



Starting your Direct Payments

Your Direct Payment Guide

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Introduction to Direct Payments

Welcome to this guide to getting started with Direct Payments. Please read through the information carefully and you should find the answers to most questions allowing you to make an informed choice on whether a Direct Payment is right for you.

This pack contains all the information you will need to set up and manage your Direct Payment, it is divided into sections to make finding the information you require easier.

What are Direct Payments?

Direct Payments are payments for people who have been assessed as requiring help from Social Services, and who would like the control and freedom to arrange and pay for their own support services instead of receiving them directly from the Council.

By allowing you to organise support for yourself, Direct Payments give you more choice and control of your support by enabling you to choose the services that you feel are most appropriate for you to meet your needs identified in your support plan. Some people use the money to directly employ their own staff to care for them whilst others may use it to fund activities and transport.



Can I have a Direct Payment?

Your Allocated worker will complete an assessment to identify whether you have needs that are eligible for support from the Council.

If you have eligible needs, you can ask for a Direct Payment instead of the Council arranging care for you. You can choose to have all of your support met through Direct Payments or a mixture of Direct Payments and services arranged for you.

You must also be willing to sign an agreement to say that you understand what having a Direct Payment entails and be able to manage the payments and responsibilities of being a Direct Payment user. If you think you may have difficulties with doing this, you can nominate someone who would be able to support you with managing your Direct Payment.

If you are acting for someone who doesn't have capacity but who has eligible needs, you can manage a Direct Payment to purchase care for them.

You must provide regular evidence of how you have used your Direct Payment, for example this will involve retaining and submitting receipts and invoices for care and support that has been delivered.

How can I use the Direct Payment?

Direct Payments can be used for lots of different things. Your Allocated worker will have a discussion with you on an individual basis, and make suggestions based on your needs and preferences. You may have ideas on how you want to meet your needs which you should discuss with your allocated worker.

It can include employing and paying your own staff, or using someone who is self employed or using an agency to provide the support. It cannot be used to buy Health care services such as dentists and chiropody, Council run services or permanent residential care. You cannot use the Direct Payments to pay a relative who lives in the same household or your spouse or partner unless specifically agreed with the Council as part of your care support plan.

You must not use the Direct Payment to pay for household bills and food or for gambling or anything illegal.

Identifying your support

Getting the right support for you is essential. By choosing a Direct Payment, it gives you more flexibility in how your needs are met. You have the choice to decide what support is right for you, and the control to receive this support when, where and how you want it; as long as it falls in line with your agreed support plan.

There are several ways you can use the Direct Payment;

1. You can employ a Personal Assistant

You have the freedom to choose the person to provide you with the support you need. They can be used to provide personal care, respite or support accessing the community and activities.

You may already know who you would like to employ. It could be someone such as a friend or neighbour or someone who has provided care for you in the past, or it could be a family member who is willing to provide the care.

Where the person is a family member, they cannot be your spouse or partner and cannot live in the same house as you.

If you do not know someone who can do your care, you can advertise and interview people to be your Personal Assistant.

When you employ a Personal Assistant, this means you become an employer and this can be daunting as there are lots of things to think about. You will be responsible for things like payroll, workplace insurance, health and safety and recruitment. For more information please visit the following website:

http://www.employingpersonalassistants.co.uk/

Bedford Borough Council works with a number of organisations who can help you manage the employment side of your Direct Payment. If you chose to employ someone directly, they will register your personal assistant, notify HMRC of their employment, keep records, produce wage slips, complete the relevant HMRC paperwork and calculate statutory payments such as tax, pension contributions and holiday pay.

Your allocated worker will help you decide which provider would be best for you, the details of our support organisations can be found on our webpage:

https://www.bedford.gov.uk/social-care-health-and-community/help-for-adults/money-benefits-and-legal/personalised-support-services/

We strongly recommend that you undertake a DBS check on your Personal Assistant(s), although this is only a recommendation and is not compulsory. Bedford Borough Council will process and pay for DBS checks on applicants on your behalf.

2. You can use a self-employed Personal Assistant

A self-employed Personal Assistant would be someone who runs their own business. They will provide you with the support you have agreed and send you an invoice for the service provided. As they are self-employed, they will manage their own employment responsibilities; they will calculate tax and national insurance contributions and they will have their own insurance.

