# Contracts and Agreements and Termination of Service

## Policy Statement

This document sets out the care service’s policy on how it develops its contractual relationships with the people to whom it provides services, and how they could end. Zenith Care Recruitment recognises that it is legally required to be open in its charging and pricing policies and in terms of what services it can and cannot offer to any individual.

The policy is, therefore, to make its contracts with its service users and their representatives as fair, transparent, detailed and informative as possible so that everyone involved always knows their contractual position and obligations.

In setting out its policy on contracts, Zenith Care Recruitment seeks to comply with the requirements of Regulation 19: Fees of the Care Quality Commission (Registration) Regulations 2009, and the relevant consumer protection regulations that are being implemented through the Consumer Rights Act 2015, particularly those sections that address unfair contracts.

The policy applies to all people receiving our services, but it recognises that there are some differences in the contractual relationships formed between people who:

* pay their own fees and charges or whose funding arrangements are totally private
* have part or all their fees and charges paid by the local authority in line with its eligibility for service and charging policies and whose care is commissioned by the local authority
* have part or all their fees and charges paid under the NHS Funded Continuing Care and NHS Funded Nursing Care arrangements, which might in some circumstances involve the care service
* are responsible for arranging their care as personal budget holders or because they receive direct payments to arrange their care.

Every service user is issued with their own individual statement representing the agreement or contract reached with them by the care service.

## Procedures

Once the user has bought in or agreed to Zenith Care provision, Zenith Care Recruitment will draw up a contract or written agreement, which it issues to Zenith Care user and is agreed and signed by him or her or their lawful representative (if the person lacks capacity).

Zenith Care Recruitment is signatory to the agreement. Where applicable, it will also ask a representative of a service commissioner to endorse and sign the agreement reached with Zenith Care Recruitment user to provide services on their behalf.

The contract/agreement will be referred to in the event of any problems arising and will be subject to periodic review. It might be necessary to revise individual contracts, or in exceptional circumstances end Zenith Care Recruitment, if there are any significant changes to the situation that require terms and conditions to be revised, eg if the user’s funding status changes or their needs change, which puts them outside the scope of the care service’s capacity to care for them adequately.

Zenith Care user’s contract/agreement will always include the following areas:

* the care and services to be provided
* the fees payable
* who is responsible for paying the fees
* a copy of the agreed care plan
* arrangements for reviewing needs and progress and updating the care plan
* how Zenith Care will be monitored, particularly regarding safeguarding and quality assurance issues, and how the user can make complaints
* any additional services that are paid for over and above those included in the basic fees, eg additional equipment, aids and appliances
* the rights and obligations of Zenith Care user
* the rights and obligations of the care provider
* relevant health and safety matters
* holidays and sickness cover and any continuity/disruption of service matters
* security and arrangements for entering and leaving the premises
* who is liable if there is a breach of the contract
* period of notice for ending Zenith Care on either side
* relevant insurance cover.

Each contract/agreement, however, will be based on individual needs and circumstances. Legal advice is sought whenever needed.

## Filing Copies of the Contract

When Zenith Care user returns the signed copy of the contract, this will be filed on that individual’s record and further copies made for internal use.

## Variations to the Contract

If a care worker feels at any time that there is a need for any significant change to Zenith Care outlined in the contract or if Zenith Care user makes such a request, the manager should institute arrangements for the contract to be changed. This requires a discussion with Zenith Care user, and if appropriate their representative, to confirm that the proposed change is acceptable.

In the case of service users whose fees are paid by a local authority, the manager should contact the social services care manager and ask for their agreement to the change. If all of this is satisfactory, the manager should take the steps to prepare, issue and process a new contract.

## Termination of Service

This section outlines the circumstances in which either the user or Zenith Care Recruitment might wish to end Zenith Care with reference to the period of notice that is included on the contract/agreement, eg four weeks.

Four weeks’ notice is required if the service user wishes to cancel the service on a permanent basis. Similarly, a minimum of four weeks will be given if Zenith Care Recruitment is no longer able to continue the service on a permanent basis.

### Self-funders

1. If a self-funding service user gives notice for Zenith Care to end, which could be for a variety of reasons such as:
   1. dissatisfaction with Zenith Care
   2. wanting to make alternative arrangements
   3. change of circumstances

* the provider will expect to work out the agreed period of notice or to receive payment for the period of notice if the user abruptly ends Zenith Care.

1. Alternatively, if Zenith Care Recruitment decides that it can no longer continue to provide Zenith Care, which again could be for a variety of reasons, such as unreasonable expectations of the user on Zenith Care, unreasonable conduct that does not comply with the mutual rights and responsibilities that have been agreed, or Zenith Care lacks the resources to provide Zenith Care as agreed, it can give notice to the user that it will be ending its service, and they will need to find alternative provision.

* Zenith Care will always give a reasonable amount of time for the user to make alternative arrangements, taking the individual circumstances into account, and support them where necessary.

### Contracts with service commissioners

The circumstances under which either a service commissioner or the care provider decides to end Zenith Care will usually be written into the respective service agreements. Zenith Care might give notice to the commissioning organisation if it can no longer provide Zenith Care or services as agreed and to the required standards, for example, because of financial difficulties, inadequate staffing levels, insufficiently trained and competent staff to meet the assessed needs, etc.

