

icare™ lifetime care



self management handbook for participants

To be used with the Employing support
workers handbook for participants

Dec 2016

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icare™ is the brand of Insurance & Care NSW and provides services to the Lifetime Care and Support Authority.

about this handbook

We've written two handbooks that will help you with decisions you make about self-management. They are the Self-management: participants' handbook and the Employing support workers handbook for participants.

There are eight chapters in the Self-management: participants' handbook and three chapters in the Employing support workers handbook for participants. At the end of each handbook is a 'Resources' list with useful information such as website addresses and phone numbers.

If you're thinking about managing your care or some of the supports in your plan, please consider the information in both handbooks carefully and talk to the people who support you about the benefits - and responsibilities - involved.

If you need some help with either handbook, please speak to your **icare lifetime care** coordinator.

icare™ lifetime care



Attendant care workers provide assistance with a large variety of tasks. This may include support with personal care, help at home, accessing the community and completing home-based therapy programs.

In both handbooks, we will use the term 'support services' or 'support worker' rather than 'attendant care services' or 'attendant care worker' to describe the role of people in assisting you as part of a self-managed program. This is because these terms seem to better describe the flexible ways you may choose to be supported.

1. Managing your supports

1.1 Introduction

icare lifetime care wants to work with you to make sure you're at the centre of how your supports are planned, organised and managed.

All of your supports during your first years with **icare lifetime care** have been paid directly by us via invoices from your service providers. On occasion, the cost of some of your supports may have been reimbursed to you through submitting a Participant Expense Claim form.

When you become a lifetime participant, your priorities will change and your support needs will be more known to you. We want to make sure you have the opportunity for more autonomy and independence as you move on with your life.

We've developed a range of service management options to give you more choice and control over your supports. This is based on a review of other approaches used in the disability services industry both within Australia and internationally. It's also been informed by feedback from **icare lifetime care** participants in NSW who were involved in a direct funding pilot we conducted from 2014 to 2016.

1.2 What are the options for having more choice and control over my supports?

There are four options you can explore to work out what suits you best. The following table describes the four options for managing your support.

We ask you to look at all options in this table so you can work out how much involvement you'd like to have in managing your supports – now, and into the future.

Each of the options provides you with a different level of control over your supports. Each option involves different levels of responsibility.

Level of control and responsibility for my supports

Managed Support

Self-Managed Support



Option 1: icare lifetime care / case manager

My treatment and rehabilitation services are coordinated by my Case Manager or my **icare lifetime care** Coordinator.

My care supports at home are managed by a service provider. I choose my service provider from the panel approved by **icare lifetime care**. **icare lifetime care** pays my service providers. I don't need to worry about this.

All of my care support services are managed by my service provider. They talk to me about my roster and which staff will come to assist me with my personal care and help around the house.

Option 2: Purchasing Services

I manage my funding and purchase my supports from the service providers or businesses that I choose.

I do not want to directly engage or employ individual care workers.

I have my **icare lifetime care** funding in a separate bank account. I tell the gardening service when I need them to come and I pay them after they have completed the work I have asked them to do. I also pay for my own services.

Option 3: Engagement and control

I manage my funding and directly engage my care workers and train them so that they know how best to assist me, but I don't want to be responsible for paying their wages, tax, superannuation and managing all of the responsibilities of being an employer so an agency does this.

I have my **icare lifetime care** funding in a separate bank account to pay for my care services. I book individual care workers through an agency which pays all of the wages and looks after tax and super. They send me an invoice for the hours of support I use.

Option 4: Direct employment

I manage all of my care supports and I directly employ the people who provide my personal care and help at home.

I am responsible for paying their wages, taxation and superannuation.

I have my **icare lifetime care** funding in a separate bank account. I have directly employed four workers from my local area. I quite like organising my own rosters and having full control.

I use a book keeper to help me manage my payroll so my staff are paid the right amount and tax and super are paid.

You may want to consider using a combination of these options to best suit your needs.

