

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO OVERVIEW AND SCRUTINY COMMITTEE 2

13 FEBRUARY 2019

### REPORT OF THE CORPORATE DIRECTOR – SOCIAL SERVICES AND WELLBEING

#### DIRECT PAYMENTS

##### 1.0 Purpose of Report

1.1 The purpose of this report is provide Overview and Scrutiny Committee with an update on recent developments made and the proposed future developments in respect of Bridgend County Borough Council's Direct Payment Scheme.

##### 2.0 Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report assists in the achievement of the following corporate priority/priorities:-

1. Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
2. Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

2.2 This report also assists BCBC in meeting its duties under the following legislation:

1. Social Services and Well-being (Wales) Act 2014
2. Well-being of Future Generations (Wales) Act 2015 – see section 7 of this report

##### 3.0 Background

3.1 A direct payment is a process through which a sum of monies is made available by the council to individuals who have an assessed and eligible need for care and support (or for carers with an assessed and eligible need for support) to arrange and purchase their own care and/or support services.

3.2 A direct payment can be for all, or part of a child or adult's care and/or support needs, and could include long and short-term provision of assistance; preventative and rehabilitative solutions.

3.3 In discharging its duties under the Social Services and Well-being (Wales) Act 2014 local authorities must have regard to the Statutory Guidance issued under Section 145 of the Social Services and Well-being (Wales) Act 2014 entitled "Part 4 Code of Practice (Meeting Needs)". Under this guidance there are a number of requirements placed on local authorities that relate to direct payments. . These include:

- Where eligible care and support needs, or support needs in the case of a carer, have been identified and that individual, or their representative, expresses a wish to receive one, direct payments must be made available in all cases where they enable personal outcomes to be achieved;
- A local authority must be innovative and creative when working in partnership with recipients or their representatives to explore ways a direct payment can be used to secure the personal outcomes. Direct payments must only be refused where it is clear after extensive exploration that a direct payment would not secure the outcomes required;
- Individuals must not be refused a direct payment purely because they are unable to manage the payment, or apprehensive about managing one. A local authority, in partnership with the person, must explore all options for supporting the individual to manage a direct payment. Where areas of difficulty are identified, local authorities must ensure the correct level of support to overcome such barriers is available;
- Direct payments can be provided for any identified need for care and support a local authority is to meet. This includes community care and support and short and long term residential care and support;
- In developing care and support plans which are delivered via a direct payment, a local authority must be satisfied that the person's requirements and their personal outcomes can and will be met through this provision.
- Where a person's needs fluctuate over time, a local authority must work in partnership with the individual, or their representative, to agree how the direct payment will be used to secure care and support that varies according to requirement;
- Where barriers to achieving personal outcomes exist, a local authority must work in partnership with the individual, or their representative, to explore alternative ways to overcome them;
- Local authorities must promote self-management and aim to increase independence by enabling people to become actively involved in shaping their care and support. In the development of, and provision of a direct payment, a local authority must encourage and support people to determine their own personal outcomes and the care and support they require to achieve these taking into account their existing support networks. People must be encouraged to find creative, flexible and innovative ways to maximise their personal outcomes.

3.4 Within BCBC, the total number of people receiving a direct payments service has been increasing steadily year-on-year – with numbers more than doubling since 2012 – as demonstrated in the table below:

Year	2012	2013	2014	2015	2016	2017	2018	2019
Direct payments recipients	160	179	196	226	235	254	294	322

3.5 Even though overall numbers have grown significantly during this period, it is recognised that the service hasn't been broadened a vast amount during this time, and continues to be primarily focused on Learning Disabilities, Disabled Children, and Physical Disabilities, as highlighted in the table below:

<b>Category</b>	<b>2012</b>	<b>%age</b>	<b>2019</b>	<b>%age</b>
Older People	13	8.1	33	10.3
Older People Mental Health	0	0	3	0.9
Physical Disability / Sensory Impairment	45	28.1	61	18.9
Learning Disabilities	52	32.5	110	34.1
Mental Health	4	2.5	6	1.9
Disabled Children	46	28.7	109	33.9
Carers	0	0.0	0	0.0
<b>Totals</b>	<b>160</b>	<b>100</b>	<b>322</b>	<b>100</b>

- 3.6 During 2016, the Welsh Auditor General produced a briefing report for the Welsh Assembly that looked at the provision of direct payments for Adults across Wales, which identified a threefold increase between 2006 and 2015 in the proportion of people receiving adult social care who were in receipt of direct payments. The BCBC figure in 2015 was 4.2%, which was just less than the Welsh average of 4.4%, but still below the best-performing Welsh authorities of circa 12%.
- 3.7 In order to increase and widen the scope for direct payments and to help meet the requirements of the Act, in 2017/18 BCBC commissioned the Institute of Public Care (IPC) to undertake a review of the direct payments scheme in BCBC, and to develop a strategy and action plan in moving forward. As part of the review, extensive engagement was carried out with a range of stakeholders across BCBC, including Adult Social Care, Children's Services, Finance, Human Resources, and training.
- 3.8 Engagement and consultation was also carried out with wider commissioned services that are linked to the direct payments scheme, and also recipients of direct payments. Consultation with recipients of services was undertaken by IPC as part of their review in the form of a written survey that was posted to all service users, along with a prepaid envelope for replying. 86 responses were received – which equated to a response rate of 33%, which was deemed very good for this kind of survey. A summary of the responses to the survey has been provided in **Appendix A**.

