



## **ADULT SOCIAL CARE AND PUBLIC HEALTH COMMITTEE**

**Tuesday, 29<sup>th</sup> November 2022**

<b>REPORT TITLE:</b>	<b>DIRECT PAYMENTS REVIEW</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF CARE AND HEALTH</b>

### **REPORT SUMMARY**

It is a statutory duty as defined by the Care Act 2014 to offer a person a Direct Payment as a cash alternative to a directly commissioned care and support service where a person has been assessed as having eligible needs. This applies both to carers and people in need of care and support. The regulations of the Children's Act also place a duty on Local Authorities to offer a Direct Payment to disabled children.

A report was presented to Adult Social Care and Public Health Committee on the 3<sup>rd</sup> of March 2022 where it was noted the number of people and carers in receipt of a Direct Payment was relatively low. A recommendation to review and improve this position was approved, this report contains a summary of the review and describes to members the work underway to unpick the barriers it identified and to set out what we need to change.

This review has been a collaborative exercise and included, as equal partners, officers of the Council, people with lived experience, voluntary sector providers and representatives from Cheshire and Wirral Partnership NHS Foundation Trust (CWP) and the Wirral Community Health and Care NHS Foundation Trust (WCHCFT).

The report supports the following priorities from the Council's Wirral Plan:

- Working for safe and vibrant communities where our residents feel safe and are proud to live and raise their families.
- Working to provide happy, active, and healthy lives for all, with the right care at the right time to enable residents to live longer and healthier lives.

This affects all wards and is a key decision.

### **RECOMMENDATION/S**

The Adult Social Care and Public Health Committee is recommended to approve:

1. Direct Payment hourly rates for Personal Assistants for adults to be aligned to that of a Domiciliary Care Worker from April 2023.
2. Work commences towards reconciling the Direct Payment hourly rates for adults and children.
3. A future report be brought to this committee exploring the options of either providing

- (a) Council Coordinated Personal Assistant register
- (b) Tender for a full Direct Payment Service to include a Personal Assistant Register, Payroll, a Managed Accounts Service and Information and Advice

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Aligning the hourly rate for PAs and Domiciliary Care staff is recommended to incentivise the role of PA as a career of choice. It will provide parity of pay with the Domiciliary Care Sector and retain PAs already employed. Additional PAs will enable more people to exercise control over their care and support arrangements and better enable the Council to meet the statutory duty to offer people and carers eligible for support of a Direct Payment. It is anticipated this will also reduce reliance on commissioned care and will contribute to achieving efficiencies.
- 1.2 Reconciling the Direct Payment hourly rates for adults and children will provide consistency.
- 1.3 Further work is needed to determine whether the most effective delivery model would be to include the development of a PA register as part of the Council's direct delivery arm, or to tender separately for a full Direct Payments service including the development of a PA register and other functions associated with Direct Payments.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 No change to the current provision.

### **3.0 BACKGROUND INFORMATION**

#### **3.1 Statutory Duties and Performance**

It is a statutory duty as defined by the Care Act and the Children's Act to offer a person or a child with a disability a Direct Payment as a cash alternative to a directly commissioned care and support service. There are several ways a Direct Payment can be used and paid (Appendix 1) In Wirral there are currently 7963 adults eligible and in receipt of support. Of that number 535 people have a Direct Payment equating to 6.7% of that population. The review has identified several barriers which act as a disincentive to accessing a Direct Payment and proposes some potential solutions

- 3.2 The take up of direct payments is recorded as an Activity Measure for both the WCHCFT and the CWP. In the lifetime of both contracts, Direct Payment take up has remained relatively static. This is a key area of improvement, and a variation will be made to the contract to convert the activity measure to a Key Performance Indicator (KPI) enabling more rigorous scrutiny.
- 3.3 On the 11<sup>th</sup> of August 2021, a partnership arrangement with Partners for Change, WCHCFT and the Council called the Three Conversations (Making it Happen) model was adopted; this approach places an improved focus on relationships, an individuals' strengths, and those assets available to them in the community. As a result, many people developed their own solutions and there was a reduced reliance on commissioned support. This approach was deployed across several Innovation Sites and within each site a 3.7% increase in the use of Direct Payments was realised. This approach will be rolled out across both Trusts, and it can be assumed,

with some confidence, that this will be replicated leading to an improved quality of life for greater numbers of people and the achievement of further efficiencies.

#### 3.4 **Direct Payment Rates**

Following a listening exercise with people with lived experience and social workers several disincentives for people who might otherwise elect to have a Direct Payment have been identified. Primary amongst these are the variable Direct Payment rates. For example, the hourly rate for PAs supporting children is £10.50 for a weekday and £14.14 for weekend support whilst for adults it is £9.90. The further report recommended will propose a way forward for the reconciliation of rates for PAs for adults and children.

3.5 The current hourly rate for domiciliary care has been increased as a result of bringing forward the 2023/24 fee rate rise to deal with current pressures in the market and was funded in year by cost of care grants. The cost to the Council per hour of support is £20.17, staff working in the sector are paid £11 per hour.

3.6 If the Council align the PA and Domiciliary hourly rates in April 2023, there is potential to increase PA recruitment. By reducing reliance on domiciliary care an efficiency will be realised, at this stage it is difficult to predict what that will be. Since the inception of the new rate in the domiciliary care sector in August 2022, increased recruitment and retention of staff has been reported.