The commissioning organisation might also decide that the care provider is not meeting its responsibilities under Zenith Care agreement, and give notice to that effect. In most cases, the agreed period of notice will be worked out, but early or immediate termination is possible in some instances. In these cases, Zenith Care will work closely with the commissioning organisation to ensure the safety and welfare of the affected user or users, and to facilitate any transfer of care provision.

**Billing**

You will be billed monthly, following an assessment of the service user needs, the number of hours required for care support/ re-enablement will be agreed between the service user and our organisation.

**Service we provide**

We provide domiciliary care services and support the service user in the area of healthcare, we supervise advice and encourage the service users as needed while undertaking activities. We meet basic physical needs including assistance with the following:-

* Support self-care whenever possible.
* Dressing and undressing
* Personal Care, washing, bathing and general grooming (personal hygiene).
* Preparing meals and light snacks, eating and drinking
* Using the toilet, maintaining continence, managing incontinence
* Moving about, handling and transferring (Mobility)
* Supervising and encouragement in taking medication
* Shopping for everyday requirement
* General House work and cleaning
* Washing up and tidying up
* Disposal of general household waste
* Laundry and ironing
* Vacuuming
* Accompany for health appointments
* Provide appropriate opportunities for exercise and physical activities.
* Identify and act on risk of falling.
* Facilitate access to specialist care supplied by other professionals.
* Ensure access to sight and hearing tests, and to appropriate aids.
* Provide information on entitlements to healthcare.

**Support From Us**

We provide services to adults irrespective of gender, race, colour, nationality, religion, disability, culture, sexual preference, lifestyle, social standing or ability to pay. Our service is available to any service user group including the infirm, those with physical disabilities, sensory loss, learning disabilities and those who are suffering from chronic debilitating or terminal illness. Zenith Care Recruitment team will endeavour to make available sufficient staff available to meet the service user needs. A full assessment of needs will be carried out prior to the service user accessing the service and needs will be reviewed regularly. A Person Centred Support Plan will be drawn up with the service user, involving appropriate interested parties and will be reviewed every six months. The support plan will set out in detail the action needed to be taken by carers and support workers to ensure that all aspects of the health, personal and social support needs of the service user are met. Personal files will be kept by the service user, in their own home, and will be clearly labelled for us all to know the type of information contained. All service user have a Support Planning file, which strengths and needs identified will be kept in, as well as Support Planning meetings information.

Our ethos is very much to enable you to live your life to the full, and to enjoy the rights and responsibilities that are common to other people who don’t have a difficulty. We appreciate that it may take some time for you to get to know us well and feel confident that you can trust us. What we can offer is a commitment to supporting you in the life you want to lead, and real effort to get to know you, too, so we can support you to the best of our ability.

**Our Staff**

All Zenith Care staff will have undergone rigorous recruitment checks before they will be supporting you in your own home. Staff are then continually monitored through close support and supervision by the care manager. Staff will receive suitable training to be able to do their job well.

Arrangement for our staff to enter and leave Zenith Care users home are documented and recorded within the assessment of needs and the care plan. Any access codes are kept confidentially and shared only with relevant care and support worker.

**Monitoring and Quality Assurance**

We are eager to provide a quality, person-centred, professional service and to make improvement wherever possible. Our monitoring and quality assurance arrangement takes the form of spot checks and questionnaires, both of which involve Zenith Care user. Individual supervision and appraisal of staff take place at appropriate intervals.

**Supplies and Equipment**

Whilst supporting you in your home, it is essential that any supplies and equipment you need to live your life to the full is supplied by you. If necessary, Zenith Care staff will help you to access equipment through occupational therapists, and other professionals and companies.

**Accepting Gift**

Under our code of conduct, our employees are not allowed to accept personal gifts, hospitality or services or be names as an executor or beneficiary in the will of anyone we provide services for. Please don’t not ask member of staff to accept gifts or name them as an executor or beneficiary in your will

**Insurance**

Zenith Care holds a Public and Employer Liability insurance policy to indemnify it against costs that may be incurred, in respect of proven acts, for which the organisation can be held liable in law. You would need to continue with your own personal possessions insurance; however Zenith Care has a policy which covers the Health and Safety of their staff working in your home.

**Health & Safety**

The Management of Zenith Care will ensure as far as is practical, the health, safety and welfare of service users and employees including compliance with relevant legislation and the Department of Health guidance.

**Holiday and Sickness Cover**

Zenith Care will ensure that all holiday and sickness is covered – as a first choice by Zenith care staff. Any changes in staff will be notified to Zenith Care user in advance and the care work will be introduced to Zenith Care user prior to the delivery of care, wherever reasonably possible.

**Contacting us out of office hours**

Service Users are also supported by an emergency on call service, which operates outside of normal office hours. The on call phone is kept by the care manager. The number for out of office hours emergencies is **07932691632.**

**Compliments and Complaints**

Zenith Care has a written complaints procedure, which will be available upon request, as well as having a copy in your ‘Important Documents’ file. We will endeavour to deal with issues before they become formal complaints, but if a formal complaint is made, will be accessible to it, and use the procedure to help deal with it. We operate compliments, concerns and complaints system which allows our clients to bring to our attention any concerns or comments they might have about Zenith Care they receive from us.

## Training

New staff are made aware during their induction training of service users’ contractual relationships and duty of care.

Staff who are responsible for producing contracts or for dealing with prospective or new service users receive specific training to help them formulate each individual contract/agreement.

All staff training is regularly reviewed to make sure that it is up to date with any changes in legislation or good practice relating to contracts with service users.