In this case, you will need to complete the Self Employment Indemnity form included in this pack. This is a form that your Personal Assistant will need to complete, it's to confirm they are registered as self-employed and accept responsibility for their own employment regulations. We would recommend you use someone with an up to date DBS check and ask to see this documentation.

3. You use a Personal Assistant employed by an agency

This option involves using a care agency and will usually be charged at the standard agency rate. This is likely to cost more than your Direct Payment rate so is a less cost effective option. You would be responsible for personally funding anything above the rate of your Direct Payment. The agency will allocate a worker, but they may not always be able to guarantee the same person will visit you on every occasion.

4. You can use Direct Payments for Day Opportunities

Direct Payments can also be used for Day Opportunities giving you more flexibility and choice of the services available in your local area. You can arrange the services directly with the provider and they will usually invoice you for the support they provide to you.

Signing an agreement with Bedford Borough Council

You will be required to sign a Direct Payment Agreement. This is a contract between yourself and Bedford Borough Council outlining the terms and conditions of the Direct Payment Scheme. Your worker will explain this to you.

The agreement is in Appendix 2 at the back of this document. This must be signed and returned along with your Know Your Customer documentation before your Direct Payments can begin.

You are advised to read this thoroughly before signing to ensure you understand the terms and conditions of the agreement. You can also seek independent advice if you feel it necessary.

Public Liability Insurance

Despite everybody's best intentions things can sometimes go wrong in the workplace. It is therefore very important that you are insured against liability for any accidents that your Personal Assistant may suffer or cause to other people whilst in your employment. This is called Employer's and Public Liability insurance cover.

You will only require this insurance if you are employing a Personal Assistant; a self-employed Personal Assistant and care agencies will have their own insurance.

You will receive a one-off payment of **£100.00** for your first annual insurance which will be included in your initial payment. Thereafter, future insurance costs are to be funded by surplus account balances or through ad-hoc requests on an annual basis.

You will need to pick an insurance provider. There are lots available who provide this service; information will be available by searching the internet. If you are using a support provider, they will help you arrange this.

How much money will I receive?

The amount of money you receive will depend on the amount of hours or level of support agreed as part of your support plan.

If you are directly employing a Personal Assistant:

Your Social Worker will be able to advise of the hourly rate to which your carer should be paid during the day, this will also be confirmed in writing by one of our Direct Payment Officers once payments are due to commence.

If you have overnight care such as sleep-in or waking night sits, your Social Worker will be able to advise of the hourly rate to which your carer should be paid during the night. This rate will be in line with the current national minimum wage and will be confirmed in writing by one of our Direct Payment Officers once payments are due to commence.

You will also be paid an upfront cost to meet the first years annual Liability Insurance cost, this is typically **£100**, the exact value will be confirmed in writing by one of our Direct Payment Officers once payments are due to commence. Future insurance costs are to be funded by surplus account balances or through ad-hoc requests on an annual basis. **It is vital that you have adequate annual Liability Insurance in place if you employ a Personal Assistant.**

If you are engaging a self-employed Personal Assistant:

Your Social Worker will be able to advise of the hourly rate to which your carer should be paid, the carer will be responsible for paying their own National Insurance and Pension provision as well as ensuring they have up to date DBS and Liability Insurance. Please be aware that this rate is only applicable to PA's who have registered themselves as a business with the HMRC.

If you are employing a care agency to provide your support:

Your Social Worker will be able to advise of the hourly rate. If you choose to use an agency which has a higher hourly rate, you will need to meet any additional costs yourself in addition to any financial contribution you have been assessed to make. If you are using other services such as day care or domestic support, the costs of what you will be paid for these services can vary. You will be advised of the agreed costs of these services by your allocated worker.

Paying my Personal Assistant

Bedford Borough Council will provide you with a pre-paid card account which your Direct Payment funds will be loaded on to.

Your pre-paid card account has an internet and telephone banking facility to ensure you are able to pay your Personal Assistant.

Your Payroll support provider will advise you how much you need to pay your Personal Assistant. You should arrange to pay this amount from your pre-paid account to your Personal Assistant's own bank account and attach a copy of the payslip to the transaction on your account.

Keeping records

When you pay your Personal Assistant, you will need to keep a record.