For example, you might want to:

- Continue to use one of the panel support service providers for your personal care tasks and for us to pay directly for these services, but decide you want to manage the funding for your lawn mowing by paying a local mowing service when they provide this service to you.
- Book workers through an agency to support you when you need help to access the community and pay a cleaning contractor to do your housework.
- Directly employ staff to help you with your personal care and purchase lawn mowing services from a local mowing service.

You can choose how you'd like your supports to be managed. We'll talk to you about how much control you'd like and how you'll manage the tasks and the responsibilities involved. You'll need to consider the effort involved, the time required and how you'll manage the responsibilities involved.

You don't have to manage your supports if you don't want to. We'll continue to make sure you have the support you need and that you're satisfied with the quality of the support that you receive. If you don't want to manage your supports yourself, but you're unhappy with your current service provider, please talk to us about this. We can help you talk to your service provider about any concerns you have to improve the situation, or we can help you choose a new provider that better meets your needs and preferences.

1.3 Benefits of self-management

Self-management enables you to have more control over how your services are organised, who provides your supports and when they occur. Under a self-management arrangement, we give you the approved funding directly into a designated bank account, and you undertake the responsibility for arranging and paying for your supports.

NSW **icare lifetime care** participants involved in a direct funding pilot gave lots of positive feedback on how self-management benefited them.

What direct funding pilot participants said about self-management

Flexibility

Generally, direct funding pilot participants felt they were better able to adjust their support services to suit their needs.

Peace of mind

Pilot participants experienced less stress with direct funding, because they could easily adjust how or when support was provided, with simpler processes.

Support

Participants involved in the direct funding pilot were able to adjust family support to the level they wanted. They did this mainly by recruiting better or more reliable workers or by changing support worker tasks. This also helped improve family relationships.

Connection

Many pilot participants had improved social lives, as the flexibility of their support allowed them to go out later at night, or on short notice, or to travel further than before.

Learning new skills

Pilot participants learnt new business skills which they found valuable. For example, two pilot participants saw direct funding as a path to self-employment, where they could apply the business and employer skills they were gaining from managing their direct funding budgets.

2. Who can self-manage?

2.1 Can I manage my own supports?

Self-management is not suitable for everyone. As a first step, you'll need to meet the following requirements for us to consider you for self-management:

- You need to be a lifetime participant of the NSW Lifetime Care and Support Scheme
- Your care and support needs have to be sufficiently stable and predictable.
- You must be at least 18 years of age.
- You must not be bankrupt.

If you have a publicly-appointed guardian or a financial management order in place, we'll need to investigate whether these orders impact on your ability to enter into a self-management arrangement with us.

We also need to consider whether self-management will be something that is safe for you and whether you have the skills to manage the funding. The level of skill you need will depend on how you want to manage your supports. You need a lot more skill to be a direct employer than if you're only purchasing supports from providers.

It's important for you to think about the level of control and the level of responsibility you want to have over the management of your supports, what help you'd need, and how you'd like it to work. It's important that you think about what you'd like to achieve by managing your supports and how you'd like to organise it.

We'll complete a safeguarding plan with you. This will help us be reasonably sure that:

- Self-management will not place you at an unacceptable risk of abuse, neglect or harm.
- You (or your nominee - see 2.2 below for more details) understand and are able to manage the responsibilities under self-management.
- Any significant risks to you, or to **icare lifetime care**, can be reasonably managed through the strategies recommended in the safeguarding plan.

Let your **icare lifetime care** coordinator know if you're considering self-management. Your coordinator will be able to talk to you about what you'd like to achieve with self-management and will be able to discuss the different self-management options - including any risks or issues you may need to think about.

2.2 Can another person manage my supports on my behalf?

Yes, another person can manage your supports on your behalf. You may want or need to have a family member or friend to help you manage your supports. If you'd like to have another person manage the funding on your behalf, this is known as a 'nominee arrangement'.

In order for us to agree for a nominee to manage your funding, they must meet the following requirements.

- If you're under 18 years of age, the nominee must have legal custody as your parent or guardian.
- If you're over 18 years of age, the nominee must hold a legal power of attorney or be your appointed financial manager.
- Your nominee must be at least 18 years old.
- Your nominee must advise that they are not bankrupt or personally under a publicly-appointed guardianship or financial management order.

