dietary requirements and preferences you may have
- Your social interests, and any religious and cultural needs you may have.

You should also be given an opportunity to express any wishes or ask any questions. You may wish to make a list of these questions before you meet the home care assessor. You may want to look at **guide 12: Assessment and services from your local council in England**; **guide 50: Assessment and services from your local council in Scotland**; or **guide 70: Assessment and services from your local council in Wales** for an idea of the kind of needs that you may want the agency to take into account. If you feel that you need independent support at the assessment please see **guide 25: Independent advocacy**.

4 Having a financial assessment

After you have had a care needs assessment, there will be an assessment of your finances by social services, which will look at both your income and your capital savings to see how much you can afford to pay towards services provided by the local council. If you have enough funds you will be expected to contribute towards the cost of the services you receive or pay the cost in full if you have capital above £23,250 in England, £22,750 in Scotland and £22,000 in Wales.

There are wide variations in how much is charged for services. However, the Government has issued guidance to councils on charging for home care services, which the councils must follow. This is called 'Fairer charging policies for home care and other non-residential social services: guidance for Councils with Social Services Responsibilities (September 2003)' and is available to download from the Department of Health website: www.dh.gov.uk (in the Publications section) www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4117930. Any charge for a service must be 'reasonable' and not cause any undue financial hardship. The council assessment will take into account any benefits you are receiving but, for people over 60, their level of income should not be reduced to below the Pension Guarantee Credit amount of £130 plus a buffer of 25% in England, 16.5 % in Scotland and 35% in Wales, as a result of these charges.

You can make a complaint if you are dissatisfied with a decision that the

council has made about your care. You can also complain if you think you have been unfairly financially assessed. For more information, if you live in England, see our guide **18: Complaints about community care and NHS services in England**. If you live in Scotland, see guide **54: Complaints about community care and NHS services in Scotland**. If you live in Wales, see guide **74: Complaints about community care and NHS services in Wales**.

4.1 Direct Payments

Councils have a duty to offer the choice of Direct Payments to all individuals who have been assessed as needing services and who meet certain criteria. The Direct Payments scheme is a system whereby you receive funds from the local council so you can 'employ' your own support to meet your care needs, rather than having services directly supplied by the council. For more information, see our guide **23: Home care: using Direct Payments and personal budgets**.

4.2 Personal budgets

In a similar way to Direct Payments, from 2011 all people in **England** who are eligible for care and support services following an assessment of their needs should have a 'personal budget'. A personal budget is a sum of money to meet a person's assessed social care needs. The aim is to increase choice and control for older people over the care they receive and who provides it.

If you are eligible for a 'personal budget' and it is available in your area, you can use this pot of money (with assistance if required) to purchase the care and support you feel is most appropriate for your needs.

A single sum of money or budget will be allocated to you and held on your behalf as a 'virtual budget' or given to you in a cash sum.

This scheme is set to increase over the next two years to all councils across the country. If you need more information and advice about 'personal budgets', please contact your local council social services

department, and/or an independent advice service, such as Counsel and Care (tel.: 0845 300 7585; www.counselandcare.org.uk). For more information, see guide **23: Home Care: using direct payments and personal budgets**.

4.3 Disability Living Allowance and Attendance Allowance

It may be that you are eligible for Attendance Allowance if you are over 65 or Disability Living Allowance if you are under 65. These are benefits given to people who have a disability, to help with any additional costs incurred as a result of the disability, for example, extra transport charges.

Disability Living Allowance and Attendance Allowance can also help you to meet the costs of home care charges. For more information about Attendance Allowance, please see guide **3: Disability Benefits: Attendance Allowance and Disability Living Allowance**.

4.4 The Independent Living Fund

If you are severely disabled and you receive home care services to the value of more than £320 per week from your local social services department, and you are between 16 and 66 years of age (you must apply before your 65th birthday), you may be entitled to help from the Independent Living Fund. Please see guide **3: Disability Benefits Attendance Allowance and Disability Living Allowance** for more information.

5 Finding a home care agency

You can make arrangements directly with a private agency with or without involving the council. It is still a good idea to arrange for a local council social services assessment of your needs as it will help you to inform the agency of the type of support that you require (see guide **12: Assessment and services from your local council in England** for more details).

Several organisations hold details about home care agencies. Contact the Care Quality Commission (CQC) (tel.:03000 616161; www.cqc.org.uk), your local council social services or the United Kingdom Home Care Association (UKHCA) (tel.: 020 8288 1551; www.ukhca.co.uk - see section 2 for more details on UKHCA).

5.1 Homeshare

This type of scheme allows you to stay in your home with live-in help at no cost to you. You offer accommodation in your home to a tenant, in exchange for an agreed amount of hours of support per week. The Homeshare Association is a service run through Naaps (National Association for Adult Placement Schemes) (tel.: 07789 925 948; www.naaps.org.uk/en/homeshare), bringing together people wanting to set up homeshare schemes and individuals that would like a tenant to homeshare with. They have homeshare schemes available in Bristol, London, Oxfordshire, Somerset, West Sussex and Wiltshire.

6 Choosing a home care agency

If you are arranging your own care, there are several key points to consider when choosing an agency.

