

**Adults & Communities**

**DRAFT Direct Payments Development Plan 2018-2023**

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## **1. Summary and Introduction**

This plan aims to establish Leicestershire County Council’s vision for the provision of direct payments for the next five years. This will incorporate the authority’s key drivers which are to promote independence, utilise personal assets to their potential and embed a progression model in order to prevent, reduce, delay and meet need.

Direct payments are the Government’s preferred way of offering people personalised care and support, as they offer people high levels of flexibility, choice and control over the way in which their support needs are met.

The use of direct payments supports objectives within the Council’s Strategic Plan and Adult Social Care Strategy; to promote independence and develop individual and community resources to prevent, delay and reduce the need for care and support. In working with people, the Council will always consider their needs, choice and preferences. Support must however be able to demonstrate that it is achieving the outcomes people need and offers value for money. All situations are assessed and considered on an individual basis.

Extensive engagement with service users, carers and providers has informed the principles and vision of this development plan. The plan incorporates the needs of service users, carers, staff and providers because in order for the development plan to be successfully delivered the local authority needs to work in partnership to collectively address needs. An engagement exercise indicated that a variety of people help to administer a direct payment - this is illustrated in the following table, showing the responses of 705 individuals.

Who administers the direct payment?	Number of people	% of people
I manage it on my own	239	34%
My family help me	356	50%
I have a representative to help me	74	10%
Someone else helps me	36	5%

A headline action plan towards the end of this document demonstrates how the development plan will be implemented.

## **2. What is a Direct Payment?**

A direct payment is a method of receiving a personal budget; it is a monetary payment made to individuals who request to receive one to meet some or all of their eligible care and support needs.

In terms of the way that the Council makes services available to citizens, direct payments differ from those either directly provided or contracted for by the Council. By making payments to individuals, the responsibility for purchasing and contracting for services passes to the individual.

Many people choose to use their direct payments to employ their own staff (personal assistants) and in doing so they take on the full legal responsibilities of being an employer, with all the administrative tasks and duties that are associated with this. The Council retains its duty of care to individuals and ensures that the arrangements remain appropriate at annual reviews.

Some people need support with the tasks associated with managing the direct payment and organising care and support, which can be challenging as well as rewarding. The Council has a duty to help to people to manage their direct payments where this is not otherwise available informally from a friend or family member, and can fund organisations to provide these services (i.e. a direct payment support service).

The money to pay for a direct payment support service is currently included within the direct payment, and as with other services purchased with a direct payment, the service user contracts directly with a provider organisation for these services.

A direct payment agreement is required for every service user and carer who has chosen to receive a direct payment. It is a legal agreement between the person receiving the direct payment and Leicestershire County Council.

There are four separate direct payment agreements which have been developed to clearly show the responsibilities of Service Users / Carers / Nominated Persons /

Authorised Persons, Third Party Money Managers and Leicestershire County Council, and also whether the service user has the mental capacity to manage the direct payment.

The direct payment agreements were updated in October 2018, in order to:

- make the roles and responsibilities clearer for all parties
- make it easier to identify who is responsible for the management of the direct payment.

The new agreements will now be used when a review or re-assessment takes place and for any new direct payment requests. The new agreement makes it easier for service users to be able to make an informed choice about whether to have a direct payment.

### **3. The Current Position of Direct Payments in Leicestershire**

In March 2018 there were 129,975 people in England in receipt of a direct payment. This represents 29% of people accessing long-term adult social care community services. The equivalent figure for Leicestershire County Council was 54%. This places the authority as the third highest of 152 councils nationally for direct payment take-up performance. The department is aiming to remain in the top quartile of all councils nationally for community based service users in receipt of a direct payment.

In March 2018, 2,700 service users, carers and service user representatives in Leicestershire were utilising a direct payment, with 2,100 using a direct payment card. The direct payment card is the authority's preferred way to pay a direct payment, which operates in a similar way to normal debit card except that money is transferred in advance to the direct payment card account by the department.

The total spend on direct payments in Leicestershire in 2017/18 was £36 million. Expenditure included the following categories of service or product:

- social care providers (homecare, day services and respite)
- leisure (gyms, cinema, health centres) – to improve health and wellbeing
- tourist sites – to promote independence and address social isolation
- high street retailers and supermarkets – for example, for electrical goods to assist with everyday living.

The departmental financial forecasts indicate that whilst the market share of people using a direct payment has steadily decreased in 2018 compared to the previous year, the cost per user is actually increasing due to the increasing cost of services. Therefore, expenditure growth has been budgeted for the next five years as shown in the following table:

	Direct Payment Expenditure			
	2019/20	2020/21	2021/22	2022/23
Older People	£13,885,479	£14,240,099	£14,581,917	£14,978,120
Learning Disabilities	£11,911,171	£11,928,911	£11,946,783	£11,964,656
Mental Health	£3,718,407	£3,726,760	£3,726,760	£3,735,156
Physical Disabilities	£9,231,349	£9,318,597	£9,371,007	£9,440,888
Carers	£1,582,815	£1,594,364	£1,605,924	£1,619,776
<b>Total</b>	<b>£40,329,221</b>	<b>£40,808,731</b>	<b>£41,232,393</b>	<b>£41,738,596</b>

#### 4. Vision for the Development Plan

In line with the Adult Social Care Strategy, the Direct Payments Development Plan aims to promote independence, utilise personal assets to their potential and embed a progression model in order to prevent, reduce, delay and meet need.