3. Responsibilities involved in self-management

3.1 What am I responsible for if I choose self-management?

When you manage your supports, you'll be responsible for:

- Choosing and arranging your supports and services.
- Managing your **icare lifetime care** funding and making sure you don't spend more than has been approved.
- Ensuring you have a plan in place in case of an emergency.
- Providing training to any support workers directly engaged or employed by you.
- Entering into a *Participant Funding Agreement* with **icare lifetime care** (this is explained in more detail in 4.1).
- Submitting monthly reports and bank statements to us about your spending.
- Keeping invoices and receipts of purchases so that we can review them.

3.2 Responsibilities of a nominee

A nominee who acts for you must comply with the Participant Funding Agreement responsibilities in the same way that you would if you were managing your own supports.

A nominee must also:

- Make decisions, or assist with making decisions, that reflect what you want, if it's possible to find out what these decisions are.
- Act in your best interests, or what they reasonably believe to be in your best interests.
- Keep accounts and records of things they do on your behalf.

A nominee can't use self-management funding for themselves and they can't be paid an income from these payments.

3.3 Your safeguarding plan

Your coordinator will work with you to complete a safeguarding plan.

The safeguarding plan will involve a discussion with you about the real or possible risks to you in receiving direct payments and managing your own supports.

As part of the safeguarding plan, we'll talk to you about:

- Your goals for self-management
- How you'll manage your health and personal safety
- Your ability to manage the money.

If you're seeking to directly employ support workers, we'll discuss your knowledge and ability to manage your responsibilities as an employer.

We may need to talk to you about things that could be difficult or that could go wrong, as well as what we can do to try and prevent these things from happening so that you're able to manage your supports successfully.

If your nominee wants to manage your supports on your behalf, we'll also need to talk about any risks associated with this arrangement as part of the safeguarding plan. We'll need to consider:

- How your choices and preferences about your supports will be taken into consideration by your nominee.
- How your nominee will manage your health and personal safety, their ability to manage money.
- Your nominee's knowledge and ability to manage directly employed support workers.

4. Commencing a self-management agreement

4.1 The Participant Funding Agreement

Prior to commencing self-management, you (or your nominee) must enter into a Participant Funding Agreement (the Agreement) with **icare lifetime care**. This is a legal contract that we both need to sign. This Agreement will set out the length of the Agreement and the responsibilities under the Agreement. It will also provide details of your approved funding budget.

We'll pay up to \$1,000 to allow you to seek legal advice prior to signing the Agreement with us.

If you have a nominee who will act on your behalf, then it will be your nominee who enters into this Agreement, and not you.

The term of the Agreement is time-limited, usually for one year. It will be reviewed before the end of this period, at which time we can decide to extend the Agreement for a further 12 months or longer, depending on your circumstances. If you self-manage your support services, we'll usually arrange for a new Care Needs Review to be completed prior to the end of your funding agreement term.

4.2 Opening a nominated bank account

Once you've been approved for self-management and have signed an Agreement, you'll need to set up a bank account to manage your funding from us. This bank account must be a separate account and only used to manage money from us.

- ✓ While the bank account may be with the financial institution of your choice, it must be:
- ✓ A savings or cheque account or combination of the two.
- ✓ In your name only.
- ✓ Have a nominee as a co-signatory on the account if the funding is being managed under a nominee arrangement.

Used exclusively to receive direct payments from us and pay expenses related to the management of your supports.

- ✗ The nominated bank account must not:
- ✗ Be attached to a credit card.
- ✗ Have an overdraft facility.
- ✗ Be linked to any other bank account.

If the funding is to be managed by a nominee, the nominee will need to complete some extra paperwork for the bank to ensure that they can manage the funding on your behalf. The nominee will need to be able to do things like check the account balance and pay bills.

icare lifetime care will provide you with a letter to give to your bank to explain the purpose of the account and the account requirements.

