



SETTING UP  
AN INDEPENDENT  
USER TRUST  
FOR DIRECTLY  
EMPLOYED CARE

WRIGLEYS  
— SOLICITORS —

## HOW WE WORK: A CASE STUDY

Alex sustained traumatic brain and spinal injuries in a workplace accident, resulting in an inability to manage his financial affairs. Alex now requires 24-hour care and supervision. WTL were appointed as sole Deputy for Property and Financial Affairs.

After discharge from hospital, care was provided by an agency overseen by Case Manager Peggy. Frequent carer changes made it difficult for Alex and his wife, Eliza, who also acted as his litigation friend, to form steady relationships. They especially valued George and Thomas and wished they could provide care full time.

### Step 1: THE BEST INTEREST DECISION

WTL confirmed the agency would allow George and Thomas to be hired without penalty, with costs expected to match current agency fees. Peggy interviewed George and Thomas, both of whom were interested, and confirmed there were enough carers to cover the rota.

After discussions between Alex, Eliza, Peggy and WTL, all agreed a directly employed care package was in Alex's best interests and that George and Thomas should be hired. They decided that professional trustees would act as the employers.

### Step 2: TECHNICAL SET UP

An IUT was set up as the employer, with Wrigleys colleagues acting as Trustees. The Health and Care team supported the Trustees in establishing and running the IUT, while the Employment team advised on TUPE.

The case manager agreed a service level agreement with the IUT, taking responsibility for clinical supervision, recruitment, risk management and meeting regulatory care standards. The Trustees retained final authority over employment decisions.

Peggy handled recruitment, arranged insurance and set up the rota. A payroll provider was appointed to manage wages, tax, National Insurance and pensions, and the Deputyship team released funds to the IUT to cover employment costs.

### Step 3: ONGOING MANAGEMENT

After four months, the care package was running well, but Alex raised concerns about George's attitude, and Peggy noted repeated lateness. Under the service level agreement, Peggy handled the disciplinary process and, with Trustee and insurer approval, addressed the issue.

After 12 months, Peggy suggested that pay rates were no longer competitive and staff might leave. She recommended a substantial increase. The Trustees consulted the Deputy and an Independent Financial Advisor, who confirmed it was affordable. Alex wanted to retain his carers, and the Deputy agreed the rise was in his best interests.

### CASE SUMMARY

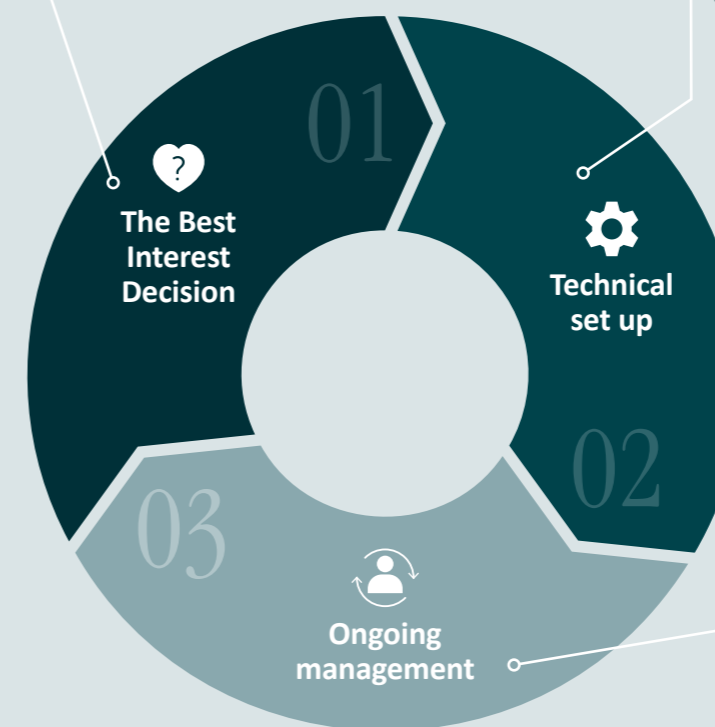
An Independent User Trust was created to employ Alex's chosen carers, offering a bespoke cost-neutral alternative to agency care. Wrigleys acted as the trustee employer, supported by the Health and Care and Employment teams. The case manager delivered care under a service level agreement, funded by the Deputyship team. The result was a stable, personalised care package that met regulatory standards and Alex's needs.



## HOW IT WORKS: IN PRACTICE

- Wrigleys Trustees Limited (WTL) decides if direct employment is appropriate, taking advice from the case manager
- They consult P and the family to understand care needs.
- They assess quality, cost, affordability, risk and legality before making the decision.

- Wrigleys sets up the Independent User Trust (IUT) and appoints Trustees as the employer.
- Trustees handle employment decisions; the case manager manages recruitment, supervision, rotas and daily care.
- Wrigleys supports the Trustees with the IUT deed, the service level agreement, employment queries and insurance.
- An IUT account is opened, and payroll is run by a payroll provider. The Deputyship Administration team handles payroll fund requests.



- The case manager oversees daily care and risk management.
- Trustees handle employment issues, pay, and contracts, with support from the Health and Care team.
- Pay rises are assessed by the Trustees and the Deputy for rationale and affordability.
- WTL reviews the arrangement to ensure the IUT stays in P's best interests.

## ABOUT WRIGLEYS HEALTH AND CARE TEAM

Health and social care professionals work within a complex and tightly regulated legal framework, where the right course of action is not always clear.

The Wrigleys Health and Care team brings deep legal expertise and practical experience to help individuals and organisations understand their rights, responsibilities, and options. We work closely with our clients, taking the time to understand what matters to them, and providing clear, pragmatic advice focused on achieving fair and workable outcomes.

When the next steps feel uncertain, our team offers the clarity, reassurance and specialist support needed to move forward with confidence.

## THE WRIGLEYS TEAM

Our service is for those facing the complexity and bureaucracy of the health and social care system and struggling to be heard.



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