

# Agenda

## Adult Care and Well Being Overview and Scrutiny Panel

**Friday, 20 May 2022, 10.00 am**  
**County Hall, Worcester**

All County Councillors are invited to attend and participate

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Scrutiny on telephone number 01905 844965 or by emailing [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

# DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

## WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

## WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

## WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have  
a **pecuniary interest** in or **close connection** with the matter under discussion.

## WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

## DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** OR  
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

## DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

## **Adult Care and Well Being Overview and Scrutiny Panel**

### **Friday, 20 May 2022, 10.00 am, County Hall, Worcester**

#### **Membership**

##### **Councillors:**

Cllr Shirley Webb (Chairman), Cllr Jo Monk (Vice Chairman), Cllr David Chambers, Cllr Lynn Denham, Cllr Paul Harrison, Cllr Matt Jenkins, Cllr Adrian Kriss, Cllr James Stanley and Cllr Emma Stokes

#### **Agenda**

<b>Item No</b>	<b>Subject</b>	<b>Page No</b>
1	<b>Apologies and Welcome</b>	
2	<b>Declarations of Interest</b>	
3	<b>Public Participation</b> Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case Thursday 19 May 2022). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed in this agenda and on the website.	
4	<b>Confirmation of the Minutes of the Previous Meeting</b> Previously circulated	
5	<b>Refresh of the Scrutiny Work Programme 2022/23</b>	1 - 4
6	<b>Direct Payments</b>	5 - 24

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All the above reports and supporting information can be accessed via the [Council's Website](#)

Date of Issue: Wednesday, 11 May 2022

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## **ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 20 MAY 2022**

### **REFRESH OF THE SCRUTINY WORK PROGRAMME 2022/23**

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#### **Summary**

1. The Adult Care and Well Being Overview and Scrutiny Panel (the Panel) is being asked to consider suggestions for its 2022/23 Work Programme prior to it being submitted to Council for approval.

#### **Background**

2. The Panel routinely reviews its work programme at each meeting to consider which issues should be investigated as a priority.
3. In addition, on an annual basis, the rolling annual Work Programme for Overview and Scrutiny is approved by Council. The current Work Programme was agreed by OSPB on 21 July and was approved by Council on 9 September 2021.

#### **Scrutiny Work Programme 2022/23**

4. The Scrutiny Work Programme for 2022/23 is now being refreshed. Panel Members and other stakeholders have been invited to suggest topics for future scrutiny.
5. The suggestions are detailed on the draft Work Programme (attached at Appendix 1).
6. Members are asked to consider the draft Work Programme and agree its priorities for 2022/23. Issues should be prioritised by using the scrutiny feasibility criteria agreed by OSPB.

#### **Feasibility Criteria**

7. The criteria (listed below) will help to determine the scrutiny programme. A topic does not need to meet all of these criteria to be scrutinised, but they are intended as a guide for prioritisation.
  - Is the issue a priority area for the Council?
  - Is it a key issue for local people?
  - Will it be practicable to implement the outcomes of the scrutiny?
  - Are improvements for local people likely?
  - Does it examine a poor performing service?
  - Will it result in improvements to the way the Council operates?
  - Is it related to new Government guidance or legislation?

8. The Overview and Scrutiny Performance Board will receive feedback on the Scrutiny Panels' discussions and agree the final scrutiny work programme at its 25 May meeting. Council will be asked to agree the Work Programme at its meeting on 14 July.

### **Remit of the Panel**

9. The Adult Care and Well Being Overview and Scrutiny Panel is responsible for scrutiny of:

- Adult Social Care
- Health and Well-being

10. The current Work Programme was discussed by the Overview and Scrutiny Performance Board (OSPB) on 21 July 2021 and agreed by Council on 9 September 2021.

### **Dates of 2022 Meetings**

- 18 July, 2pm
- 28 September, 10am
- 7 November, 2pm

### **Purpose of the Meeting**

11. The Panel is asked to consider and prioritise the draft 2022/23 Work Programme and consider whether it would wish to make any amendments. The Panel will wish to retain the flexibility to take into account any urgent issues which may arise.