Your Payroll provider should provide you with a pay slip. A copy of this payslip should be uploaded and attached to the transaction you make on your Direct Payment account.

If you receive invoices/payslips from your Personal Assistant or from an agency, you need to upload a copy of the invoice as evidence against the transaction on your Direct Payment account. Alternatively you can submit your documentation to us via post and we will upload them on your behalf.

Managing your Direct Payments

When we have agreed that you can have Direct Payments to meet your needs, the Council will provide you with a pre-paid MasterCard for you to use and online account for you to manage your payments.

You will be responsible for managing the funds you receive. Planning your finances are an essential part of successfully managing your Direct Payments.

You will be sent a user guide along with your pre-paid card once your account has been set up.

The Council will pay the agreed amount of your Direct Payment into your account on a four weekly basis.

Starting Your Direct Payments

The account will allow you to set up direct debits, bank transfers and standing orders to pay for your care.

If you have difficulties in managing your payments, you can nominate someone to help you manage your Direct Payment. This person could be a family member or friend but must not be the person who you will be paying to provide your care.

You will not be able to withdraw cash from your account unless you receive permission from your key worker for a specific purpose.

The Council will have access to view the transactions on your account so that we can monitor and ensure that you are spending your Direct Payment money on meeting the needs agreed in your support plan.

Your Financial Contribution

In order to receive services from the Council, you must have a financial assessment to ensure that you are financially eligible for our support.

If your financial assessment determines that you need to make a contribution towards your care, you will be invoiced by Bedford Borough Council for those charges on a monthly basis.

You are prohibited from using your Direct Payment money to pay your assessed contribution charge.

What happens next?

	✓
 1. Have you determined the type of support you will be using? • Employing a Personal Assistant (go to step 2) • Using a self-employed Personal Assistant (go to step 3) • Using an agency (go to step 4) 	
2. Employing a Personal Assistant a. Have you undertaken a DBS check for your Personal Assistant? (if require b. Arranged with a payroll provider to register them for the Payroll Services c. Have you organised insurance? d. Agreed on a contingency plan if your carer is unable to provide your care	?
3. Using a self-employed Personal Assistant a. Have you completed and submitted the Self Employment Indemnity for b. Checked they have an up to date DBS check? c. Checked they have current insurance policy? d. Agreed on a contingency plan if your carer is unable to provide your care	
4. Using an agency or provider a. Have you made arrangements to pay any short fall? (If the hourly rate exceeds your Direct Payment rate or agreed payment)	
5. Have you signed and returned your 'Direct Payment Agreement' and your Know Your Customer Documentation?	

Starting Your Direct Payments

If you have	any difficulties	or questions	about any	part of t	his process,	please
contact you	ur Allocated wo	rker or the Di	rect Payme	ent Team		

The name of your c	allocated worker:
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Pho	ne	num	ber:
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Direct Payments Team



Please detach the following forms and return to:

Direct Payments Team
Assessment Hub
Bedford Borough Council
Borough Hall
Cauldwell Street
Bedford MK42 9AP

A copy of these will be provided to you in your start-up pack along with a guide on how to use your Direct Payment bank account.

Appendix 1 - Self Employment Indemnity Form

Appendix 2 - Direct Payment Agreement

Notes	
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Appendix 1 - Self Employment Indemnity Form

This form is to be completed for any person who will be working for you to meet your care needs on a self-employed basis. This means that the person accepts responsibility for managing their own tax and national insurance and ensuring that they have the correct liability insurance to be working for you. **They will issue you with invoices for the support they have provided to you.**

Your Personal Assistant must complete the Employment Status Indicator form on the HMRC website which can be found here:

Name of Personal Assistant:
Name of Direct Payment recipient:
Your Personal Assistant will need to print off the ESI results page and give you this document which you need to attach to this form. This will confirm to you if the person has correctly registered as self-employed.
http://tools.hmrc.gov.uk/esi/screen/ESI/en-GB/summary?user=guest

Copy of valid liability insurance document seen:	Yes	No
Copy of ESI results attached:	Yes	No
Valid DBS document seen:	Yes	No

I confirm that I am correctly registered as self-employed and that I will meet any Tax and National Insurance liabilities. I confirm that I have valid liability insurance to cover the tasks I will be undertaking on behalf of the person named above.