This development plan sets out to determine:

- Who direct payments are for
- What benefits direct payments should achieve for recipients, Leicestershire County Council and providers
- How Leicestershire County Council should shape the care market

##### a) *Who are Direct Payments For?*

Direct payments, or a managed service, are appropriate in the following summarised circumstances. Further detail is available in an appendix to this plan.

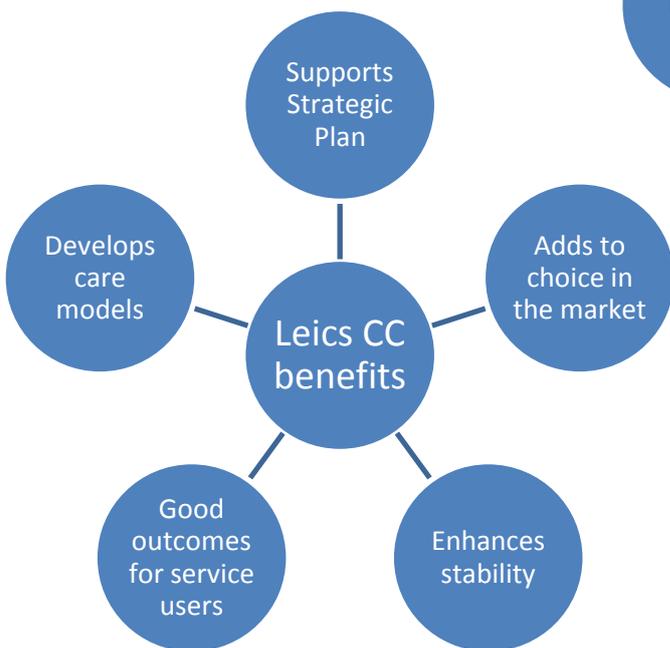
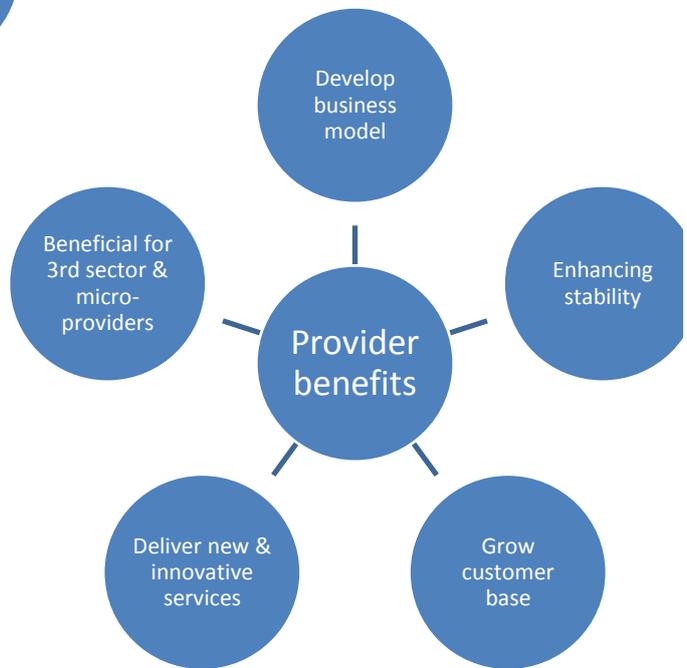
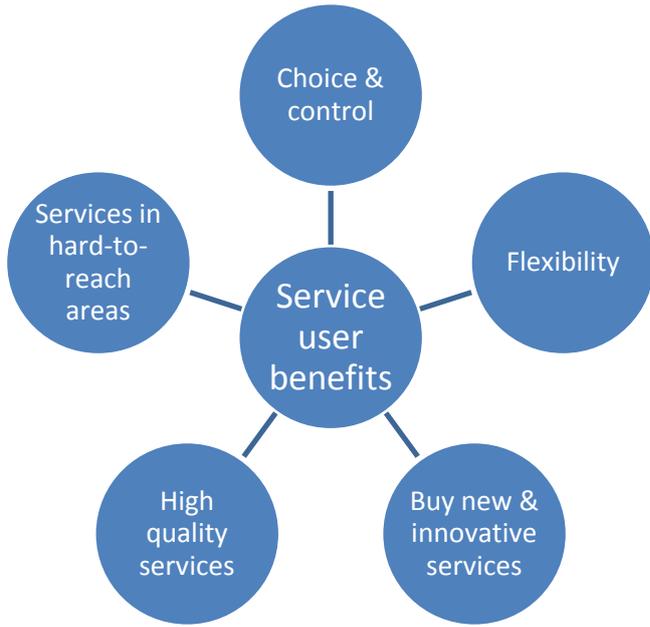
<i>Direct payment</i>	Person wants bespoke, tailored support
	Person must be able to make a decision about having a direct payment and understand what it is
	Person must be able to manage the direct payment arrangements, either on their own or with the help of someone they trust
	Where a representative (such as a family member, but not a professional) is willing to act as the authorised person for the direct payment. This can be the case even if the service user has been assessed as lacking mental capacity
<i>Managed service</i>	Some people with alcohol and drug problems who are under certain conditions from the courts cannot have a direct payment
	Where a person cannot manage money, or has problematic debts and a risk assessment determines that a managed service is the most appropriate option
	Any service directly provided by Leicestershire County Council

During the period of this plan it is hoped to develop Integrated Personal Budgets in partnership with the local Clinical Commissioning Groups. An Integrated Personal Budget includes funding from a local authority and the NHS for social care and health needs. They aim to put in place a seamless approach to care, so that people and their families have the same experience of care and support, regardless of whether their care is funded by the local authority or the NHS.