#### 3.7 **PA Finder Service and Direct Payment Support**

The issues associated with providing a PA finder service and Direct Payment support are complex.

3.8 A Soft Market exercise was undertaken in August 2022 to identify organisations that could provide a PA Register. A copy of the questionnaire is attached (Appendix 2). It is important to note that assurance was sought from all providers that they would engage with people with lived experience whilst developing the PA Register with a view to them assuming responsibility for the operational delivery of it once embedded. Eight providers submitted expressions of interest.

3.9 The Council Delivery arm also has the potential to provide a PA Register.

3.10 It is recommended a further report be brought to this committee, describing the benefits and detriments of both options.

#### 3.11 **Barriers**

Some of the other areas of greatest challenge, as identified by the engagement exercise with social workers and people with lived experience are set out below.

#### 3.12 **Appropriately Trained Staff**

The lack of access to appropriately trained and skilled individuals, can exclude people with eligible but more complex needs from exercising autonomy over their lives. The intention is to work with CWP and WCHCFT, to provide training pathways for PAs enabling them to access opportunities to enhance their skill set leading to more people in need of specialist support being able to access a Direct Payment. These skills could be included in the PA register leading to better matching of PAs and people. Further work needs to be undertaken to develop a training framework

enabling the more highly skilled staff to attract a higher rate of pay. Developing a skilled workforce could support more people to stay at home and reduce reliance on costly commissioned services and out of area placements. As a result, a stratified rate of pay could be introduced to reflect the skill set of PAs.

### **3.13 Personal Health Budgets (PHB)**

A Personal Health Budget is an amount of money to support an individual's health and well-being needs. People who qualify for Continuing Health Care or, Section 117 Aftercare as a result of being detained under the Mental Health are amongst the groups eligible for a PHB. Closer working with the Integrated Care Board (ICB) is critical to improve access to PHBs and will form a key work stream of this strategy.

### **3.14 Access to Benefits**

There is a lack of clarity in respect of eligible mobility benefits, for example there is no allowance built in for people who can walk but need to cover the travel costs of a PA. As part of the Keep Wirral Well Collaborative, information in respect of Mersey Travel and other concessionary travel arrangements has been made available and will also be included on the Council's Information Bank. Care Act assessors will systemically make this information available to people and ensure, as part of the support planning process, that if support is needed to access public transport to meet an identified eligible need it will be reflected in an individual's support plan and the associated personal budget. A workstream, led by people with lived experience, is undertaking research to identify and learn from exemplar Councils.

## **4.0 FINANCIAL IMPLICATIONS**

4.1 Any financial implications will be subject to rates and fees negotiations.

## **5.0 LEGAL IMPLICATIONS**

5.1 The Care Act 2014 places a statutory duty on Councils to assign a personal budget to all people who are eligible for support, the personal budget is the amount of money needed to cover the cost of support for which a person is eligible. The Children's Act 1989 places a duty on Local Authorities to offer a Direct Payment to disabled children. If Direct Payments were not available, the Council would fail to meet its statutory duties.

5.2 The High Court, following a challenge from a family, recently ruled that: "Suffolk County Council wrongly stopped funding (via Direct Payments) family holidays in 2020 for two disabled brothers by adopting a "restrictive and wrong" interpretation of the Care Act 2014". The Council's legal service and the Principal Social Worker will continue to advise and revise policies in the light of this and any future judgements. We need to be assured that the CWP and the WCHCFT who hold the delegated duty for Care Act assessments, are communicating any changes to employees and that accessible information is made available to the public.

## **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

6.1 The further report recommended will set out any resource implications.

## **7.0 RELEVANT RISKS**

7.1 If Direct Payments were not available, the Council would fail to meet its statutory duties. If the number of people in receipt of a Direct Payment is not increased, the CWP and WCHCFT would fail to meet the targets of Adult Social Care Outcomes Framework (ASCOF). Fewer people would be able to exercise autonomy over their care and support.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 This review has been a collaborative exercise and included, as equal partners, officers of the Council, people with lived experience, voluntary sector providers and representatives from Cheshire and Wirral Partnership NHS Foundation Trust and the Wirral Community Health and Care NHS Foundation Trust.

## **9.0 EQUALITY IMPLICATIONS**

9.1 An Equality Act Assessment (EIA) has been completed and is located: - <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-january-202-6>.

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no environment or climate implications associated with this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 The flexibility a Direct Payment affords enables more people with eligible needs to lead happy, healthy, and active lives and creates opportunities to enter the job market or return to education. The recruitment of more PAs offers the opportunity for Wirral residents to enhance their skills and enjoy a rewarding career.

**REPORT AUTHOR:** **Bridget Hollingsworth**  
Lead Commissioner, Integrated Services  
telephone: MS Teams  
email: [bridgethollingsworth@wirral.gov.uk](mailto:bridgethollingsworth@wirral.gov.uk)

## **APPENDICES**

Appendix 1 Ways a Direct Payment can be used and paid  
Appendix 2 Soft Market exercise questionnaire

## **BACKGROUND PAPERS**

The Care Act 2014

## **TERMS OF REFERENCE**

This report is being considered by the Adult Social Care and Public Health Committee in accordance with Section 2.2(a) and (b) of its Terms of Reference: adult social care matters (e.g., people aged 18 or over with eligible social care needs and their carers) and promoting choice and independence in the provision of all adult social care).

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Adult Social Care and Public Health Committee	03.03.2022