Signed by Personal Assistant:	
Name (please print):	
Signature:	Date:

Please return to:

Direct Payments Team, Assessment Hub,
Borough Hall, Cauldwell Street, Bedford MK42 9AP

If you need further copies of this form, please contact the Direct Payments team:

<u>ASCDirectPayments@bedford.gov.uk</u>



Appendix 2 - Direct payment client agreement

This agreement sets out the responsibilities and obligations of:

Bedford Borough Council and:
Service User Name
Service User ID
Address
Contact No
Email
DOB

Under this agreement you agree that:

- You will use the Direct Payment to purchase the support set out in your care and support plan.
- You agree to the terms and conditions set out in the information pack provided.
- You will provide proof of expenditure for the support you purchase.

Personal Assistants -

If you employ or intend to employ a personal assistant, by signing this agreement you are confirming that you understand and accept your statutory responsibilities as an employer, this includes keeping up to date with any changes to employment law.

Will the Service User be managing their own Direct Payment?

Yes, I will manage the Direct Payment on my own – go to Section 4

Yes, but with support by a nominee – go to Section 2

No, the Direct Payment will be managed by a third party – go to Section 3

Starting Your Direct Payments

Section 2

If you would like a person to act as a nominee to help and support you to manage the Direct Payment, please provide their details below:

Name of Nominee		 	 	
Relationship to Servic	e User	 	 	
Signature of Nomine	9		 	
Date		 	 	
Address of Nominee		 	 	
Telephone			 	
Email		 		

Once this section is complete, go to Section 4

Section 3

If you are unable to manage your account please give details of the person (third party) whom you want to receive and manage the Direct Payment on your behalf:

Name of third party
Address of third party
Relationship to Service User
Telephone
Email
Legal status – Power of Attorney, Deputy, Other (please specify)

Once this section is complete, go to Section 4

Starting Your Direct Payments

Section 4

I consent to receive Direct Payments and confirm that I understand and will comply with the terms and conditions of this agreement set out by Bedford Borough Council.

Name of Direct Payment recipient:
Signature of Direct Payment recipient:
Date:
If the person understands the terms and conditions of the Direct Payment but cannot sign because of their disability, please mark in the box below:
Witness Name:
Witness Signature:

Direct Payments Agreement – Terms & Conditions

1. Introduction

This agreement is made on the basis that:

- 1.1. You have been assessed as being eligible to receive a social care service and have agreed that the services identified in your support plan should be provided via a Direct Payment.
- 1.2. The Council and Direct Payment recipient (you) have agreed that you should take direct responsibility for the provision of the services required to meet your needs and will be responsible for the day to day management of the Direct Payment.
- 1.3. You have agreed to make all necessary arrangements to ensure the said services are provided, with support if necessary.
- 1.4. The Council has agreed to make arrangements to fund the provision of the said services as set out in your support plan.

2. Bedford Borough Council will:

- 2.1. Ensure that you have access to adequate information and support to make best use of the Direct Payment.
- 2.2. Make payments into your Direct Payment bank account, at the agreed frequency, in accordance with the details listed in your support plan, in order to meet your assessed eligible needs.
- 2.3. Review your Direct Payment and this agreement within 12 weeks, to decide whether the service is meeting the assessed needs at to review how the Direct Payment is being managed.
- 2.4. Assess your needs and review your support plan and the operation of this agreement regularly, if there is a change in circumstances or a high level of risk, to determine whether the assessed needs have changed, how arrangements for the provision of services are being managed, whether you remain willing to receive Direct Payments and whether you remain able to manage the Direct Payment.
- 2.5. Following a review, advise of any changes in assessed needs and give appropriate notice of any changes (at least two weeks' notice in writing stating the reasons). Payments may be decreased or increased. If there is a reduction in the Direct Payment, Bedford Borough Council will take into account any employment or contractual responsibilities that are in place.

3. The direct payment recipient will:

3.1. Use the Direct Payment account set up by the Council for the sole purpose of securing services that meet the care needs identified in the support plan. This account may only be used for monies relating to Direct Payments.

