

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO THE ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

6 APRIL 2016

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

#### DIRECT PAYMENTS

#### 1. Purpose of Report

- 1.1 To inform the Committee of the current situation with the provision of Direct Payments and the plans for the development of the use of Direct Payments in line with the implementation of the Social Services and Wellbeing (Wales) Act 2014.

#### 2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 This report links to the following improvement priorities in the Corporate Plan:

- Working together to help vulnerable people to stay independent;
- Working together to make best use of our resources.

Plus the following initiatives or plans:-

- Adult Social Care Commissioning Plan 2010-20: Living Independently in Bridgend in the 21<sup>st</sup> Century;
- The Remodeling Adult Social Care Programme;
- Reconfiguring Learning Disability Services Project;
- The Councils Medium Term Financial Strategy (MTFS).

#### 3. Background.

##### 3.1 Purpose of Direct Payments

- 3.1.1 Direct Payments are cash payments made to a person who is eligible for care and support from social services, to enable them to arrange and pay for their own care and support. Direct Payments are a different way of delivering social services responsibilities where there is an assessed eligible need. The purpose of Direct Payments is to give people:

- Flexibility over when their care is provided and the exact nature of the care.
- Choice and control over who they have caring for them and the standards and quality of that care.

- 3.1.2 Direct Payments can be used to purchase care and support services in order to meet the persons care and support needs or the person's carer needs. Typically direct payments are used for:

- Personal care services

- Personal assistants
- Community activities
- Equipment and minor home adaptations
- Respite

3.1.3 The provision of Direct Payments is a key element in the Council's strategy of helping individuals to live independently in the community and be able to exercise choice over how their support is provided. A fundamental principle of providing Direct Payments is that support is purchased and managed by individuals so as to enable them to live more independently and actively in their communities and to engage with their friends, families and wider social groups without the need for statutory support services.

3.1.4 Direct Payments are also a key part of the Council's Corporate Agenda because they give vulnerable people greater choice and control over how they can enhance and maintain their independence in the community. The development and increase in the use and number of Direct Payments is part of the Remodelling Adult Social Care agenda which represents a transformation in the way in which people receive support services. People will organise and manage their own care and support arrangements rather than the Council doing this through the provision of services. The impact of increasing the number of Direct payments is reflected in the Medium Term Financial Strategy where cost savings are identified from a reduction in the cost of statutory provision.

## 3.2 Legislation

3.2.1 The Social Services and Wellbeing (Wales) Act 2014 (The Act) repeals previous legislation concerning entitlements to direct payments. The Care and Support (Direct Payment) (Wales) Regulations 2015 (Regulations) provides the latest guidance on when local authorities are either required or allowed to make Direct Payments under the Social Services and Well-being (Wales) Act 2014.

## 4. **Current situation / proposal.**

4.1 Prior to the implementation of the Act, a local authority was required to provide a Direct Payment if:

- It was requested by the person;
- The Authority is satisfied that the individuals care and support needs, or a carers support needs can be met through the provision of a direct payment;
- The person is capable of managing the payment (either with or without support). If a person does not have the mental capacity to consent, the payment could be made to the 'suitable individual' to manage on the persons behalf.

4.2 The Act and associated Regulations do not change the previous legislation and Guidance but add to it by extending the range and scope of the use of Direct Payments. This includes:

- Steps authorities must take and information they must provide to an individual or their carer so they can make an informed decision to request a direct payment;

- Enabling individuals with a drug or alcohol dependency to request a direct payment (with suitable safeguards);
- Prohibiting local authorities from stipulating that the direct payment must be used in a particular way;
- Allowing an individual to purchase care and support from the 'the authority which made the payment';
- Authorising the use of direct payments to purchase care and support or help managing the payments from a relative living in the same household if appropriate for promoting the persons wellbeing;
- Requiring the first review of the direct payment arrangement at 6 months (previously 12 months).

4.3 The Act also makes provisions for the use of direct payments for meeting a child's care and support needs and for meeting a carers support needs.

4.4 The first Direct Payments were made in 2000/01 as part of a pilot scheme. Over subsequent years the use of direct payments to meet a person's care and support needs has grown. The table below sets out the number of Direct Payments provided by service user group and the associated costs over the last 5 financial years.

The second table shows the average cost of a Direct Payment **per annum** by service user group.