Introducing Integrated Personal Budgets will build on local experience in implementation of personal health budgets, which are broadly the health equivalent of direct payments. Personal health budgets are less well-developed in Leicestershire than direct payments but are expected to increase in importance as the NHS moves further towards personalised commissioning.

***b) What Benefits Should Direct Payments Achieve for Recipients, Leicestershire County Council and Providers?***

The implementation of the plan will deliver benefits to the three main stakeholder groups given in the following diagram.

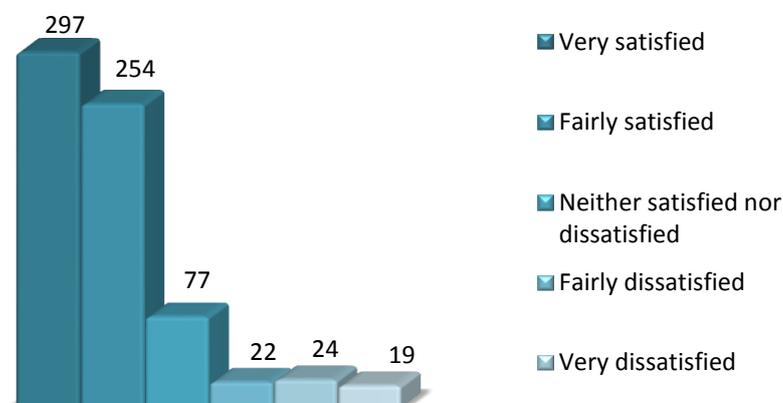


The key, summarised outcomes for the development plan are to invest and build upon the good work that the authority has already done to:

- Get the personal budget solution right for the individual
- Grow and improve the authority's support for direct payments
- Ensure current and new service users understand the direct payment process
- ensure a direct payment is the best option for existing direct payment users
- Provide an opportunity to work with existing direct payment providers to improve the market
- Increase consistency of staff practice across the county
- Assure quality
- Develop the data that the authority has available about direct payments and those providing services

Engagement with service users has indicated that the majority of respondents are satisfied with their direct payment, and despite there being further work to develop the authority's approach, fundamentally it is seen as working for the citizens of Leicestershire.

The following chart highlights the level of satisfaction that those who responded to a survey have with their direct payment.



Leicestershire County Council's vision for direct payments for service users and carers is therefore:

- to enhance choice, ensure that service users and carers have control and support over their care and remain safe.

The vision for direct payments for providers is:

- to ensure through collaboration that the care market is innovative, stable, and sustainable.

### ***c) How Should Leicestershire County Council Shape the Market?***

For the next five-year period the strategic intention for direct payments in Leicestershire is to further develop the current position, because:

- The direct payment approach has grown incrementally over time and consistency is required
- There is a need to assure quality
- The authority is already performing well in terms of proportion of direct payment recipients
- The market requires further development

Improving the current arrangements will allow for the department to strengthen its offer in terms of supporting people with their direct payment, and develop provider services arranged via a direct payment.

In five years' time it is envisaged that the following conditions for direct payments will be sustained or developed in Leicestershire:

- providers will offer a choice of services that service users understand and purchase themselves through their direct payment
- providers will be stable and sustainable and working with the Local Authority to ensure services are available and affordable
- service users will be informed, aware and able to challenge practice. This includes quicker set up times for the establishment of the direct payment and to process any anomalies on the balance.

## **5. Legal and Strategy Context**

### ***a) Legal Context***

The legislative context for direct payments is set out in the Care Act 2014, as well as Section 117(2C) of the Mental Health Act 1983 (the 1983 Act) and the Care and Support (DPs) Regulations 2014. Care and Support Statutory Guidance 2014 adds detail to this, setting out how the Council should perform its care and support responsibilities.

### ***b) Corporate Strategy Context – Leicestershire County Council's Strategic Plan 2018-2022***

'Working together for the benefit of everyone: Leicestershire County Council's Strategic Plan 2018-22' has been developed by the council by focusing on the things that will make life better for people in Leicestershire, including the partnerships needed to make these improvements happen.

Five strategic outcomes describe the council's vision for people in the county:

1. **Strong Economy:** Leicestershire's economy is growing and resilient so that people and businesses can fulfil their potential.
2. **Wellbeing and Opportunity:** The people of Leicestershire have the opportunities and support they need to take control of their health and wellbeing.
3. **Keeping People Safe:** People in Leicestershire are safe and protected from harm.
4. **Great Communities:** Leicestershire communities are thriving and integrated places where people help and support each other and take pride in their local area.
5. **Affordable and Quality Homes:** Leicestershire has a choice of quality homes that people can afford.

Direct payments have relevance to all of these outcomes, as Leicestershire residents choosing a direct payment secure their wellbeing and safety through the services which they buy, whilst supporting businesses which provide those services, and potentially having support provided informally through community networks. There is also a link to housing, as many people are supported to live and remain in their own homes through a direct payment, which may pay for domiciliary (home) care or supported living services.