#### **4.0 Current Situation**

- 4.1 Feedback from stakeholders and service users was used to inform the development of a strategy and action plan for direct payments, which centred on ten key areas to be taken forward and implemented over the next 3 years:
- **Key Area 1** – to establish a clear vision for 'Direct Payments in Bridgend' – what it should look like, how it should operate, what effect it should be having
  - **Key Area 2** – to clarify the broader strategic 'fit' with aspects of the Council's strategic approach.
  - **Key Area 3** – to develop a statement of strategic intent for Direct Payments
  - **Key Area 4** – to develop better information and planning systems for Direct Payments
  - **Key Area 5** – to ensure effective financial and budgetary alignment and mechanisms to ensure this
  - **Key Area 6** – to develop comprehensive (but accessible and useful) guidance documents

- **Key Area 7** – to devise and implement a training programme for in-house staff
- **Key Area 8** – to increase the number of available Personal Assistants and devise an effective support and training programme for them
- **Key Area 9** – review the support provider's performance, contract/specification
- **Key Area 10** – to promote best practice, innovation and new ways of working.

4.2 In terms of progress made to date against the key areas identified following the review undertaken by IPC, the following actions have been achieved:

4.2.1 **Key Areas 1, 2 and 3 (vision and strategic fit and intent)** – in developing the strategy for direct payments, a clear vision was established and agreed:

*Our Vision for Direct Payments in Bridgend is that they are readily accessible for those who are eligible, empowering individuals to make choices and decisions for themselves.*

A number of aims and objectives were also agreed, which will help ensure compliance with legislation, and also help support BCBC's priorities of 'helping people to be more self-reliant', and 'making the best use of our resources':

#### Aims

- Respond to the findings of the review of Direct Payments
- Locate Direct Payments at the centre of the council's response to meeting the requirement of the Social Services and Well-Being (Wales) Act 2014
- Identify areas of development and improvement for the Direct Payments service

#### Objectives

- Promote the awareness and understanding of Direct Payments in Bridgend
- Deliver the identified developments and improvements over a three-year period
- Increase the numbers of people in receipt of Direct Payments

4.2.2 **Key Areas 4 and 5 (systems and financial mechanisms)** – Welsh Community Care Information System (WCCIS) has been developed to capture direct payment information, with a view to: streamlining efficiencies; improving data control, quality assurance and planning around direct payments. During 2018, an independent audit of direct payments was also carried out, where a number of recommendations were made in respect of the financial systems and monitoring processes, which will be implemented by the relevant teams as a matter of priority.

4.2.3 **Key Area 6 (guidance)** – a direct payment protocol has been developed for staff, (attached at **Appendix B**) providing a framework within which direct payments are to be offered, managed and administered. Also developed is a clear set of operating guidelines, which have been launched to all social work teams. It is anticipated that the provision of improved information and guidance for council staff will in turn facilitate routine access to direct payments for people who want and can consent to have them, empowering people to take greater control of their support solutions. It will also ensure a consistent approach to the accessibility and implementation of direct payments.

4.2.4 **Key Area 7 (training)** – a programme of mandatory training has been developed and delivered in partnership between BCBC's Social Care Workforce Development Programme (SCWDP) team, Finance, and the commissioned direct payment

support service provider, which was delivered in the autumn of 2018. The aim of this joint training was to clarify the direct payments process and make clear what information, advice and support is available for people who wish to pursue take-up of a direct payment.