- 3.2. Be liable for any bank charges which arise as a result of mismanagement of Direct payments.
- 3.3. Secure services and comply with all safety and legal requirements that may arise in making such arrangements.
- 3.4. Pay all invoices and costs relating to the purchasing of service using the Direct Payment on time, including employee costs and any services purchased from an agency or organisation.
- 3.5. Have a contingency plan that can be implemented if the arrangements for the provision of service that meet the assessed needs break down.
- 3.6. Notify and/or advise next of kin/executor that, the Council must be informed at the earliest opportunity of any changes in circumstances which would affect your assessed needs or entitlement to Direct Payments. This includes any changes in capacity to consent or ability to manage a Direct Payment or in the event of death of the Direct Payment recipient.
- 3.7. Notify or advise next of kin/executor that in the event of death, the Direct Payment account and any funds contained in it will not be regarded as an asset of the estate.
- 3.8. Following the ending of the Direct Payment, arrange for the next of kin/executor to provide documents relating to the Direct Payment in order for a full financial audit to be undertaken and recovery of any money due. If the expected amount is not available to be returned from the Direct Payment account the Council may claim from the estate.

4. Financial and monitoring requirements

- 4.1. Bedford Borough Council will assess your financial contribution to the Direct Payment under the Care Act eligibility criteria and send notification of any service user contribution separately.
- 4.2. If you are assessed to make a financial contribution towards your care the Council will arrange to invoice you for this contribution on a monthly basis. The prepaid card account must not be used to pay your contribution.
- 4.3. Invoices raised in relation to your assessed financial contribution will be adjusted in line with annual changes in state benefits following the annual review of your financial assessment.
- 4.4. You will comply with the financial and monitoring requirements, agreeing to maintain adequate financial records of all Direct Payments made.
- 4.5. You will keep your financial and administrative records in a safe place and in an orderly manner and agree to submit these for auditing, when required. Failure to submit records as requested may lead to suspension or withdrawal of the Direct Payment. Documents include:
 - Completed timesheets, holiday and sickness records if relevant
 - PAYE, national insurance and any other payroll records, as applicable
 - Bank statements relating to the Direct Payment account

- A record of all payments (cheque number, payee, amount)
- Related invoices
- Related receipts
- Items purchased as specified in the support plan
- Insurance documents

We collect this information to keep you and the council safe. If you have difficulties in keeping this information, let us know as soon as possible so that we can help you.

4.6. You will inform your allocated case worker or contact the Duty team if you have not received a service for more than four weeks.

5. Use of direct payments

- 5.1. You will be given a copy of your assessment and support plan, which states your assessed eligible needs. A Direct Payment is being provided to meet these needs, instead of a service provided by Bedford Borough Council.
- 5.2. You agree to only use the Direct Payments to meet the assessed needs as described in your support plan.
- 5.3. Unless there are exceptional circumstances and this is expressed within your support plan you will not:
 - Use the Direct Payment to secure services from a partner, close relative or anyone else living in the same household as you unless agreed by the Council in writing.
 - Use the Direct Payment to buy health services, long term residential care, pay household bills, to buy food or other personal expenses.
 - Use the Direct Payment to pay any other charges owed to the Council.
 - Use the Direct Payment for gambling including bingo, lottery, scratch cards and betting.
 - Use the Direct Payment to pay for anything illegal.
- 5.4. You agree to repay the Direct Payment or any part of it if the Council is satisfied that it has not been used appropriately in accordance with this agreement and Direct Payment legislation.
- 5.5. The misuse of Direct Payments may lead to payments being stopped with immediate effect. Bedford Borough Council will require you to repay any part of the Direct Payment that is not spent on meeting your assessed needs.

6. Acting as an employer and contracting with a service provider

6.1. You understand that the arrangements for employing staff or contracting with a service provider is between you and the employee(s) or service provider and those people you employ or contract with to provide a service is a private arrangement. Bedford Borough Council is not involved in the arrangement and bears no responsibility to you or the service user or the personal assistant(s) or service provider that you employ, with regard