***c) Departmental Strategy Context – Promoting Independence, Supporting Communities: Our Vision and Strategy for Adult Social Care 2016-2020***

The department's model for social care continues to focus on delivering the **right support** to the **right person**, at the **right time**, in the **right place**, and by the **right partner**. It aims to put the person at the centre, and to ensure that the support they receive can deliver the right outcomes and manage any risks appropriately.

The strategic approach for service planning and delivery is now well-embedded in the department; it seeks to **prevent** need through universal services and promoting wellbeing; **reduce** need through targeted interventions for those at risk; **delay** need through reablement, rehabilitation and recovery; and **meet** need by using a broad set of social resources to ensure affordability.

These principles combine to form the authority's strategy for promoting adults' independence.

## **6. Engagement Feedback**

Customer feedback has been essential to developing the direct payments development plan, to determine any areas of improvement and general opinions about the service people are receiving. Therefore, a direct payment and payroll service questionnaire was designed and sent to all those in receipt of a direct payment. The questionnaire was open for three weeks, between 21<sup>st</sup> September and 12<sup>th</sup> October 2018.

The questionnaire was specifically interested in the:

- views of people who currently receive a direct payment;

- views of people who currently receive payroll services

In total, 3,023 questionnaires were sent to service users and their carers. The consultation questionnaire was available online, paper form and other formats were available on request.

The total number of questionnaires received (online and in paper form) were 723. A further 150 people telephoned the department to clarify the purpose or to discuss the questionnaire in more detail.

Overall when asked how satisfied or dissatisfied they were with direct payments, out of 693 respondents who answered, 76% said they were satisfied and 6% were dissatisfied.

Key themes were that individuals need to be supported more in terms of:

- what they are able to spend their direct payment on
- responsibilities when employing a personal assistant.

The majority of people that chose to have a direct payment opted to have it so that they could be in charge of their support and have flexibility in when and how their support is provided.

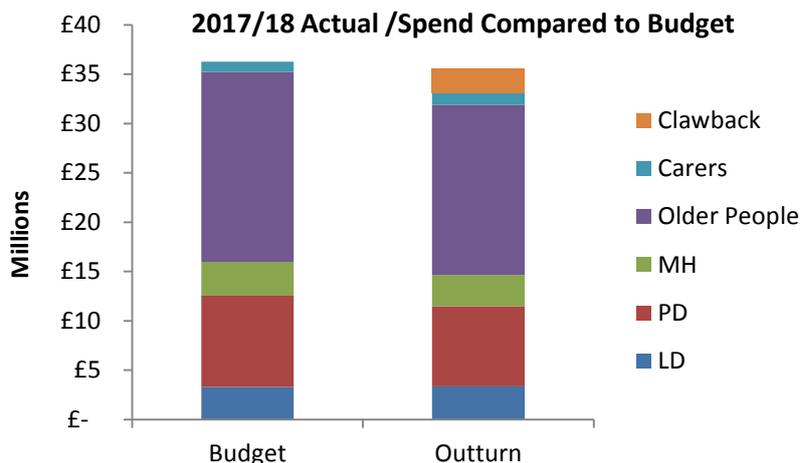
The feedback received suggests that people would benefit from better technical support as well as information and advice; 47% of people said they needed support with knowing who to contact for help, and 26% of people needed information and advice about where to find support providers.

Providers have indicated that they are willing to work with us to improve and sustain the care market which will feed into their future business modelling. Personal assistants advised that they find it challenging to secure adequate working hours and would like support to find work.

## **7. Direct Payment Activity Analysis for 2017/18**

For 2017/18 the direct payment budget amounted to £36.3m. The surplus balances on direct payment cards were £2.53m for 2017/18, which is being addressed in 2018/19 via a project to reclaim excess balances. A breakdown of the budget, together with the outturn and variance is presented in the table and reflected pictorially in the bar charts (below);

	<b>Budget</b>	<b>Outturn</b>	<b>Variance</b>	
LD	£ 3,284,825	£ 3,347,848	£ 63,023	1.9%
PD	£ 9,245,445	£ 8,134,439	-£ 1,111,006	-12.0%
MH	£ 3,447,665	£ 3,153,991	-£ 293,674	-8.5%
Older People	£ 19,237,767	£ 17,263,543	-£ 1,974,224	-10.3%
Carers	£ 1,036,508	£ 1,180,915	£ 144,407	13.9%
Clawback	£ -	£ 2,525,724	£ 2,525,724	0.0%
	<b>£ 36,252,210</b>	<b>£ 35,606,460</b>	<b>-£ 645,750</b>	



## 8. Direct Payment Balances

A direct payment is paid four weeks in advance. To ensure that service users are accessing the support that they need and for which they receive the direct payment, Leicestershire County Council considers carefully the reasons for any balances held which are greater than four weeks' worth of the gross payment. If the authority is assured that the person is receiving appropriate support, the excess is recouped to ensure effective use of the authority's resources.

There are several reasons why an excess balance may accrue, such as because the individual has become more independent, or because informal support available to them is enabling them to meet their needs. Where, as part of the authority's check, the need for additional support is identified, such as where the person has not yet been able to find a service which suits them, or they need assistance in managing the payment and invoicing, then further help can be offered to ensure that a direct payment remains the right choice for them.

## 9. Personal Assistants (PAs)

Personal assistants are vital to the sector as they add choice and control to service users and reduce the dependence on domiciliary care agencies and other types of support service. Work is required to increase the number of available personal assistants and also to support them.

