

Meeting of:	CABINET
Date of Meeting:	20 JUNE 2023
Report Title:	DIRECT PAYMENTS POLICY
Report Owner / Corporate Director:	CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING
Responsible Officer:	JOE BOYLE POLICY OFFICER – SOCIAL SERVICES AND WELLBEING
Policy Framework and Procedure Rules:	There is no effect upon the policy framework or procedure rules
Executive Summary:	This report outlines the process undertaken to review and implement a new policy and approach to Direct Payments in Bridgend County Borough Council. This new approach enables the Council to directly meet recommendations made by Audit Wales following their 2022 review. The policy describes Direct Payments and sets out in plain language the law, the Council’s principles and commitment to improve Direct Payments. The policy informs the Council’s recipients of Direct Payments, family members and carers what they should expect at each of the four stages. The policy sets standards for what and how we complete processes for Direct Payments, provides the foundation for measuring and evaluating performance and the use of Direct Payments.

1. Purpose of Report

- 1.1 The purpose of this report is to seek Cabinet approval of a new policy at **Appendix 1** for the use of direct payments to meet people’s care and support needs, and support needs in the case of unpaid carers.

2. Background

- 2.1 Direct payments are an important way of meeting the assessed care and support needs of people who are eligible for care and support (adults and children) and their carers. Direct payments provide choice and control for people in respect of how their needs are met.
- 2.2 An independent review was commissioned to examine the Council's approach and to develop a new policy and a strategy for direct payments. Engagement with recipients of direct payments, carers, families, and Council staff was a key feature. Feedback was obtained from more than 120 respondents via face-to-face meetings, telephone and video meetings and interviews, and online surveys.
- 2.3 The review considered the duties placed upon local authorities by the Social Services and Well-being (Wales) Act 2014 and its associated regulations. It also considered best practice elsewhere in Wales and the UK.
- 2.4 The new policy enables the Council to respond directly to recommendations made by Audit Wales after its national review of direct payments (2022) provided under **Appendix 2**.

3. Current situation / proposal

- 3.1 The review identified some strengths in the current approach across service areas. The Council has increased its use of direct payments since 2016, predominantly for children with disabilities, adults with learning difficulties, and older people. The use of direct payments are strongly supported by recipients, unpaid carers, families, direct payment Personal Assistants, and workforce alike. Their use is proven to help individuals, parents, and families with arrangements for care and support over which they have greater choice and control.
- 3.2 There are some good examples of how direct payments have been used in a more creative way to help people achieve what matters to them but there is a need for consistency across service areas and improvements in their promotion and how they are managed.
- 3.3 In summary, the review identified the scope and need for:
 - (i) direct payments to be promoted as an equal option alongside more traditional social care provision.
 - (ii) more creative and flexible use of direct payments, greater promotion and offer of direct payments, and improvements in decision-making.
 - (iii) better, easier to understand, information, and a streamlined application process with reduced paperwork.
 - (iv) training and development for key new and existing staff to boost and maintain knowledge and confidence for the creative use of direct payments, and to ensure consistently high-quality care and support plans.
 - (v) a new system for managing and recording direct payments to support a more systematic approach to monitoring and evaluation.

(vi) addressing the shortage of Personal Assistants by a new, proactive, and community-based approach to recruit more to the local workforce, and to enhance the training and support available to them.

(vii) action to prevent circumstances where recipients build up surpluses of funding and action to address such cases in ways which reflect the requirements of the Social Services and Well-being (Wales) Act 2014.

3.4 The review concluded that, overall, arrangements for managing direct payments appear to work well but identified the need for consistency of practice, linked to strength based social work and the need to drive the more strategic approach needed to address the shortage of Personal Assistants.

3.5 The review produced a draft strategy to guide improvement action. The draft document was shared with recipients of direct payments, carers, family members, and officers at two events held on Thursday 2 March 2023.

3.6 The meetings stimulated helpful discussion and feedback. Participants emphasised the need for improvement and welcomed the planned developments set out in the draft strategy. They gave examples of how direct payments had helped them and the difference it has made to their lives or the lives of those they cared for, and what was important to them i.e. their priorities for improvement. Some participants gave examples of difficulties and problems encountered when applying for, or receiving, direct payments and decisions which they believe were wrong.

3.7 The improvement strategy is underpinned by a detailed action plan, which has been updated after feedback received. Implementation has already commenced. For example, the development of this new policy document, and a project to pilot the introduction of the new approach.

3.8 A new policy has been produced for the public (attached as **Appendix 1**). It reflects what recipients and families told us needs to be improved and best practice.

3.9 The policy describes direct payments and sets out in plain language the law which governs direct payments, the Council's principles which shape the work of all departments, and commitment and action to improve direct payments.

3.10 This new policy effectively sets standards for what we do and how we do it. In doing so, it improves our accountability to users and potential users of our services. It is also the foundation for us to measure and evaluate our performance and the use of direct payments. It will help ensure sufficiency, and a high standard, of a key element of social care and support.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report,

Involvement	This report has been informed by co-production with people who receive direct payments and their carers in a number of workshops and interviews conducted by independent consultants.
Long term	There will be a positive long-term impact of this policy review as it means the policy is easier for the public to read and understand and therefore easier to access direct payments which will result in more individuals being able to access the care and support when and in what way that they would choose.
Prevention	People with eligible care and support needs may receive direct payments. Direct payments can be effective in preventing escalation of need for more intensive care and support.
Integration	This policy will be implemented for people with care and support needs and should support greater integration with health services as direct payments can be used flexibly in jointly funded support arrangements.
Collaboration	This policy has been developed collaboratively by a working group involving staff from across the Social Services and Wellbeing and Chief Executive's Directorates.

6. Climate Change Implications

6.1 There is no direct impact on Climate Change through the implementation of this policy.

7. Safeguarding and Corporate Parent Implications

7.1 The new policy will enhance the Council's ability to discharge its statutory duties under the Social Services and Well-being (Wales) Act 2014, and relevant regulations (notably the Care and Support (Direct Payments) (Wales) Regulations 2015), and the statutory framework of rights and responsibilities set out in Part 4 of the Code of Practice (Meeting Needs) issued under the 2014 Act. Direct payment personal assistants are subject to all safe recruitment processes including Disclosure and Barring Service (DBS) checks.

8. Financial Implications

8.1 A Direct Payments Development Officer post has been created, funded from the Social Care Workforce Grant. The postholder will drive transformation and change addressing the range of issues and needs relating to Direct Payments and the associated Direct Payments Review Report, including its recommendations. The

postholder will ensure the new policy is implemented and works for everyone who uses Direct Payments.

- 8.2 It is probable that implementation of a better approach for direct payments could increase demand, which could lead to an increase in pressure on the direct payments budget. However, in most circumstances, direct payments can be a lower unit cost option compared to commissioned social care and support. Direct payments are also a prevention intervention; they aim to maintain someone's independence and well-being thus preventing their circumstances deteriorating or reaching crisis point when increased care and support would need to be provided by statutory services. Similarly, direct payments maintain or improve the well-being of carers, enabling them to continue a role without which there would be a requirement for the Council to provide care and support instead.

9. Recommendation

- 9.1 It is recommended Cabinet consider and approve the new policy for direct payments attached as **Appendix 1**.

Background documents

None