

Slough Borough Council

Report To:	Cabinet
Date:	15 th April 2024
Subject:	Adult Social Care Direct Payments Policy
Lead Member:	Cllr Anna Wright , Social Care and Public Health
Chief Officer:	Executive Director, Marc Gadsby
Contact Officer:	Director of Commissioning, Jane Senior Group Manager Purchasing, Suzanne Binns
Ward(s):	All
Key Decision:	NO
Exempt:	NO
Decision Subject To Call In:	YES
Appendices:	Appendix 1 - Adult Social Care Direct Payments Policy Appendix 2 – Equality Impact Assessment

1. Summary and Recommendations

1.1 This report seeks approval of the Adult Social Care Direct Payments Policy which has been developed to replace existing guidance.

Recommendations:

Cabinet is recommended to:

1. Approve the Adult Social Care Direct Payment Policy, shown at Appendix 1.

Reason:

To ensure that an up to date Adult Social Care Direct Payment Policy is in place which has been approved by Cabinet Members.

Commissioner Review

“The commissioners are content with the recommendations in this report”.

2. Report

Introductory paragraph

Having an up to date ASC Direct Payments Policy supports the following Corporate priorities and Slough's Well-being Strategy:

2.1 Slough Corporate Plan 2023-27

1. A town where residents can live healthier, safer and more independent lives
2. Working with partners to target health inequalities and promote wellbeing
3. Supporting residents to be as independent as possible whilst providing quality services for the most vulnerable adults.

2.2 Slough Wellbeing Strategy 2022-25

Priority 2: Integration

2.2.1 Increase the number of people living independently at home and decrease the proportion living in care homes

2.2.3 Increase the number of people who are managing their own health and care needs.

2.3 Direct Payments promote an individual's wellbeing and allows them to become more independent and have greater choice and control over how they organise, arrange, and purchase services to meet their assessed and eligible care and support needs.

2.4 Promotion of the Direct Payments Scheme has been successful in raising the number of people choosing to take up the offer of a Direct Payment.

2.5 Direct Payments Scheme Activity 1st April 2023 to 30th November 2023

368 people have received a Direct Payment during 2023/24 from the 1st April 2023 to the end of November 2023.

327 people were in receipt of an ongoing Direct Payment as at 30th November 2023.

182 Carers received a one off Direct Payment during the period 1st April 2023 to the 30th November 2023.

2.6 Options considered:

The following options were considered in development of this Policy.

Option	Pros	Cons
Option 1 Do nothing Not Recommended	Less staff time required to develop a Policy	Lack of visibility to Members or the Public of arrangements and approach towards Direct Payments and how they will be offered and administered.

<p>Option 2. Retain internal guidance documentation only .</p> <p>Not Recommended.</p>	<p>Staff continue to deliver direct payments in accordance with internal guidance – which is compliant with the legislation,</p>	<p>. Lack of visibility to Members or the Public of arrangements and approach towards Direct Payments and how they will be offered and administered.</p>
<p>Option 3. Develop a Direct Payments Policy for approval by Cabinet Members and publish on the Council’s website in an accessible format.</p> <p>Recommended.</p>	<p>Clarity and visibility regarding arrangements and approach towards Direct Payments and how they will be offered and administered. Approval of policy in accordance with the Council’s Constitution.</p>	<p>Additional resource requirements to develop a policy.</p>

2.7 Option 3 is recommended.

2.8 Background

2.8.1 The Care and Support (Direct Payments) Regulations 2014 came into force on 31st October 2014. This permitted the Council to make available the funds granted to the individual as part of their assessment under s9 of The Care Act 2014 to be made as a Direct Payment. Furthermore, the Council is required, except for where it would be inappropriate to do so, to offer adults who have been assessed under s 9 of The Care Act 2014 the choice to receive the money required to purchase services to meet their assessed and eligible needs as a Direct Payment.

2.8.2 The Direct Payment recipient uses the money to organise, arrange and purchase services directly to meet their care and support needs, rather than receive services commissioned by the Council. In this way the Direct Payment recipient has increased choice and control on how their care and support needs are met.

2.8.3 DP recipients can choose whether they employ carers directly, engage a self-employed carer, or purchase services through a care agency of their choice. This allows greater flexibility in arrangements when compared to directly commissioned services in terms of the timing of visits, the appointed carer’s level of understanding of the individual’s lifestyle, hobbies and interests to support them in social activities, language or communication needs, community, culture, religious and spiritual beliefs.

2.8.4 The Direct Payments Policy sets out when and how the arrangements will be administered by the Adult Social Care department.

2.8.5 Individuals who are caring for someone with assessed and eligible care and support needs on a substantial and regular basis are also eligible to receive a one-off Carers Direct Payment. This can be used to meet their needs as identified by a Carer’s Assessment or a Joint Assessment carried out at the time the cared for person is being assessed under s.9 of The Care Act 2014. Currently, for the financial year 2023/24, these payments are set at £150, £225, and £300 depending on the level of assessed need.