Personal assistants work directly with one or more individuals to help them to live their day to day life and assist them to take part in activities to achieve their desired outcomes. PAs usually support individuals in their own home or to go out in the community, to help them live as independently as possible.

Personal assistants can be employed directly by an individual who is managing and paying for their own care via a direct payment.

The personal assistant role might include:

- organising and supporting individuals with their social and physical activities
- booking and going with individuals to appointments
- helping individuals to get to work, college or university
- helping with personal care such as showering and dressing (although not all personal assistant roles involve personal care)
- supporting with tasks around the house such as shopping, cleaning and cooking
- monitoring health for example measuring body temperatures or administering medication
- learning new skills and confidence building so the person can meet their own outcomes

In 2015, *Skills for Care* estimated that there were around 500,000 people in England receiving long term support via a personal budget. Of these 145,000 were receiving direct payments and around 65,000 were thought to be directly employing personal assistants (an increase from an estimated 32,000 in 2008).

In Leicestershire in September 2018, there were 625 people receiving payroll support from the authority's in-house provider. It has been estimated that people receiving payroll support have on average two personal assistants each. Therefore Leicestershire service users employ approximately 1200 personal assistants between them at any snapshot date.

Leicestershire County Council is keen to increase the number of personal assistants working with Leicestershire service users. The authority wants to support personal assistants to be able to access suitable training that will enable them to understand their employment status and the role they are undertaking.

A key aspiration is to ensure that personal assistants can obtain employment satisfaction which may include working across multiple clients, working with a variety of support needs, enough paid hours to meet their individual circumstances and communication with other personal assistants along with their employer and supporting agencies.

## **10. Respite**

Respite care services are designed to give carers a break from their caring role and can be arranged for planned breaks, regular weekly breaks, short holidays or emergencies. Services are available for instance within the person's home, in a day centre or in a residential care facility. Direct payments can be used to purchase respite care.

## **11. Direct Payment Cards**

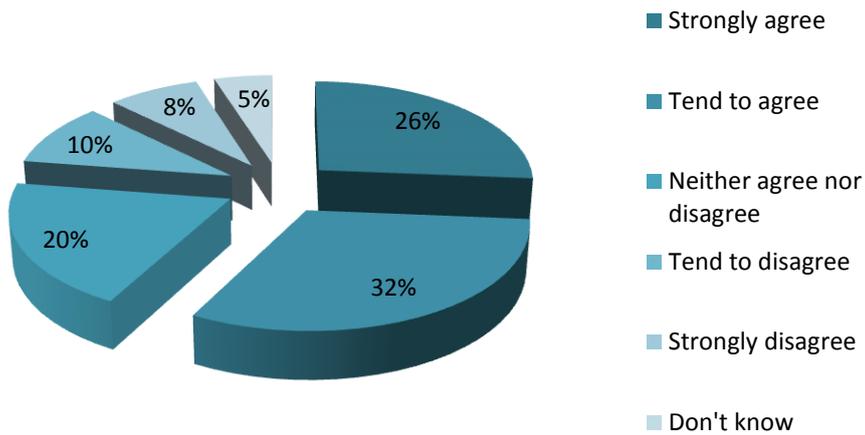
As of November 2018 there were 2,692 individuals with a direct payment card account.

The results of the service user and carer engagement exercise regarding direct payment cards are encouraging. The following is a summary of the related questions and responses.

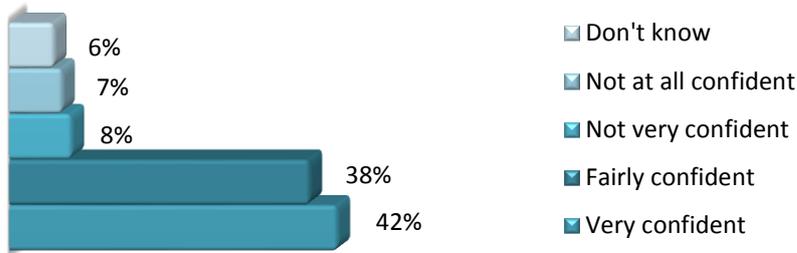
“What sort of things do you buy and pay for with your Direct Payment card?”

Response	Number of people
Personal Assistant(s)	310
Home care	311
Respite care	95
Day care	154
Supported living	69
Aids and adaptations	17
Travel	19
Domestic (cleaning, ironing, shopping)	37
Insurance	9
Social Activities (gym, clubs etc.)	23

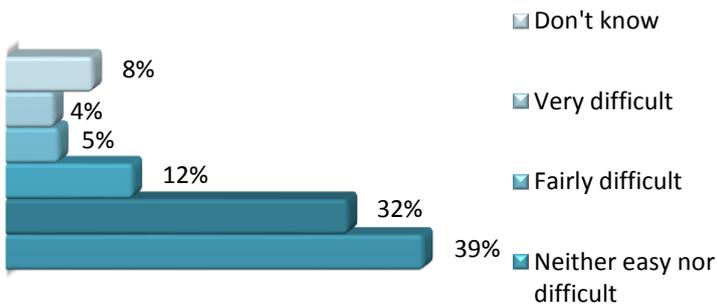
“How much do you agree or disagree that you received enough information to help you understand how to set up your direct payment card?”