All payments made from the account must be made by:

- Direct deposit
- Direct debit (by the supplier)
- BPay
- Cheque.

NOTE THAT CASH WITHDRAWALS OR CASH PAYMENTS ARE NOT PERMITTED.

Details of each transaction must be identifiable from your bank statements.

Any interest earned on the account must remain in the nominated bank account. Any unused funds must also remain in this account. We'll review the bank balance each year and may make an adjustment to the funding.

4.3 Receiving your funding

After you give us the details of your bank account, we'll pay the first funding installment into your nominated account. Your first payment will be equivalent to two months of care or supports. Any approved set-up costs to help you manage your funding will also be paid in this first installment. After the first payment, we'll then pay you once a month, in advance.

4.4 Managing your budget

It's important that you manage your budget and don't overspend the funding. You'll be required to provide a monthly summary of your expenditure as well as a copy of your bank statement to us. This is so we can monitor how the funding is being used and, generally, how you're going with managing the funding. We'll give you a monthly expenditure report to fill out each month. The monthly expenditure summary should be emailed though to ltcsadmin@icare.nsw.gov.au within 10 working days after the end of each calendar month.

For example, if you spent \$2,345 on supports throughout January, you'd email this information along with a copy of your January bank statement by 10 February. If you find it difficult to complete your reports, you can use your funding to pay someone, such as a bookkeeper, to help you do this. If you don't complete the required reports on time, it means that you're not meeting your obligations under the Agreement.

4.5 What if I don't spend all the money?

We expect that you'll have some month-to-month variation in your expenditure, and you might find that you don't spend all of your direct payments by the end of the term of your Agreement.

This might happen if:

- You've been able to negotiate an improved price for services.
- Your support needs were met in another way.
- You were unable to get the support you needed.
- You were unwell for a period of time and didn't need supports.

If you don't spend all of the money you've received for direct payments, you can request to keep or 'roll over' some of it into your next Participant Funding Agreement term. We'll discuss this with you at the end of your funding agreement term.

4.6 Personal income tax

icare lifetime care funding paid to you to for your treatment, rehabilitation and care needs is not classed as personal income for taxation and social security purposes.

icare lifetime care holds an ATO ruling that confirms that direct funding of support services will not be considered as income for taxation purposes.

In 2014, a Social Security Determination was made which says that the Lifetime Care and Support Scheme (NSW) is an 'approved scheme'. As a result, direct funding to participants for treatment, rehabilitation and care services as part of this Scheme is not considered as income for the purposes of income testing under social security law.

5. Purchasing services

5.1 Who can I purchase supports from?

You don't have to purchase all of your supports from one provider. You can use different service providers to suit your needs or preferences.

By purchasing your own supports, you'll have more choice and flexibility about the service providers you use and the tasks that they help you with. You'll be able to have control over the quality of the services you receive and the value for money that you get.

5.2 Choosing service providers

It's important that the service providers you choose are able to meet your individual needs and provide you with the supports you request.

Before contacting a service provider, be clear in your own mind about exactly what support you're looking for and the skills the workers must have to provide you with the type of support you need.

Remember, you're the customer. If a provider is not able to meet your needs or their costs are too expensive, find another that can offer what you want.

If you're purchasing support services, you can still choose to use one of the **icare lifetime care** panel providers. We have 34 approved attendant care panel providers that have had to demonstrate that they provide high quality services. Information about these providers is found on our website at

www.lifetimecare.nsw.gov.au

Go to Lifetime Care > Participants and carers > Attendant care > Attendant care providers.

www.lifetimecare.nsw.gov.au/participants-and-carers/attendant-care/attendant-care-providers.

You can also choose to use support service providers that are not on the **icare lifetime care** approved panel. However, these providers haven't been through our rigorous screening process, so you'll need to make sure that the provider you choose is able to meet your care needs, meet industry standards and can provide you with a good quality service.