	£	No Service Users	£	No Service Users	£	No Service Users	£	No Service Users	£	No Service Users	£	No Service Users
Service Area	2010/11	2010/11	2011/12	2011/12	2012/13	2012/13	2013/14	2013/14	2014/15	2014/15	Current	Current
Learning Disabilities	742,161	48	879,735	52	1,154,957	63	1,424,253	69	1,390,043	74	1,476,536	89
Physical Disabilities	275,185	36	331,554	45	385,405	52	442,440	54	456,399	63	499,629	86
Children's Services	288,654	37	313,576	46	264,280	45	247,812	60	270,370	73	235,324	99
Older People	96,960	9	142,041	13	176,652	13	122,108	7	136,181	8	112,386	31
Mental Health	8,637	3	23,957	4	48,008	6	61,096	6	70,058	8	76,988	11
Miscellaneous												
<b>Total</b>	<b>1,411,597</b>	<b>133</b>	<b>1,690,863</b>	<b>160</b>	<b>2,029,302</b>	<b>179</b>	<b>2,297,709</b>	<b>196</b>	<b>2,323,051</b>	<b>226</b>	<b>2,400,863</b>	<b>316</b>

Service Area	Total Projection 2015/16	Total Number of Cases	Average
	£'s	No.	£'s
Older People	112,386	31	3,625
Physical Disabilities	499,629	86	5,810
Learning Disabilities	1,476,536	89	16,590
Mental Health	76,988	11	6,999
Children's Services	235,324	99	2,377

4.5 The Direct Payments have been made on the basis of an assessment of need and provide a cash alternative to the provision of a service. In most cases the payment

is being made in place of domiciliary, day and respite services. A small number of larger Direct Payments are in place of accommodation services.

- 4.6 The demand for Direct Payments will increase with the implementation of the Act particularly from young people who wish to take advantage of the opportunity to control their services. A scoping exercise is currently underway to analyse the future demand for Direct Payments and the financial implications for the Council. The growth in the number of Direct Payments should enable the council to reduce its provision of commissioned statutory services as people exercise choice and control over their care arrangements.
- 4.7 Direct Payments are an essential tool for the Council in meeting the Welsh Governments strategic aim of supporting people who require support and care to achieve their wellbeing outcomes and also to support carers who require support in achieving their wellbeing outcomes. Ensuring Direct Payments are an integral part of the assessment and care planning process will support the Council in supporting individuals to have more independence, choice and control over the services they require, in line with the requirements of the Act.
- 4.8 Some people who have a Direct Payment require support to administer the payments and employ personal assistants; to enable this the Council commissions a support provider and, after the previous contract came to an end in 2014, the Council entered into a formal collaborative agreement with Neath Port Talbot (NPT) and City and County of Swansea (CCS) for the delivery of a regional direct payment support service. CCS is the lead authority and holds the current contract with the provider on behalf of NPT and BCBC. Due to changes within the contractual arrangements, this arrangement has been reviewed and is coming to an end in June 2016. The Council are currently in the process of commissioning a direct payment support service for Bridgend which will be in place when the current contract expires. Officers have developed a robust service model that will meet the Council's requirements for a high quality and financially sustainable Direct Payment support service and has developed a service specification and contract based on this model. This service will provide support to individuals requesting a Direct Payment and will build on current numbers of people supported by the service.
- 4.9 In anticipation of the new Act, the Social Care Workforce Development team have been providing training on the changes that the Act will bring; this includes the emphasis on individuals having choice and control over the services they require and the role that Direct Payments can play in this. With a Direct Payment an individual can choose how their support is delivered and make the arrangements for this to happen. This gives individuals direct control over their support arrangements instead of the Council providing support through the provision of statutory services. Many people choose to employ a personal assistant to provide support; this is a person directly selected and recruited by the individual rather than a council employee. There are two case studies attached at **Appendices 1a and 1b** which give examples of how this works in practice.
- 4.10 The Council Lead Officer for Direct Payments is a member of the All Wales Direct Payments Forum. The purpose of this forum is to:
- establish and maintain an All Wales approach to the

recognition and promotion of Direct Payments as a core or mainstream option of delivering Social Care Services.

- provide a Forum for discussion and joint development of Direct Payments across Wales
- gather and disseminate good practice and highlight issues and inform all stakeholders within Local Authorities, Association of Directors of Social Services Cymru, the Voluntary Sector, the Support Services Network, the Welsh Assembly Government, and service users and carers.

## **5. Effect upon Policy Framework and Procedure Rules.**

5.1 There is no effect on the policy framework and procedure rules.

## **6. Equality Impact Assessments.**

6.1 There are no equality implications arising from this report.

## **7. Financial Implications.**

7.1 The directorate is currently undertaking a tendering exercise to commission a support provider as referred to in paragraph 4.8. The contract amount will be circa £100,000, which will be met from the current directorate budget.

7.2 The actual financial impact on direct payments in 2016/17 as a result of the Social Services and Wellbeing (Wales) Act is unknown at present. Direct payments are expected to increase; however, the directorate budget of £2,350,000 is currently projecting an underspend of £235,000 as at the end of February 2016, mainly due to account reimbursements where service users haven't utilised their full direct payment allocation.

## **8. Recommendation.**

8.1 It is recommended that the Committee note the report.

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**March 2016**

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## **10. Background documents**

None