- 4.2.5 **Key Area 8 (increase numbers of personal assistants)** – the next phase of planned improvements is to work with Bridgend’s commissioned service provider in order to develop a personal assistant and recruitment portal, in order to help source and increase numbers of personal assistants (PAs), who are often used to provide services for those in receipt of a direct payment. This is currently at a developmental stage, and it is anticipated that having access to an on-line portal, with links to BCBC’s web-site, will improve and stream-line the way in which individuals can advertise their requirements for a personal assistant.
- 4.2.6 **Key Area 9 (review performance)** – officers continue to review the current support provider’s performance, contract and specification, with quarterly meetings attended by representatives from the commissioned service, and officers from the Finance and Commissioning teams.
- 4.2.7 **Key Area 10 (innovation)** – in addition to the development of the personal assistant portal, it is anticipated that following the launch of the Direct Payment Protocol, operational guidelines and training, that staff will be better placed to promote best practice, innovation and new ways of working. Additionally, officers are currently investigating options for pooled direct payment budgets, which allows direct payment recipients greater flexibility in how they can combine their individual direct payments. To help enable this, a meeting was arranged in early January 2019 with a third sector organisation, with expertise in delivering pooled budgets to groups of people in receipt of direct payments.
- 4.3 The developments and changes made to date have mostly been in respect of the processes and systems in place, and therefore the impact to date has mainly been for the social work and finance teams, with the main impact for individuals in receipt of services being a greater consistency of approach and a more streamlined service. In moving forward, with the development of the personal assistant portal, there will be a greater impact and tangible and visible impact for service users, and this will be communicated, launched and promoted accordingly.
- 4.4 Alongside the review and developmental work undertaken, the directorate has also taken the opportunity to consider and review the rates paid for direct payments. The ‘Personal Assistant’ rate is currently £10.89/hr, with additional supplementary amounts that can be added to this (based on assessment and eligible needs) for ‘social activities’ (extra £1/hr), and also for mileage expenses. BCBC are now thought to be the only Local Authority in Wales who continues to pay additional payments for these activities. It is therefore proposed to consolidate and simplify this into one amount, and uplift the PA rate to a revised amount of £12/hr.
- 4.5 In implementing the higher rate, the aim is for direct payments to be an attractive, viable and sustainable alternative to commissioned services, which is in keeping with legislative requirements as set out in the background section of this report, and will also encourage the increased use of direct payments, in keeping with one of the aims of the direct payment strategy.

- 4.6 The directorate has also undertaken an exercise to determine any potential opportunities for generating cashable savings by offering direct payments as an alternative to commissioned services, such as Day Services. Based on current levels of requirements, there is no scope to do this as costs in offering a direct payment for a PA (£10.89/hr) to each individual in receipt of a day service for the equivalent time (based on assessed needs) would actually result in a cost pressure due to the loss of economies of scale. Officers continue to explore potential opportunities to generate savings and/or cost avoidance through the use of direct payments, which includes the potential of pooled funds, as mentioned above in paragraph 4.2.7.
- 4.7 The direct payment support service contract ends on 4<sup>th</sup> July 2019, and officers are in the process of reviewing and recommissioning the service, which will be carried out in accordance with relevant contractual and procedural requirements.

## **5.0 Effect upon Policy Framework and Procedure Rules**

- 5.1 There is no impact on the policy framework and procedure rules. Any future services requiring commissioning as a result of this proposal will be undertaken in-line with Contract Procedure Rules requirements.

## **6.0 Equality Impact Assessment**

- 6.1 An Equality Impact Assessment screening was undertaken in March 2018, and it was concluded that the Direct Payment Protocol and its associated procedure document have a positive impact in terms of equality; as they ensure that people with an assessed need for care and support (or in the case of carers, those with an eligible need for support) are enabled to have voice, choice and control over how and from whom their care and support is delivered.

## **7.0 Well-being of Future Generations (Wales) Act 2015 Implications**

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing Act (Wales) (SSWBA) 2014, in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend.
- 7.2 By offering a direct payment, and therefore the voice, choice and control over the care and support provided, will promote an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the wellbeing goals of a Healthier and more equal Bridgend and Wales are supported.

## **8.0 Financial Implications**

- 8.1 The total annual spend on direct payments over the past 5 years is shown in the table below, which further illustrates how the service has grown and been invested-in:

<b>Year</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>
Direct payments spend (£)	2,141,476	2,258,198	2,719,043	3,049,320	3,242,883

- 8.2 Mandatory direct payment training provided has been funded through existing SCWDP (training) budgets.
- 8.3 The cost implications of implementing the revised direct payment PA rate is estimated to be in the region of £106k per annum, when compared to existing rates paid to direct payment recipients. Provision has been made for this within the budget for 2019/20.
- 8.4 These rates are still less than the 'weighted average' rates that are paid to the independent sector when commissioning services on behalf of individuals; currently in the region of £18/hr. Weighted averages are the hourly equivalent rates when rates for calls of less than one hour duration are proportionately uplifted. Therefore there will continue to be an element of cost avoidance where individuals are paid a direct payment, as opposed to commissioning services on their behalf.

## **9.0 Recommendation**

9.1 The Overview and Scrutiny Committee is requested to:

- Note the information contained in this report; and
- Provide views on the developments made and the proposed future developments in respect of the Direct Payments Scheme.

### **Susan Cooper**

Corporate Director – Social Services and Wellbeing  
January 2019

## **10.0 Contact Officers**

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## **11.0 Background documents**

None