

## Direct Payment Support Service Information, Advice, Guidance and Support

### WAIVER

As part of the Council's commitment to providing comprehensive tools and support to residents in receipt of Direct Payments, we have commissioned **Vibrance** to assist our residents with the legal responsibilities of employing Personal Assistants (PA). The service is designed to empower you, and whilst providing you with flexibility and control to choose how your needs are met, Vibrance can help you become a legally compliant employer.

As an employer, you must comply with your legal responsibilities, which includes, but is not limited to ensuring your PA has the legal right to work in the UK and your PA having a contract of employment. Failure to comply with these responsibilities can lead to unlimited fines, possible jail time and/or disciplinary action from employment tribunals. *A contract of employment is a document signed by you and your PA, detailing both parties' rights, responsibilities and duties.*

This may sound overwhelming and being an employer should not be a burden on you. The Council has support services which you can access for free to make things easier for you, this ranges from our Direct Payment Support Service to Payroll Providers.

This document certifies that you were offered a referral to the Council's commissioned Direct Payment Support Service provider, however you have chosen to **refuse** the referral and waive your rights to receive this support service for **free**.

<b>Service User's Full Name</b>	<b>Service User's Date of Birth</b>
<b>Service User's Address</b>	

- I understand that I have the right to access free information, advice, guidance and support in relation to Direct Payments, and that I have chosen to waive my rights to receive this service.
- I understand that the Direct Payments Support Service would provide me with information, advice, guidance and support in using a Direct Payment and with the legal duties of employing a Personal Assistant. This support ranges from supporting me in carrying out Right to Work and DBS Checks on my Personal Assistant, to supporting me in providing my employee with a contract of employment.
- I understand that the Direct Payment Support Service would also help me access a range of services to meet my needs and could help me in identifying and recruiting a Personal Assistant.

- By signing below, I confirm that I have refused the above offered information, advice, guidance and support and will be sourcing information on my direct payments and my responsibilities relating to this independently.
- I accept that by declining the information, advice, guidance and support provided by the Council's commissioned Direct Payment Support Service, it is my responsibility to ensure I have the required information to fulfil my legal responsibilities as an employer, this includes but is not limited to ensuring that my Personal Assistant has the legal right to work in the UK and that they are paid at least the National Minimum Wage / National Living Wage.
- I understand that if I employ a Personal Assistant, I would be responsible for Employers' National Insurance Contributions and my employees Income Tax and National Insurance Contribution payments and understand that I must comply with the Pay As You Earn (PAYE) system.
- I understand and accept that any Personal Assistants I employ, are my employees and their employment is my responsibility and not of the London Borough of Barking and Dagenham.
- I also acknowledge that if I fail to comply with my responsibilities as an employer, the Council can decide to cease my direct payment.

<b>Service User's Signature</b>	
<i>If a Nominated Person will be managing the Direct Payment, they <b>must</b> also provide their details and sign below</i>	
<b>Nominated Person's Full Name &amp; Address</b>	
<b>Nominated Person's Signature</b>	
<i>If an Authorised Person will be managing the Direct Payment, they <b>must</b> provide their details and sign below</i>	
<b>Authorised Person's Full Name &amp; Address</b>	
<b>Authorised Person's Signature</b>	

**Please ensure both pages 1 and 2 are completed and returned to the Council**