

Insurance Information Sheet

If you are an employer, for example you are or planning to employ a Personal Assistant then it is a legal requirement for you to have specific insurance in place.

Accidents can occur in various ways. For example, your Personal Assistant might trip or fall whilst working for you. In such instances, the Personal Assistant may attribute blame to you, the employer, and hold you accountable. Your Personal Assistant might also conduct clinical / medical tasks and both of you need to feel safe in case a mistake arises.

Ensuring the appropriate insurance coverage is in place means that should there be a claim, it will be covered by the insurance policy and managed by the insurance provider.

The cost of the insurance premium is included in your Direct Payments, however it is the responsibility of the employer to make sure that premiums are paid on time.

This information sheet seeks to address some frequently asked questions and aims to clarify legal requirements.

This information sheet doesn't constitute a legal interpretation of the Employers' Liability (Compulsory Insurance) Act and holds no legal standing. It's crucial to understand that only courts can definitively interpret the law.

Main Points: -

1. Employers must have insurance for liability regarding employee injuries or illnesses during work.
2. Employers must use authorised insurers to comply with the law. Household insurance policies are insufficient.
3. When obtaining Employers' Liability Insurance, an agreement with the insurer outlines the circumstances for compensation.
4. However, employers must not neglect their legal responsibilities for employee health and safety, including risk assessments, protective measures, and incident reporting.
5. There are two types of insurance cover you need: -
 - a. Employers Liability Insurance
 - b. Public Liability Insurance
6. The Direct Payments Support Service can offer information on various insurance policies, however the main insurance providers are detailed within this information sheet.

What is 'Employers Liability Insurance' and why do I need it?

- Employers Liability Insurance protects employers against claims filed by their employees.
- Employers are responsible for their employees' health and safety at work.
- If employees are injured or fall ill due to work-related reasons, they may seek compensation from the employer. Employers Liability Insurance protects the employer against legal costs and compensation.
- The Employers' Liability Compulsory Insurance Act 1969 mandates a minimum insurance cover to handle such claims, ensuring employers can compensate employees for work-related injuries or illnesses. This means as an employer you are legally required to have Employers Liability Insurance in place.
- Note: Injuries or illnesses resulting from motor accidents while employees are working may be covered separately by motor insurance. If your Personal Assistant drives your car, please check with your car insurance company. If your Personal Assistant uses their own car, they should verify coverage with their insurance company.

What is 'Public Liability Insurance' and why do I need it?

- This insurance protects against claims from the public or other businesses, excluding claims from employees.
- This means you are covered by the insurance if you or your employee causes injury or damage to somebody else or their property.

What is the process for arranging my insurance?

The insurance premium needs to be secured prior to your Personal Assistant commencing employment, you, as the employer need to make the necessary arrangements once the funds have been agreed. There are a few insurance providers who specialise in offering coverage to employers of Personal Assistants and the next section will provide information on the relevant insurers.

Initially, Hampshire County Council covers the first premium within your Direct Payment. Subsequently, you can use your direct payment funds to cover the annual renewal premium. Your direct payments are calculated to accommodate these annual insurance costs.

Which insurers provide suitable cover?

Presently, there are three primary providers who specialise in delivering policies designed to safeguard people who use Direct Payments, a Personal Health Budget or self fund to employ their own Personal Assistants. Please note that Hampshire County Council might be able to obtain 'preferred rates' from an insurance provider, please do contact the Direct Payments Support Service or ask the insurance provider for more information.

The three insurance providers are:

Fish Insurance

For over 45 years Fish Insurance have been providing specialist insurance products to protect people in the UK within the disability, mobility, and care sectors.

Fish have designed their policies and customer services to support a desire to be open, friendly and easy to deal with. So, whether you have any questions, problems or even complaints Fish would like to hear about them.

Insurance policy documents can be a bit confusing, so Fish have tried their best to remove jargon and unfamiliar language to make it easy to understand. Fish's policies have been designed to provide cover for people who employ carers or personal assistants.

Fish's policies are 'Care Protect' 'Employee Protect' and 'Healthcare Protect'. Each policy is a bit different, so please ask the Direct Payments Support Service for the relevant literature and / or contact Fish directly for more information.

Care Protect and Healthcare Protect customers can access over 250 training courses from Flick training, for free and at no additional cost. If you employ a Personal Assistant you will have a level of responsibility to ensure they have the correct training and skills needed in the workplace. Like in any workplace, often offering training to those in your employment is highly beneficial.

Please visit: <https://www.fishinsurance.co.uk/carer-employer/> for more information or call 0333 331 3990.

If you choose Fish, please quote the agent code 3614 for preferred rates.

Mark Bates Ltd

Mark Bates Ltd Home Employment Insurance policy is specifically designed for people who employ Personal Assistants to assist them to enjoy an independent lifestyle. As well as providing the compulsory cover you are legally required to take out when acting as an employer, Mark Bates Ltd have added a number of additional covers that are highly desirable to protect your position with regards to your relationship with your Personal Assistant/s.