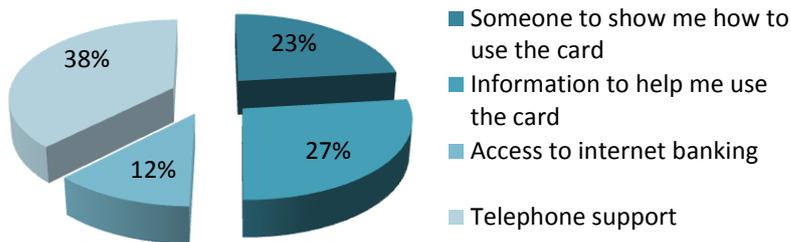
“How confident do you feel about managing your direct payment card?”



“How easy or difficult is the direct payment card to use?”



“What support would make it easier for you to use your direct payment card?”



The Leicestershire default option will be that a pre-paid debit card account will be used for managing a direct payment. The Care and Support Statutory Guidance states that the use of pre-paid cards should not be provided as ‘the only option to take a direct payment’. The offer of a ‘traditional’ direct payment paid into a bank account should always be available if this is what the person requests and this is appropriate to meet needs. Therefore, consideration for alternative methods will be made on an individual basis.

Service users cannot use the pre-paid debit card to withdraw cash unless it is demonstrated that there are no reasonable alternative ways to purchase an appropriate service and this has been recorded in the support plan.

## **12. Third Party Money Managers**

A Third Party Money Manager provider is independent of the Council and will provide individuals with assistance to effectively manage a direct payment. At present there are 80 individuals who are supported to manage their direct payment this way.

## **13. Equality of Provision**

Leicestershire as a whole has a varied demographic profile. It is critical that regardless of any of the equalities characteristics all individuals are effectively supported to access the support they need thus the plan will aim to ensure that direct payments are accessible for all.

Currently, Older People make up the majority of service users on a direct payment accounting for 40% followed by Learning Disabilities service users at 24%; Physical Disability service users (at 20%); and Mental Health service users (at 16%).

The table below details current direct payment holders by ethnicity:

<i>Ethnicity</i>	<i>No of people</i>	<i>% of people</i>
Asian or Asian British	217	9%
Black or Black British	15	0.5%
Mixed	8	0.2%

<i>Ethnicity</i>	<i>No of people</i>	<i>% of people</i>
Other	12	0.3%
White	2,185	87%
Refused/not recorded	64	3%

#### **14. Providers**

Leicestershire County Council recognises that a strong direct payment market is only possible through collaboration with providers.

Through co-production, engagement and an open dialogue Leicestershire County Council wants to generate a responsive market that includes personal assistants and micro-providers.

In future commissioning projects the authority will clearly demonstrate the linkages between commissioned frameworks and alternative direct payment options so that both options are clear to service users, carers, professionals and providers as well as helping to ensure they function well.

To assist individuals to choose the right provider to meet support needs and outcomes an accredited supplier framework could be developed. This will enable service users and carers to feel confident that their outcomes are being met, and around standard quality checks such as Health and Safety, recruitment, and safeguarding.

In the future it may be possible to develop an accredited supplier framework which would provide Leicestershire County Council with partial oversight of direct payment market. However, if implemented, a supplier framework would not be the authority's default option and therefore individuals would still be able to have a provider of their choice if they wish to do so.

#### **15. Workforce**

The 'direct payments workforce' comprises a range of different worker types, including workers employed by care providers or agencies, and self-employed personal assistants.

Leicestershire County Council is keen to increase the number of personal assistants working with service users because they potentially offer the following:

- choice and control for service users
- more flexibility
- more individualised support
- lower rates of turnover on average
- reduced overhead costs.

Enhancements in the personal assistant market could lead to the workforce shifting from authority-managed services to direct payment services – for example, an individual choosing to employ a personal assistant by using a direct payment, rather than through a Leicestershire County Council managed home care service.

This development plan will lead to enhanced data being available to Leicestershire County Council about the workforce delivering services bought using direct payments. This intelligence will be used for the authority’s adult social care workforce planning and development activities.

## **16. Training**

The success of the plan relies upon the vision being communicated to staff, providers, service users and carers in a consistent manner. This will include having access to high quality training that is suitable and appropriate to the audience. The importance of training was highlighted by staff, providers and service users.

Some of the key items in the training have been requested by staff and service users through the engagement activities. The service user and carer engagement questionnaire asked ‘*What support would help you manage your direct payment better?*’ This is the response:

Response	Number of people	% of people
Information and advice about where to find support providers	197	26%
Help with online banking	38	5%
Knowing who to contact for help	356	47%
Support for carers	145	19%
Advocacy	31	4%

## **17. Information and Advice**

The adult social care information and advice offer ensures that it is relevant and proportionate to customer needs at each stage of their journey. This will support better alignment, greater co-ordination, and greater clarity. Therefore, as part of this remit comprehensive information and advice will be generated to assist staff, service users, carers and providers in understanding direct payments and the associated processes. Following customer feedback it is envisaged that information and advice should be made available to service users and carers in three stages; firstly when an individual needs to decide what type of personal budget to take, secondly how to set up a direct payment and thirdly how to manage and get the best out of a direct payment.

