

DIRECT PAYMENTS FOR CHILDREN WITH COMPLEX SPECIAL NEEDS

Executive Summary

The report calls for a "key decision" under the Council` s Constitution, of which notice was given in the Forward Plan dated 1ST of June 2002. It advises Members on the pilot scheme for Direct Payments for Children with a complex disability, and seeks approval to formalise and extend the current arrangements.

1 Background

- 1.1 The Community Care (Direct Payments) Act 1996 gave Local Authorities the power to make cash payments for community care directly to individuals who need services. The original regulations allowed schemes to be available to people aged 18-64. This was widened to include people over 65 in February 2000. The Carers and Disabled Children Act 2000 extended direct payments to people with parental responsibility for a disabled child or a disabled young person aged 16 or 17 in lieu of services provided under section 17 of the Children Act.
- 1.2 The Metropolitan Borough of Wirral adopted its Direct Payment Scheme in June 2001 through a partnership between the Direct Payment Support Service, relevant voluntary organisations and people who receive direct payments. An implementation group has provided oversight to the direct payments service, which has included representatives from people using the service and the relevant voluntary organisations.
- 1.3 The scheme allows people to purchase appropriate and child centred services from any provider who is able to deliver services to meet assessed need or employ a personal assistant directly. Within an agreed financial framework, day to day control of the money and care package passes to the person who is best placed to judge how to match available resources to meet the needs of the parent /carer and young person, and to ensure that it is properly spent on the necessary services
- 1.4 The purpose of Direct Payments are:
 - To increase the young person and family`s independence by giving them control over the way the community care services they receive are delivered.
 - To encourage a spirit of partnership between Social Services and the young person and family.
 - To leave as much choice in the hands of the family and allow them to address their needs in different and innovative ways.
 - To spend public money appropriately and seek value for money.

- 1.5 The Direct Payments Support Services offers independent support, advice and information about all aspects of the Direct Payment Scheme. They monitor the user's record keeping and financial paperwork. The Scheme is subject to the local authority financial audit systems. Detailed guidance and procedures are available.
- 1.6 Currently the Department has provided a pilot scheme for 3 families. The Direct Payments co-ordinator has also been actively exploring the individual benefits of receiving Direct Payments to provide for services, with parents and carers through meetings and individual consultations.
- 1.7 Social Workers are supporting 5 other families who are wishing to pursue receipt of Direct Payments. We are currently providing a range of services to meet these children and families care plans.

2 Proposal

- 2.1 It is proposed to formalise the current pilot scheme and extend the available provision to a limited number of other families who have so far registered an interest. It is proposed that each package will have an annual ceiling of £10,400 with a limit of up to 28 days overnight support per year.
- 2.2 Where the family needs more support than 28 days per year and/or the child requires more intensive support, parents will be offered packages of direct payments combined with other support from Willow Tree, for instance, as a more cost effective means of providing for their child's care.
- 2.3 From the identified budget it is envisaged that additional parents might also be offered a direct payment for overnight stays in the family home to provide added flexibility to their current package of support at Willow Tree. It is planned to offer up to 4 nights on this basis, for up to 15 further parents.
- 2.4 Department of Health guidance reinforces the Council's responsibility for making arrangements to promote the welfare of the child. Following discussion at Health and Social Care Select Committee, greater emphasis will be placed on ensuring that safe carers are purchased. Criminal Record Bureau checks will be undertaken by the Department on behalf of parents', for all personal assistants. This will be a requirement of the scheme. Parents will be expected to maintain their current services with the approved registered agencies until C.R.B. checks are concluded. The Council will also provide parents with a general view about the suitability of the personal assistant, and will need to discuss withdrawing payments, if the advice is not accepted
- 2.5 The Council is required to fund support at a market rate which permits the parent / young person receiving the direct payment surety of employing staff. The rates will need to be kept under regular review to reflect the changes within the market, and specific needs of the child. This was considered at Social Care and Health Services Select Committee on 11th November 2002 which recognised that our approach needs to provide this flexibility of response.

- 2.6 Some parents may wish to receive Direct Payments to replace current community based provisions such as play schemes or other low cost packages of home based support. Since there will be no additional financial implications to such arrangements it envisaged that finance should be able to be moved from current domiciliary care budgets to permit this.
- 2.7 Where the young person, above the age of 16 years is in receipt of higher rate Disabled Living Allowance and eligible for Independent Living Fund payments these will be pursued.

3. Financial and Staffing Implications

- 3.1 A budget of £50,000 will be made available for the Direct Payments Scheme, by utilising existing budgets for Children with a Disability. It is envisaged that further transfers may be made as the demand and success of the scheme is confirmed.
- 3.2 It is proposed that the scheme is developed in a controlled and systematic way and will form part of a menu of services. It is important, at this stage, to avoid destabilising the range of existing provision which is currently valued by families of children with a disability. By taking this stepped and managed approach, the Department will continue to evaluate whether this service achieves better outcomes for children with complex needs and their families. If this is evidenced to be the case, and there are more families wishing to join the scheme, the longer term implications may involve the re-provision of some existing services which are directly purchased or provided into Direct Payments to increase parental choice and flexibility and provide better care for children.

4 Equal Opportunities Implications

- 4.1 The Scheme increases the opportunities for parent /carers to receive support in a more individualised manner, and increase flexible care arrangements.
- 4.2 It can offer the disabled young person more opportunities to self determine their needs alongside those of their family, and enhance their ability to decide who will provide their care. It will be necessary to ensure that young people who wish to receive a Direct Payment in their own right are supported to do so.
- 4.3 Parents and young people receiving a Direct Payment will require a full assessment of the needs of the child and their needs as carers. The Department will aim to deliver an equitable response regardless of the method of organising the provision. A fair access policy has been devised to ensure this.

5 Human Rights Implications

This proposed Direct Payments Scheme improves our compliance with Human Rights legislation, with particular reference to:

- Article 8 'respect for private and family life';
- Article 14 'the right not to be discriminated against on any ground in relation to another convention right' (i.e. Article 8)

6 Local Agenda 21 Implications

Direct Payments can contribute to the social inclusion of children and young people with a disability.

7 Community Safety Implications

There are no community safety implications associated with this report.

8 Planning Implications

There are no planning implications associated with this report.

9 Local Member Support Implications

Potential users of the Direct Payments Scheme live in a number of wards of the Borough.

10 Background Papers

Carers and Disabled Children Act 2000
The Carers (Services) Regulations 2000
Community Care (Direct Payments) Act 1996 Policy Practice Guidance (Revised 2000)
Direct Payments – policy guidance and practice guidance

11 Recommendations

- 11.1 That the report be noted.
- 11.2 That Cabinet give approval to formalise and extend the current arrangements for the Wirral Direct Payments Scheme. (Children)
- 11.3 That the Cabinet receive a progress report on the extension of the scheme in 6 months time.

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Date: 25TH November 2002