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# Policy Circular

**Document No 12/07**

**Owner:** Corporate Affairs Team

**Subject:** Engaging Care Abroad

**Version:** 5 of 5

**Last Amended:** 6 March 2014

**Date Reviewed:** 6 March 2014

## 1.0 Background

Trustees are no longer required to collect National Insurance numbers of PAs under the terms of the 2006 COGA. Trustees have confirmed that the lack of provision of a UK National Insurance number is not a reason for refusing an offer of financial assistance by the ILF.

This means that users can now choose to engage a foreign personal assistant or agency during temporary stays abroad.

## 2.0 Policy

There is no restriction upon a user engaging care providers either directly or through an agency whilst visiting another country provided that all ILF eligibility criteria are met and that the care costs can be met out of the existing ILF award. ILF funding can be used for care engaged outside the UK, provided that the ILF user can supply evidence of the care that has been provided if requested to do so.

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The ILF no longer collects the National Insurance numbers of PAs and considers that the name and contact details of any agency engaged is sufficient information.

The ILF does not distinguish between European and non-European countries in this arrangement.

Care agencies in England (Wales, Scotland and NI are covered by different regulatory authorities) and each country overseas will have different arrangements for overseeing care provision. It is the user's responsibility to ensure that their chosen agency is registered appropriately.

If the user wishes to employ care directly, they should be advised to have employer liability insurance the cost of which the ILF would consider paying exceptionally on the same basis as for UK based carers.

It would be advisable to take local legal advice although the cost of this must be met by the user.

### **3.0 Procedure**

Where an ILF user wishes to engage a PA or Agency care during a temporary stay outside the UK, the user must:

- Continue to be in receipt of higher rate care component of DLA,
- Be in receipt of at least the Threshold sum per week of qualifying support and services from the Local Authority,
- Continue to meet the financial eligibility criteria and
- Satisfy the residence and presence tests
- The ILF user should be informed that they must be able to provide details of the care provider and evidence of the care that has been provided should this information be requested.

### **4.0 Transfer arrangements**

In partnership with a User's Local Authority the ILF will take steps to ensure the User's transfer to the Local Authority in 2015 is as smooth a process as possible. To assist this it will be beneficial for the ILF assessor to identify potential differences between the ways the ILF and the Local Authority provide support such as an established arrangement in place for the ILF to fund care that is engaged whilst the user is abroad on a regular basis that may not be supported by the Local Authority after transfer

Where it is established at the review visit that the Local Authority would not support such arrangements after transfer the user should be made aware of this so that they are prepared for this change from July 2015 onwards.

Where requests are made for the ILF to fund support to be provided while a user is abroad during dates close to or passing over the transfer date ILF staff should encourage the user to contact their Local Authority to clarify whether these arrangements are likely to be funded by the Local Authority once their funding has been transferred. The user may wish to consider whether they still wish to proceed with the plans if the Local Authority cannot accommodate the request.

## **5.0 Source**

Care Standards Act 2000  
Conditions of Grant Agreement  
Trustees meeting 08 February 2006  
Trustees meeting 13 September 2006  
Trustees paper 93pap852  
Trustees' meeting 09 June 2010  
SMB meeting 13 March 2013  
Trustees November 2013

## **6.0 Cross References**

Increase request policy

## **7.0 History Date Reviewed**

18 February 2008  
10 June 2010  
25 January 2012 (Review date amended from June 2012)  
March 2013  
November 2013  
6 March 2014