

## *Policy Circular*

**Document No 04/07**

**Owner:** Strategy & Communications Directorate

**Subject:** Employers Liability Insurance

**Version:** 2 of 2

**Last Amended:** 10 June 2010

**Date Reviewed:** 10 June 2010

**Next Review:** June 2012

**Please note: From 17 June 2010 the ILF is closed to new applications.**

### **1.0 Background**

Under the terms of the Employers Liability (Compulsory Insurance) Act 1969 an employer who is carrying on any business must insure his or her employees against injury or disease sustained as a result of that employment.

Employers Liability Insurance (ELI) is not compulsory where the employee is a close relative of the employer. For the purposes of ELI, close relative is defined as ‘husband, wife, father, mother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister’.

Currently ‘FISH Insurance’ appears to be the main provider of ELI for ILF users.

#### **Independent Living Fund**

Equinox House, Island Business Quarter, City Link, Nottingham NG2 4LA

Tel: 0845 601 8815 or 0115 945 0700, Fax: 0115 945 0945, Textphone: 0845 601 8816

Email: [funds@ilf.org.uk](mailto:funds@ilf.org.uk), Website: [www.dwp.gov.uk/ilf](http://www.dwp.gov.uk/ilf)

## **2.0 Policy**

The ILF will pay for the costs of ELI where a user purchases such a policy and directly employs PA's. Currently FISH are offering 2 levels of insurance with differing costs. The ILF is able to pay for either the higher or lower costing policy depending on the users individual choice.

Any ELI policy may include cover for legal costs. (Where a user approaches the ILF with a request for legal costs to be considered the ILF will assess whether these costs should be covered under the terms of their ELI policy before a decision can be made-see legal costs policy.)

The ILF will inform Users of their responsibilities with regard to having ELI but will not insist upon it being included as part of the care package.

It is not compulsory for Users to have ELI where they are employing a close relative as defined above - however they may still wish to obtain an ELI policy and ILF can provide funding for this.

The ILF will not pay for ELI where care is provided by a PA who is genuinely self-employed or by an agency.

If an alternative ELI provider to FISH is identified and used and costs appear to be significantly higher than those charged by FISH this information should be reported to the strategic policy team for further consideration.

## **3.0 Procedure**

### **3.1 New applications/Revisits**

At the point of a visit, where the ILFA identifies that care is to be provided by directly employed PAs, the ILFA should recommend that the user consider purchasing an ELI policy. If the User expresses their wish to take out ELI or confirms that there is an existing policy in place the ILFA should note this on the report. Where possible the ILFA should identify whether the User would prefer to receive the

money for the ELI policy as a one-off payment or on an averaged basis throughout the year.

### **3.2 Existing cases**

Users who already have ELI built into their package may continue to have this component built into the package where this is requested upon revision of the offer.

Where the User does not specifically request this is included the case-holder may wish to contact the User, their representative or social worker to clarify whether they wish for the amount to be included within the care package.

### **3.3 Offer calculation**

The case-holder should then arrange for a payment to be made to the user either as a one-off lump sum or on an averaged weekly basis depending on user preference. In either case it should be recorded on Ici that an inclusion has been made for ELI.

It will not be necessary to collect evidence for ELI payments to be made.

The User should be specifically notified within their offer letter that an amount of money has been included within the User's offer/award for ELI and how this will be paid

### **4.0 Source**

Trustees meeting and study day December 2004  
Trustees meeting 13 September & 13 December 2006  
Trustees meeting October 2008  
Employers Liability (compulsory insurance) Act 1969  
HSE Website/Guidance leaflet  
FISH Administration Website  
Trustees meeting 9 June 2010

### **5.0 Cross References**

NI Policy

Holiday entitlement for PA's policy  
Legal costs policy

## **6.0 History Date Reviewed**

18 February 2008

22 October 2008

10 June 2010

# Equality Impact Assessment

## Screening Template

This preliminary impact assessment form is to help you screen your policy, project, function or new service. It should help you consider whether a full Equality Impact Assessment is required by looking at whether there is a potential negative or positive impact on any of the equality groups, if there is an opportunity to promote equality, and whether further data is needed.

**Title of policy, project, function or service:**

Employers Liability Insurance Policy

**Short description of aims and objectives**

Sets out the ILF position with regard to requests to pay employer's liability insurance.

**Thinking about each group below, does (or could) the policy, project, service or function have an impact on members of each equality group? If so, how?**

Equality Group	Yes – negatively	Yes – positively	Unclear	No impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transgender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**What information or research has been considered in judging these impacts?**

See below.

You should consider a full Equality Impact Assessment (EIA) if:

- (a) you feel one or more equality groups will be negatively impacted by the policy, project or service, or
- (b) there is an opportunity to promote equality and eradicate discrimination.

You may also consider further research if it is unclear, at this stage, what the impact may be.

**Based on your findings, is a full EIA required?**

Yes

No

**Please provide a short summary of your decision-making below:**

The policy sets out that the ILF will pay for employers liability insurance where a user directly employs a Personal Assistant (PA). This applies to all users employing PA's and does not discriminate or positively impact on any of the equality groups.

**Notes:**

- The completed EIA Screening Template should be sent to Jon Duckworth, User Liaison Manager for approval by the Equality Impact Assessment Board (EIAB).
- We will contact you with any comments or queries about the completed form.

**This form was  
completed by:**

Helen Janes
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