## **18. Strategic Intentions and Desired Outcomes**

The desired outcomes and ambitions of the development plan for direct payments are as detailed in the table below:

Desired development plan Outcome	What is the ambition?
1. Ensuring sufficient supply of diverse, person-centred care and support	<ul style="list-style-type: none"> <li>• Shaping and developing the market including the personal assistant offer</li> <li>• Contract monitoring to drive quality standards</li> <li>• Defined roles and responsibilities for the department, provider and customer</li> <li>• Promoting independence and progression</li> <li>• Exploration of the cultural offer</li> </ul>
2. Capable providers	
3. A safe and sustainable market	
4. Choice and control, and good service user outcomes	<ul style="list-style-type: none"> <li>• Improving choice and control</li> <li>• Person-centred planning – services tailored to individual need</li> <li>• Defining the appropriate circumstances for a direct payment</li> </ul>
5. Improved market intelligence	<ul style="list-style-type: none"> <li>• Data quality</li> </ul>

## 19. Implementation of the Plan

The headline actions and commissioning activities to implement the plan, and its strategic objectives, are set out below. To ensure sustainability, they will be carried out as part of 'business-as-usual' (i.e. through existing structures and the authority's ordinary business), with oversight from groups already set up within the authority. The Adults and Communities Departmental Management Team (DMT) is the governing body of this development plan and will have responsibility for the implementation of the vision and delivery of the aspirational outcomes.

A suite of performance measures to identify outputs achieved, and improvements in outcomes for service users as a result of the plan will be developed.

Outcome 1: Ensuring sufficient supply of diverse, person-centred care and support		
<i>To achieve this Leicestershire County Council will:</i>	<i>Resource requirement</i>	<i>Target date for completion</i>
Increase the number of personal assistants working within Leicestershire to develop a strong and diverse directory of accredited personal assistants throughout the county	Commissioning and Quality teams	Autumn 2019
Evaluate and potentially improve the support offer to service users employing personal assistants to give them robust information and enable them to be responsible employers	Commissioning and Quality teams	April 2019
Identify gaps in provision (such as rural areas, specialist services) and work with the market to ensure a wide range of quality services are available for everyone in Leicestershire to purchase,	Commissioning and Quality teams	2023
Consider recruiting or diverting officers to undertake monitoring activity with providers known to supply services via direct payments, and to promote competition so that people have varied care and support services to choose and purchase from	Commissioning and Quality teams	April 2019

Consider introducing an accredited supplier list to stabilise the market and develop market oversight	Commissioning Support Unit Commissioning and Quality teams	Oct 2019
Ensure assessment, support planning and risk assessment is conducted appropriately to ensure direct payments are the most appropriate delivery method for the service user	Learning and Development Care Pathway Quality and Commissioning	April 2019
Develop a direct payments policy to ensure rules and principles of utilising a direct payment are adhered to	Commissioning and Quality teams Care Pathway	April 2019
Develop training for staff regarding the setup and application of direct payments	Learning and Development Quality and Commissioning Care Pathway	April 2019
Refresher training as a result of policy development	Learning and Development Quality and Commissioning Care Pathway	2020/21
Develop a revised definition of 'respite' to ensure accurate and consistent commissioning of respite services	Quality and Commissioning Care Pathway	2019/20

Outcome Two: Capable providers		
<i>To achieve this Leicestershire County Council will:</i>	<i>Resource requirement</i>	<i>Target date for completion</i>
Establish assurance processes between the provider and service user	Commissioning and Quality teams	April 2020
Establish vetting processes for personal assistant and micro-providers	Commissioning and Quality teams	April 2020
Introduce an agreed set of outcome measures that are specific, quantifiable and attributable	Commissioning and Quality teams Procurement	April 2020
Develop a suitable communication method for information sharing between the authority and direct payment service providers, such as in-person or electronic forums	Commissioning and Quality teams	April 2019
Enable direct payment recipients to pay a rate to their service provider equivalent to the appropriate managed service rate	Commissioning and Quality teams Care Pathway Communications	2018
Encourage pooling direct payment budgets to buy services collectively	Commissioning and Quality teams	2019
Significantly reduce the setup time of a direct payment so that people can receive their service and providers can get paid in a timely manner	Commissioning and Quality teams Care Pathway Community Care Finance	2019

Outcome Three: A safe and sustainable market		
<i>To achieve this Leicestershire County Council will:</i>	<i>Resource requirement</i>	<i>Target date for completion</i>
Improve awareness of service users to safeguarding issues and reporting mechanisms	Learning and development	2018
Ensure personal assistants attend safeguarding training of an appropriate level	Learning and development	2018
Invest in information and advice relating to direct payments	Commissioning and Quality teams Community Care Finance	2018 – 2023
Establish review dates for the direct payment support which the authority delivers or commissions	Commissioning and Quality teams Care Pathway	2019
Increase the robustness of auditing processes	Commissioning and Quality teams	2020
Introduce account management with direct payment providers to ensure they understand the authority's development plan	Commissioning and Quality teams	2019
Promote the plan and involve direct payment providers in its implementation through engagement and co-production	Commissioning and Quality teams Communications Team	2019

Outcome Four: Choice and control, and good service user outcomes		
<i>To achieve this Leicestershire County Council will:</i>	<i>Resource requirement</i>	<i>Target date for completion</i>
Offer a direct payment to customers that can maximise their support	Commissioning and Quality teams Care Pathway Learning and Development	2019
Continuously develop and improve guidance and training for staff based on ongoing feedback from service users, representatives, carers, providers and the authority's social care staff	Commissioning and Quality teams Care Pathway Learning and Development	2019
Ensure direct payment customers are aware of the advocacy provision	Commissioning and Quality teams	2019
Monitor and evaluate the new agreement form	Commissioning and Quality teams Care Pathway	2019
Establish an approach to involving people using direct payments, their carers and families in reviewing the support they receive	Commissioning and Quality teams	2020
In partnership with the Clinical Commissioning Groups (CCGs), explore the introduction of integrated personal budgets for social care and health needs	Commissioning and Quality teams	For discussion with CCGs