You may like to ask potential service providers the following questions to help you decide:

- Can you tell me about your company and it's experience in providing support services?
- Do you have support workers who are experienced working with people with similar needs to mine?
- Has your organisation been externally verified as meeting the NSW Disability Services Standards or the Attendant Care Industry Association standards?
- Do you have support workers that speak my language or understand my culture?
- What are your emergency procedures? For example, what after hours contacts are available?
- How will I be involved in selecting the support workers who will be working with me?
- What are the working hours? For example, what is the latest or earliest time a support worker can come to my home?
- If I, (or a member of my family), have a problem with a support worker, what should I do and who should I contact?
- What is the cost of your service?

5.3 Paying support service providers

The service providers you use for your supports must be:

- Be a registered business
- Provide you with an invoice or a receipt for the services they provide.

Payments may be made by online bank transfer, cheque, BPay or direct debit. You're not permitted to make cash payments.

6. Engaging support workers and directing supports

There are some support service providers that offer a model of service delivery which allows you to recruit or engage your support workers, manage your rosters and direct your supports. These service providers will take care of the employment and reporting responsibilities on your behalf. We can give you the contact details for these companies, or you may want to do your own research.

If you're interested in this type of model, you may like to ask potential service providers the following questions to help you decide.

- Tell me about your company and how you'd support me to manage my own workers?
- Are the support workers I engage your employees, or are they contractors?
- Do I have to advertise and recruit my own workers or do you help with this?
- Has your organisation been externally verified as meeting the NSW Disability Services Standards or the Attendant Care Industry standards?
- Do you have support workers that speak my language or understand my culture?
- If I, or a member of my family, have a problem with a support worker, what should I do and who should I contact?
- What is the cost of your service?
- How much are the support workers paid?
- Can I choose to pay them at a higher rate?
- How will I be charged for your services and for the cost of the support workers?
- How is worker health and safety managed?

Please read our *Employing support workers handbook for participants*, if you'd like to directly employ support workers.

7. Reporting expenditure to **icare lifetime care**

7.1 Participant reporting

Each month, you're required to complete a monthly expenditure report and email this through to **icare lifetime care**, including a copy of your bank statement.

Your monthly report needs to include the total amounts you've paid during the month for (if applicable):

- Wages for each of your employees
- PAYG tax
- Paid leave
- HR costs (including recruitment or advertising)
- Contractors and agency staff
- Administration
- Accountancy/payroll service costs
- Any other approved items or services.

Your monthly reports will be reviewed by us to make sure that what you're spending is in line with your plan. Any unusual transactions will be discussed with you.

We certainly recognise that, at times, you'll have periods of higher expenditure, and lower expenditure at other times. We'll contact you to talk about any changes in your spending pattern which may mean there was, or should be, a change in your level of support needs or circumstances.

7.2 Keeping receipts

You don't have to submit your receipts to us each month as long as your bank statements contain enough detail to identify the supplier or type of payment.

We may ask to see a copy of your receipts if we decide to audit your use of the funding, so it's important that you keep all of your receipts. Under the Agreement, you're required to cooperate with any audit and will be required to provide a copy of your receipts if requested.

You'll need to keep receipts for the entire term of the Agreement and for three months following its expiry or termination.

If you employ a support worker you'll be required to comply with legislative requirements in relation to:

- Record keeping
- Employee pay and conditions of employment
- Meeting taxation and superannuation requirements.

The law requires you to keep payroll and tax records for seven years.

7.3 Financial mismanagement

We'll talk to you about any concerns we may have that you're not using your funding for approved supports or that the funding may have been misused. Talking about our concerns will help clear up the nature of the expenditure or bank transactions and help to resolve the issue.

We may begin an audit to investigate your expenditure if it looks like there could be serious misuse or fraudulent use of the funding and we may also consider terminating your self-management arrangements, in accordance with the terms of the Agreement.

7.4 Annual audit of expenditure

We'll arrange for your end of financial year reports to be audited by an accountant to verify the total money spent according to your plan. This will provide us with reassurance that taxation and superannuation has been paid correctly and you have sufficient funds in your account to meet your obligations in relation to worker entitlements in the coming year.

