



# **SOCIAL SERVICES & WELLBEING DIRECTORATE**

## **Direct Payments Protocol**

**APRIL 2018**

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| Review Date | April 2021 | By: Head of Adult Social Care and<br>Head of Children's Services |
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## **1. INTRODUCTION**

- 1.1 Direct Payments is a process through which Bridgend council makes money available to Individuals with an assessed, eligible need, (or their representatives), and carers to purchase and arrange their own care and support services. Direct Payments promote independence, choice, flexibility and autonomy over the way in which people's support and care needs are met and are an integral part of empowering Individuals to achieve their wellbeing outcomes.**
- 1.2 Direct payments can be for all, or part of an Individual's care and support needs, or for all, or part of a carer's support needs and offer an alternative option to the local authority providing or commissioning services on people's behalf.
- 1.3 At the point of assessment and/or review, direct payments must always be considered as part of standard practice and people assisted to make an informed decision as to whether direct payments would be the best option for them in meeting their care and support needs.
- 1.3 In order to facilitate routine access, direct payments will be incorporated as a standard option within Bridgend's existing care management framework and promoted by social care staff as standard practice.

## **2. LEGISLATIVE REQUIREMENTS**

- 2.1 The key pieces of legislation and guidance upon which this protocol is based are:
- Social Services and Wellbeing (Wales) Act 2014:
  - The Children's Act 1989
  - The Mental Health Act 2007
  - Care and Support (Direct Payments) (Wales) Regulations 2015
- 2.2 Other legislation such as the Data Protection Act 1998 and Data Protection Act 1998, Human Rights Act 1998 and the Equality Act 2010 may also be relevant to particular circumstances, such as providing accessible information about direct payments that can be understood by Individuals with various disabilities.
- 2.3 This protocol has been written to comply with the provisions of the relevant section of the Act and the regulations which are made under sections 50, 51, 52 and 54 of the Act.

### **3. PROTOCOL OBJECTIVES**

3.1 The objectives of this protocol and its associated guidance notes are to:

- set out how the local authority will discharge its duties in relation to the requirements of the Social Services and Wellbeing (Wales) Act 2014
- broaden / increase the take up of direct payments across all groups; in particular, by those groups that have not made wide use of them up to now.
- provide a framework within which direct payments will be offered, managed and administered
- provide information and guidance that will facilitate routine access to direct payments for people who want and can consent to have them, empowering Individuals to take greater control of their support solutions
- ensure that Individuals with an eligible care need are afforded choice and flexibility in terms of how they plan their care and support
- ensure that carers are able to arrange the support that best suits them in order to maintain their caring role
- ensure a consistent approach to the accessibility and implementation of direct payments

### **4. ELIGIBILITY CRITERIA**

4.1 To be eligible for a direct payment, the local authority must be satisfied that direct payments are an appropriate way of meeting the person's needs.

4.2 Any adult, child or carer who is assessed as having an eligible need under the Social Services and Wellbeing (Wales) Act 2014 will be eligible for Direct Payments.

### **5. PROTOCOL SCOPE**

5.1 This protocol and its associated guidance notes have been comprehensively revised in order to reflect legislation. Whilst the guidance notes will be updated from time to time to reflect changing guidance, amendments to the protocol itself will be subject to approval by the authority.

5.2 The protocol and guidance notes are applicable to all employees of Bridgend County Borough Council who provide services to children, adults and their carers who have been assessed as having an eligible need for care and support.

## **6. PROTOCOL IMPLEMENTATION**

6.1 The authority will:

- ensure the effective application of this protocol through support and monitoring
- monitor and update the guidance notes as required
- liaise with appropriate external agencies from time to time to ensure that the protocol and guidance notes are kept up to date
- distribute the protocol widely to staff.

## **7. INDEMNITY STATEMENT**

7.1 The authority will, subject to the exceptions set out below, indemnify its employees against liability at law, in the pursuit of their duties on behalf of the authority and whilst acting within the scope of their authority.

7.2 The indemnity will not extend to liability directly or indirectly arising from personal fraud, dishonesty, willful negligence, deliberate wrongful act or criminal offences.

7.3 The indemnities will not apply where the individual admits liability or engages in negotiations to settle any claim falling within the scope of this resolution.

## **8. PROTOCOL REVIEW**

8.1 The authority is committed to the continuing development of the protocol and guidance notes and will endeavor to maintain their accuracy and relevance. The protocol and associated guidance notes will be reviewed in response to any proposed additions to the protocol.