- to the employment relationship or contract.
- 6.2. You will make any changes with agencies, organisations or employees from which services are obtained, following an increase or decrease in Direct Payments.
- 6.3. If in the opinion of Bedford Borough Council, the service provider is not able to provide an adequate service or is unfit to provide a service, Bedford Borough Council will require you to find an alternative service or Bedford Borough Council will suspend the Direct Payment either temporarily or permanently, if necessary.
- 6.4. If you are employing staff with a Direct Payment you must ensure that you understand your legal obligations as an employer and agree to:
 - Carry out a DBS (Disclosure and Barring Services) check of all Personal Assistants you employ who carry out a regulatory service, to safeguard you and your family
 - Ensure that all staff have up to date DBS checks
 - Give the Personal Assistant(s) notice, as outlined in their contract, and redundancy pay when applicable, as per statute
 - Ensure that tax and national insurance are paid for all employees
 - Provide a pension scheme for all entitled Personal Assistants and ensure that pension contributions are paid
 - Ensure that you have an up to date certificate of Employers Liability and Public Liability insurance and supply policy documentation when requested
 - Seek advice regarding any employment concerns and issues from this insurance
 - Provide a safe working environment, ensure safe working practices, provide appropriate staff training and comply with employment legislation
 - Provide staff with a contract of employment and a job description
 - Give staff reasonable notice of when they are required to work
 - Treat staff properly and ensure that they have adequate breaks, refreshment and accommodation if necessary, when working
 - You will agree not to use the Direct Payment to employ a spouse, partner or close relative living in the same household without explicit written agreement from Bedford Borough Council.
 - You will inform the Direct Payment team and any support service you use when an employee leaves and when you wish to recruit a new Personal Assistant.

7. Suspension and termination of the direct payment agreement

- 7.1. The Council may suspend payment of the Direct Payment temporarily if the Direct Payment recipient is admitted to hospital or is otherwise temporarily unable to receive services. Any decision to suspend payment will take into account any reasonable existing liabilities including periods of notice to service arrangements and retainer payments to Personal Assistants.
- 7.2. The Council reserve the right to suspend payments to the account when 8 or more weekly payments have accrued, a prior agreement with the Council is required for funds to accrue over and above the 8 week limit.
- 7.3. The Council has the right to suspend or stop the Direct Payment if it is decided that the

- arrangements made for purchasing services are not adequate to meet the needs and outcomes of the support plan.
- 7.4. The Council has the right to suspend or stop the Direct Payment if any of the terms and conditions of this agreement have not been met. This includes deducting amounts from our payments made every 4 weeks to recover costs that are not spent on meeting your assessed needs.
- 7.5. The Council will terminate this agreement with immediate effect if any part of the Direct Payment is used for the following purposes:
 - Anything illegal
 - Gambling
 - Investment
- 7.6. The Council will consider the Direct Payment recipient's contractual and statutory responsibilities when determining the balance of the Direct Payment to be repaid to the Council in the event of the death of the Direct Payment recipient or in the event of them becoming unable to manage the Direct Payment.
- 7.7. The Council will stop the Direct Payment when the entitlement to Direct Payments has ended or Direct Payments are no longer required.
- 7.8. Subject to the Council's right to terminate the agreement with immediate effect under section 7.4 above, either party may terminate this agreement by giving the other party 4 weeks' notice in writing. This period of 4 weeks will commence on receipt of the written notice.
- 7.9. If notice for termination is given, the amount of the payment due for the period in which the date of termination falls shall be adjusted pro rata and any overpayment to the recipient will be reimbursed to the Council, not later than 30 days from notice of termination.
- 7.10. The Direct Payment recipient agrees to repay the Council any overpayments as soon as such overpayment is identified. The Council reserves the right to charge interest on any monies owed, which are not repaid within 30 days of receipt of invoice requesting payment. Interest will be charged at 2% above bank of England base rate.
- 7.11. If such monies are not repaid upon demand the Council reserves the right to issue county court proceedings against the recipient, which will include a claim for costs, fees and interest.

8. Data protection

- 8.1. The Council will keep the information you give us both on computer and paper records and treat it as confidential and will not pass it on to any unauthorised person however it may pass on some of the information to meet legal or welfare needs.
- 8.2. The Council is under a duty to protect the public funds it administers and to this end may use the information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Finding out more

If you would like further copies, a large-print copy or information about us and our services, please telephone or write to us at our address below.

معلومات کے لئی Për Informacion

للمعلومات

ਜਾਣਕਾਰੀ ਲਈ Informacja

ترای اطلاع Za Informacije

Per Informazione তথ্যের জন্য



Adult Social Care

Bedford Borough Council

Borough Hall

Cauldwell Street

Bedford MK42 9AP

@ care@bedford.gov.uk

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