6.1 Agency information

All agencies must produce a 'statement of purpose' and a service user's guide which details:

- The aims and objectives of the agency
- The nature of the services provided, including specialist services
- The people for whom the service is provided
- An overview of the process for the delivery of care and support from initial referral, through needs and risk assessment and development of the service user plan, to the review of the care and a re-assessment of need
- Key contract terms and conditions
- The complaints procedure
- The Quality Assurance process
- Specific information on key policies and procedures
- How to contact the Care Quality Commission (CQC), social services, healthcare authorities and the General Social Care Council (GSCC)
- The hours of operation
- Details of insurance cover.

6.2 Agency standards

The agency has a number of responsibilities to provide you with information. You should consider the following things:

- If you are employing the agency directly you should be provided with a written contract within seven days of the start of the service.
- The agency must have a confidentiality policy. You will be provided with information about the agency's confidentiality policy which details how they will hold and use your personal data.
- Staff must be reliable and dependable (see also section 2) and able to respond flexibly to your needs and preferences. This means that staff will ask you what you want them to do rather than tell you what they will do.
- You should be kept informed about issues relating to your care. You can request that a relative or friend is also kept informed.
- You should always feel that you are treated with respect and valued as a person, and that your privacy is upheld.
- You should be helped to make your own decisions and control your own life and you should be supported in maintaining your independence.
- There must be clear, written policies and procedures covering how staff administer and assist with medication.

6.3 Safeguards for your protection

Home care agencies must have procedures in place which protect the way you are treated and cared for. When you are choosing an agency,

it is important to consider the following points. A good quality home care agency will have procedures in place which cover these.

6.4 Procedures for staff

When you are choosing a home care agency, make sure that you have considered the following – all good agencies should have similar procedures in place.

- The agency must have safeguards and procedures which ensure that the risk of any accident to you or staff is minimal.
- The agency must have policies and procedures that protect you from abuse, neglect and self-harm (see also section 2 and guide 20 – **Abuse: older people at risk**).
- The agency must have policies and procedures covering the way that staff handle your money if they buy things or pay bills on your behalf.
- The agency must provide guidance to staff on:
 - Not accepting gifts or cash from you
 - Not making personal use of your property, for example, your telephone
 - Not involving you in gambling syndicates (for example, the national lottery)
 - Not borrowing or lending money
 - Not selling or disposing of anything that belongs to you or your family
 - Not selling goods or services to you
 - Not taking responsibility for looking after anything valuable on your behalf

- Not taking any unauthorised person (including children) or pets into your home without your permission.
- The care staff must make sure that you are safe and secure in your home whenever they are working with you. This includes:
 - Knocking/ringing the front door bell and speaking out before entering your home
 - Written and signed agreements detailing who keeps a set of your keys
 - Where your keys are kept if they are not in your home
 - Action to take if your keys are lost or stolen
 - Confidentiality of entry codes to your house or building
 - Alternative arrangements for entering your house
 - What staff should do if they can't get into your home
 - Securing doors and windows
 - What staff should do if you have had an accident.
- All care and support staff must have identity cards. These should:
 - Show a photograph of the member of staff
 - Give their name and employer in large print
 - Give contact details for the organisation
 - Be available in large print for people with visual disabilities.

A written record must be kept by the care staff of all the care they have provided, including what help they have given you with medicines, any changes in your health and any accidents that have occurred.

An issue which you may need to consider is whether a member of agency staff is able to help you move safely, for example, if you need assistance to get in and out of the bath. It is important to be aware that 'lifting' without the proper equipment is dangerous to you and your care worker and can cause long-term back injuries. Government Health and Safety legislation gives guidelines about safe 'moving and handling' and this should be available from the Health and Safety Executive (tel.: 0845 345 0055; www.hse.gov.uk). If you need to be transferred, the home care agency should make sure that two care workers are trained to support you properly using the necessary equipment, such as a hoist, to help bear your weight safely.

6.5 Paying the home care agency

An agency should be able to provide a clear price list for its services, stating what is included in the basic charge and what you will have to pay extra for. You should receive an invoice charging you for the amount of care you have been provided with in the previous month.

6.6 Timesheets

When a member of the care staff visits you, it is important to check and sign the timesheet which records the assistance you have been provided with. Check that they have correctly recorded the length of the visit. It may seem easier to sign the timesheet once a week or in advance, but if you do this you may be charged for a service you did not receive (and it would be hard to prove otherwise).

7 What to do if you are not happy with the service

Where possible, try initially to address your concerns to a social worker or care manager at the agency. If you remain dissatisfied with the service, you can make a formal complaint to the agency. All home care and nursing agencies must have a complaints procedure. You should be provided with a copy of the agency's complaints procedure when you start to receive a service. You can either complain directly to them, or if the service was arranged by your local council social services, you can contact your social worker. You can also make a complaint to the Care Quality Commission (CQC) (tel.: 03000 616161; www.cqc.org.uk). Remember to keep copies of any correspondence you send for future reference. (For more information, see our guide **18: Complaints about community care and NHS services in England**. If you live in Scotland, see guide **54: Complaints about community care and NHS services in Scotland**. If you live in Wales, see guide **74: Complaints about community care and NHS services in Wales**.)

Our advice workers can advise on a wide range of issues affecting older people, their relatives and carers. Counsel and Care produce a range of guides which can be downloaded from our website www.counselandcare.org.uk, or requested by calling our guide orderline on 020 7241 8522.

This guide is not a full explanation of the law and is aimed at people over 60.

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