2.8.6 To maximise the opportunity for individuals to receive the benefits of Direct Payments, the Direct Payment Team promotes the scheme through a range of

mechanisms. This includes: providing information to social workers during their induction, attending operational Social Work team meetings and arranging training sessions for social workers in conjunction with the Group Manager for Operational Social Work. Members of the Direct Payments team also visit individuals who want to explore receiving a Direct Payment and explain the scheme, so that the person can make an informed decision whether or not they would like to receive a Direct Payment.

2.8.7 Direct Payment recipients can use the money to either,

- 1) become an employer so that they can choose an independent carer looking for employment, or
- 2) chose to receive services from an independent self-employed carer (sometimes referred to as a micro-provider), or
- 3) purchase services from a care agency of their choice.

Sometimes an individual will combine those choices to create the most suitable arrangement to meet their needs.

2.8.8 The Direct Payment supports the individual to be independent and not dependent on the Council to arrange or commission traditional services. The individual has independent choice and control over the services they receive and the way services are provided. They are able to monitor and manage the care and support they receive and have the flexibility to change the tasks undertaken as and when required to support their wellbeing.

2.8.9 The co-production network has been consulted on information made available to regarding direct payments which is accessible.

3. Implications of the Recommendation

3.1 *Financial implications*

3.1.1 During the period from 1st April 2023 to 31st January 2024 a total of £4,716,668 was paid to direct payment recipients with the ratio of 3 direct payment recipients using a Pre-payment Card to every 1 using a Direct Payment Bank Account. Monies are paid to the direct payment recipients minus any client contribution they have been assessed to pay. The direct payment recipients is required to upload their client contribution to the Direct Payment Account and evidence spend. This is considered a cost efficient way of ensuring client contributions are made.

3.1.2 The Direct Payment recipient can make best use of local community resources and other social networks that are available to meet their needs and this often results in a more cost effective service over time. This is evidenced by the amount of funds over the contingency budget that can be transferred back to the Council when the Direct Payment Accounts are reviewed. Monies can be reclaimed for when there are no planned spend activities above contingency, recoup of monies not spent on appropriate purchases, and balances, minus refund of unused client contribution, when the Direct Payment Account is closed. This helps the department to reduce budgetary pressures.

3.1.3 During the period from 1st April 2023 to 31st January 2024 a total of £500,187 funds have been reclaimed.

3.1.4 The Council monitors and reviews direct payments to ensure that they are being used as intended, that conditions are met and that public funds are being used effectively. The Council informs Direct Payment recipient of the monitoring and review requirements including what records must be retained and what information will be required to be produced. Reviews are undertaken as appropriate and proportionate to the relevant circumstances.

3.2 *Legal implications*

3.2.1 The Direct Payments Policy takes account of relevant legislation, regulation and guidance. Eligibility for a person to receive a Direct Payment and how it is administered is underpinned by relevant legislation including:

- The Care Act 2014 effective from 1 April 2015;
- The Mental Health Act 1983 (MHA)
- The Mental Capacity Act 2005 (MCA)
- The Equalities Act 2010
- The Human Rights Act 1998

3.2.2 There is also relevant Guidance and Regulations set out in

- Care and Support (Direct Payments) Regulations 2014, and
- Care and Support Statutory Guidance

3.3 *Risk management implications*

3.3.1 The recommended option to replace the staff guidance document with a public and staff facing policy mitigates risk of challenge on transparency concerns and clearly sets out the policy for the public and staff. The table below set out the risks and mitigations concerning the recommended option.

Risk	Assessment of Risk	Mitigation	Residual Risk
Practice is not compliant with the new Adult Social Care Direct Payment Policy	Medium / Low	Group Manager for Purchasing will brief the Direct Payments Team and ensure that practice of the team complies with the new policy. Any issues will be captured through supervision and other processes,	Low

3.4 *Environmental implications*

3.4.1 There may be an impact in relation to infection control, as most individual employers employ fewer individual staff and where there is increased continuity of care from the same staff members. This has the potential to decrease transmission between households.

3.5 *Equality implications*

3.5.1 An equality impact assessment indicates that the operation of a Direct Payment Scheme assists Direct Payment Recipients to choose services from individuals already known to them, from carers who understand their cultural and spiritual needs and can be flexible so that service times can be adjusted by the individual as and when required.

3.5.2 The assessment indicates that measures have been put in place to assist people to receive the benefits of a DP but who are unable to manage the payments themselves. The introduction of payroll company support, pre-payment card accounts, a managed account service, and the appointment of a nominated individual or authorised person, all mitigate the negative impact of the scheme.

3.6 *Corporate Parenting Implications*

3.6.1 Not applicable. This policy relates to Adult Social Care services only.

3.7 *Procurement implications*

3.7.1 Not applicable to this report.

3.8 *Workforce implications*

3.8.1 There are no proposed changes to staffing levels as a result of implementation of the new Direct Payments Policy.

3.9 *Property implications*

3.9.1 There are no property implications arising from this report.

4. Background Papers

None.