The annual audit will also identify any excess funds which should be given back to us. We'll always leave you with a sufficient buffer to meet your support needs if there is a change in your circumstances. Any funds to be recovered will be managed by reducing one or more payments to you.

8. Can I change my supports?

8.1 Flexible use of my funding

Self-management gives you the flexibility to change the way your supports are arranged and scheduled to meet your needs as these change within your daily life.

You can make changes to the way your services are organised and who delivers them without discussing this with us.

As long as your support needs are being met within the approved funding, you can generally change the following things without asking us:

- The supports you use
- The budget for each type of support (remembering that you can't exceed your total funding amount)
- The support provider
- Who you employ.

When you make any changes, you need to consider:

- Telling your service provider that you want to stop receiving support from them. You'll need to give the service provider enough notice of your intention to stop using their service. Some service providers may have a minimum notice period before your service can stop.
- Any legal obligations you have to an employee or service provider when you make changes.
- Talking to the new employee or service provider about when services can start.

If you have a significant change in your circumstances, please talk to your coordinator. Let us know if any of the following happens:

- You experience a significant change in your support needs due to changes in your health or social circumstances.
- You decide to move interstate or overseas.
- Your capacity to manage direct payments changes.

8.2 Travel

Under the Lifetime Care and Support Guidelines, we'll pay for the reasonable expenses of support services for you when you're away from home, for example, on holidays or away from your usual residence.

We'll need additional information from you if you need additional funding for support services while you're away, or if you need additional funding to pay for your support worker for travel and accommodation costs. It's important to discuss this with your coordinator before you book a trip.

8.3 Can I stop self-managing?

You can end self-management if you no longer want to continue with it. If this is the case, you must let your coordinator know straight away so we can support you to choose another arrangement that is suitable for your circumstances.

For example, you may find that the workload and responsibilities of being an employer are no longer acceptable to you and you'd like to go back to using one of **icare lifetime care's** panel approved panel providers.

After you stop self-management, you may need to do further work to complete your obligations under the Agreement. You must submit a final report to us and make sure you've paid any remaining invoices, wages, taxation, superannuation or worker entitlements related to your approved supports. Any money that is left over after meeting these costs must be paid back to us.

You'll also need to speak to your coordinator about making arrangements for your support needs to continue to be met.

Resources for engaging workers are on the next page.

If you have any questions about self-management of your funding, please speak to your **icare lifetime care** coordinator.

resources

Contractors

The 'Independent contractors decision tool' will help you work out if a person is an employee or an independent contractor. It's at the business.gov.au online government resource.

Website - www.business.gov.au

Online publication address

www.business.gov.au/Info/Plan-and-Start/Start-your-business/Independent-contractors/Independent-contractors-decision-tool

Print publication address

www.business.gov.au/info/plan-and-start/start-your-business/independent-contractors/independent-contractors-decision-tool

Legal advice

There may be a need for you to talk to a lawyer about self-management. You can choose to use your own legal representative or use the agencies below to help you select an appropriate legal provider.

LawAccess NSW

LawAccess NSW is a free government telephone service that provides legal information, referrals and, in some cases, advice for people who have a legal problem in NSW.

Phone - 1300 888 529

Website - www.lawaccess.nsw.gov.au

Online publication address

www.lawaccess.nsw.gov.au/Pages/lawassist_index.aspx

Print publication address

www.lawaccess.nsw.gov.au

Solicitor Referral Service, Law Society of NSW

If you need legal help and are looking for a law firm, the Solicitor Referral Service at the Law Society of NSW can provide free, personalised assistance. The Law Society of NSW also operates a service that helps people find solicitors who specialise in a particular area of law.

Website - www.lawsociety.com.au

Online publication address

www.lawsociety.com.au/community/findingalawyer/index.htm

Print publication address

www.lawsociety.com.au/community/findingalawyer/index.htm

Phone - (02) 9926 0300

Planning for emergencies

The Physical Disability Council of NSW has developed some very good information and resources to help you think about and plan for an emergency. The resources are available online.

Website - www.imokay.org.au

Online and Print publication address

<http://imokay.org.au/tools-and-resources/>