Mark Bates Ltd give you the option to choose between three different ranges of cover called “Standard”, “Plus” and “Deluxe”.

Mark Bates Ltd offers a 24/7 helpline that is set up specifically dedicated to advising Individual Employers that receive Direct Payments, a Personal Health Budget or self-fund.

ILG Support, part of Independent Living Group (ILG), work exclusively with Mark Bates Ltd customers to provide Human Resources Employment advice.

All advisors from ILG Support are trained to not only understand employment law but to also be aware of the niche and delicate relationship our customers can sometimes find themselves in.

Please visit <https://markbatesltd.com/schemes/home-employment-insurance> for more information or call 01476 514478.

Surewise

SureWise Ltd is the result of over 10 years experience of providing specialist information and advice in the field of insurance, Social Care, Direct Payments, Personalisation and employing Personal Assistants.

As well as providing Bronze, Silver and Gold options for cover within their Home Employment policies, with the Gold service costing £70 per year. Within all of Surewise’s policies healthcare tasks are covered as standard, with no additional fees. Although it is sensible to advice Surewise of any healthcare tasks at the time of purchase.

Surewise also offers a 24/7 Employment and Legal Helpline, specialist advice from Direct Payments experts, templates of contracts of employment, training guides, health and safety and much more please visit the Surewise Resource Centre for more information:

<https://www.surewise.com/direct-payments/direct-payments-resource-centre/>

To set up a policy visit: www.surewise.com/direct-payments/?ac=hantscountycouncil or call 01268 200020

What are the costs involved?

The annual premiums for both employers' liability and public liability policies typically range from £60.42 to £130, depending on your chosen insurance provider. Please bear in mind that if you require assistance with specific healthcare tasks, such as peg feeding, it is advised you discuss this with your potential chosen insurance provider in case they advise you require a different policy or an increased premium.

How do I renew my insurance policy next year?

You'll receive a renewal notice from your insurance provider, simplifying the process. Typically, you'll only need to organise the insurer to invoice the Virtual Wallet for payment to be made.

Do I require separate policies for each of my three Personal Assistants?

No, your policy extends to an unlimited number of Personal Assistants and this is the same for all three main insurance providers.

My spouse/partner and I employ the same Personal Assistant. Do we need separate policies?

No, you both can employ any number of PAs under a single policy, unless your spouse or partner has a health care requirement, please discuss this with your insurance provider or each individual insurance provider if you are a first time purchaser.

What if my Personal Assistant engages in theft?

You can make a claim within specified limits outlined in the policy terms and conditions. It is vital that you contact your insurance provider as soon as possible for advice.

What if there's an accident involving me or my Personal Assistant?

Immediate contact with your insurers is crucial, who will guide you through the claims process. It's important to maintain a record of all accidents or incidents, regardless of their apparent severity or location.

Will I have to pay an excess fee for insurance claims?

Excess fees vary depending on policy terms and conditions and the insurer. Please contact your insurance provider and / or read your policy documentation.

What insurance is required if my PA regularly drives me?

If your PA drives their own vehicle for transportation, they should obtain appropriate insurance coverage and demonstrate proof to you. If they drive your vehicle, they must be added to your insurance policy and you need to discuss this with your car insurance provider.

Self-employed Personal Assistants

If HMRC has verified that your Personal Assistant is self-employed, they are responsible for procuring their own insurance coverage. It's advisable to request a copy of their policy before engaging their services. As the employer, you are not liable for the insurance of a self-employed individual.

Staff supplied by a care agency

The agency is required to possess the appropriate insurance coverage before providing you with their services. It's recommended that you request to review a copy of this insurance before using your direct payment to procure their services.

The Direct Payment Support Service

The Direct Payment Support Service can assist with:

- Providing contact information and application forms for insurance companies.
- The Direct Payments Support Service can not recommend specific Insurance Brokers or Companies due to Financial Service Authority regulations.
- The Direct Payments Support Service highly recommends the employer of the Personal Assistant/s reviews proposal forms, application forms, and policy documents.

The Direct Payment Support Service hope you have found this information sheet useful.

The Direct Payment Support Service is available Monday to Friday from 9am until 5pm using the telephone number and email address below and on the first page of the information sheet. Any emails that are received will receive a reply within three working days.

The Direct Payment Support Service contact details: -

Tel: 0370 779 1300

Email: dpsupportservice@hants.gov.uk

The Direct Payment Support Service has further information sheets on various topics, including:

- Introduction to Direct Payments
- Information on Advocacy
- Acting as an Authorised / Nominated person
- Introduction to PPL Virtual Wallet
- Incentives for Personal Assistants
- Information on Payroll providers
- Introduction to employing a Personal Assistant
- Guide to employing your own Personal Assistant
 - Including interview question templates and job advertisement templates
- Ending a Direct Payment