Outcome Five: Improved market intelligence		
<i>To achieve this Leicestershire County Council will:</i>	<i>Resource requirement</i>	<i>Target date for completion</i>
Improve the data that the authority has on providers who are supplying services to people through a direct payment	Commissioning and Quality teams	Ongoing
Improve links with neighbouring authorities and their strategic plans for direct payments	Commissioning and Quality teams	2018
Further improve auditing systems so that expenditure from direct payments can be tracked more effectively	Commissioning and Quality teams	2019
Improve data quality to provide accurate data	Commissioning and Quality teams Care Pathway	2019
Introduce feedback mechanisms for providers, staff and other stakeholders in addition to current complaint and safeguarding processes	Commissioning and Quality teams	2019

## **Appendix A: Who Is Able to Have a Direct Payment?**

### ***a) Who Can Have a Direct Payment?***

A person with eligible needs who can consent to receive direct payments, including disabled children aged 16 and 17, can have a direct payment. These people may choose to receive the direct payments themselves and can, if they have capacity, nominate a third party to assist them with the management of funds.

Previously, people in the community under some sections of the Mental Health Act were not able to access direct payments. However, councils can now give direct payments to people who have been conditionally discharged from hospital under a hospital order with restrictions (section 37/41 of the Mental Health Act), although they don't have to.

People under community treatment orders (CTO) can be given direct payments for services that relate to a condition of their CTO, although councils do not have to do this. People under a CTO have the same rights to direct payments as other eligible people for services who are not covered by a condition of their CTO. People who are under court orders that require them to have treatment or services due to alcohol or drug problems are not allowed direct payments.

The Care Act specifies that one of the conditions to be met is that the direct payment is an appropriate way to meet the needs in question (or, in respect of after-care services, an appropriate way to discharge its duty under section 117 of the 1983 Act).

### ***b) Direct Payments for People who Lack Capacity***

In cases where the person in need of care and support is assessed as lacking capacity to request the direct payment, an Authorised Person can request the direct payment on the person's behalf. In these cases, before authorising a direct payment, the Council must satisfy itself that:

- where the person is not authorised under the Mental Capacity Act 2005 but there is at least one person who is so authorised, the person who is authorised supports the person's request;
- it is not prohibited from meeting the adult's needs by making direct payments to the Authorised Person;
- the Authorised Person will act in the adult's best interests in arranging for the provision of the care and support for which the direct payments would be used;
- the Authorised Person is capable of managing the direct payment by themselves, or with whatever help the authority thinks the Authorised Person will be able to access;

- making direct payments to the Authorised Person is an appropriate way to meet the needs in question.

**c) *Who Cannot Have a Direct Payment?***

Whilst most people are eligible to receive direct payments, some exceptions do exist:

- Offenders on a community order or suspended sentence
- Offender on a community rehabilitation order
- Offenders released from prison on licence
- People with drug or alcohol dependency who are subject to compulsory treatment orders
- Those who, following financial assessment, are identified as being above the threshold set.

## **Appendix B: Types of Direct Payment**

### ***a) One-Off Direct Payments***

A single payment made to the service user to purchase services. These payments can only be used for services which are non-chargeable such as equipment.

### ***b) Carer Direct Payment***

A single payment made to the carer to support them in their caring role and also to maintain their own health and wellbeing, which can be paid direct to the carer either into their own bank account or a joint bank account that they hold with the person they care for.

### ***c) Ongoing Direct Payments***

Ongoing direct payments are made each month and are paid in advance usually from the date that needs are identified to the service users or carer. These monthly payments are designed to enable a recipient to purchase the care services required on a monthly basis. Ongoing direct payments can be used, in lieu of managed services, for:

- Services to meet eligible identified social care needs, including personal care, community life choices, and transport
- Support for daily living activities, including maintaining household
- Community based respite

Direct payments can be used in conjunction with commissioned services and can therefore form part of a person's care package; for example, a person may receive ongoing direct payments to purchase both respite care and receive a commissioned care package for personal care. Direct payments can enable people to access a wider and more diverse range of services which can be more responsive to and appropriate for the delivery of their eligible care and support needs.

**Appendix C: Glossary**

<i>Term / acronym</i>	<i>Definition</i>
Accredited supplier list	A list of providers that the local authority has vetted
Care pathway	Maps out the care journey an individual can expect
Development Plan	Sets out the priorities and outlines the activities to achieve a long-term or overall aim
Direct Payment (DP)	Are local social care payments for people who have been assessed as needing help from social services, and who would like to arrange and pay for their own care and support services instead of receiving them directly from the local authority
Direct Payment Card	Pre-paid debit card for a direct payment
Integrated Personal Budget	A personal budget which includes funding from a local authority and the NHS
Micro provider	Small providers offering personal care and/or support services to people in their local communities
Outcome	Steps a person needs to take in order to improve aspects of their lives relating to their own safety and security
Personal Assistant (PA)	Support individuals in their own home or to go out in the community, to help individuals to live as independently as possible
Personal budget	The amount of money that the authority has agreed it will make available to be spent on agreed support needs
Progression model	Model to aid individuals to achieve their highest possible levels of independence

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