### **Supporting Information**

Appendix 1 – Adult Care and Wellbeing Overview and Scrutiny Panel Draft Work Programme 2022/23

### **Contact Points**

Emma James / Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965  
Email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance), the following are the background papers relating to the subject matter of this report:

- [Agenda and minutes of OSPB on 21 July 2021](#)
- [Agenda and minutes of Council on 9 September 2021](#)

## SCRUTINY WORK PROGRAMME 2022/23

### Adult Care and Well Being Overview and Scrutiny Panel

Date of Meeting	Issue for Scrutiny	Date of Last Report	Notes/Follow-up Action
20 May 2022	Direct Payments		Added at 15 November 2021 meeting
	Annual Work Programme 2022/23		
18 July 2022	CQC Assurance Framework Update	15 March 2022	
	Performance (Q4 January to March) and In-Year Budget Monitoring		
28 September 2022	Liberty Protection Safeguards		Panel member suggestion March 2022
TBC	Launch of Social Care Reform		
	Performance (Q1 April to May) and In-Year Budget Monitoring		
7 November 2022	Compliments and Complaints for Adult Services	15 November 2021	
	Performance (Q2 June to August) and In-Year Budget Monitoring		
<b>Possible Future Items</b>			
TBC	Independence Focussed Domiciliary Care Service in Worcestershire	15 March 2021	Directorate Suggestion February 2022
TBC	Review outcomes of the Fair and Transparent Care Project	14 January 2022	
TBC	Update on People and Communities Strategy and Workstreams		Added at 15 March 2021 Meeting
TBC	The Council's Adult Services Replacement Care Offer		TBC

TBC	How the Council works with Carers		Suggested at 8 July 2021 Meeting
TBC	The Implications of the Adult Social Care Reform White Paper		Discussed at the 14 January 22 Meeting
TBC	The role and cost benefit of IT in Care Planning		Discussed at the 14 January 2022 meeting
TBC	Update on LD Services following implementation of outcomes from Review	15 November 2021	Discussed at the 14 January 2022 meeting
<b>Suggested New Items</b>			
	Fair Cost of Care		Directorate / CMR suggestion May 2022
<b>Standing Items</b>			
Annual	Safeguarding Adults Annual Update	28 January 2021	Annual Update from Worcestershire Safeguarding Adults Board
Annual	Compliments and Complaints for Adult Services		Added at 15 November 2021
Quarterly	Performance and In-Year Budget Monitoring		



## **ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 20 MAY 2022**

### **DIRECT PAYMENTS**

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#### **Summary**

1. The Panel will consider an overview of direct payments, including how they work and how the Council promotes the uptake of these to people who are eligible for funded social care services.
2. The Cabinet Member with Responsibility for Adult Social Care and the Strategic Director of People have been invited to attend the meeting to respond to any queries from Panel Members.

#### **Background**

3. Direct payments are the Government's preferred mechanism for personalised care and support. They provide independence and choice, by enabling people to commission their own care and support to meet all or some of their eligible needs (defined within the Care Act 2014).
4. Direct payments allow a recipient to receive cash payments, within an agreed budget amount, from the local authority so that each recipient can arrange and pay for social care support instead of the Council arranging services for them. This can give an individual flexibility and greater control of their support package.
5. The Panel will be familiar with the Three Conversation approach to social care in Worcestershire, which is a strengths-based approach. Following a strength-based conversation (Care Act 2014 assessment), a Social Care Worker will assist the recipient in exploring all universal support available in their community that could meet their desired outcomes. Where support requires funding, the Social Care Worker will agree a Personal Budget. The recipient can choose to have all or part of their Personal Budget as a direct payment.
6. A direct payment remains the individual's choice, therefore all options must be considered, tailored to the individuals wishes.
7. Direct payments are used to buy agreed services, to meet outcomes identified through the strength-based assessment and support planning stages of the Three Conversation Model.
8. There are many possibilities of using a Direct Payment and one of their key benefits is creativity and flexibility in deciding how outcomes will be met and generally they deliver better value for money.
9. Direct payments can be used for:

- Personal care and assistance to help to live independently
- Replacement (previously known as respite) care at home or in a specific care setting to enable an informal carer to take a break from their caring role
- Support to access community, social and leisure activities, direct payments can be used as an alternative to traditional day care services, usually provided by a day centre.
- Transport
- Support for carers
- Items of agreed equipment.

\*Note they cannot be used to purchase long term Residential/Nursing care.

## **Direct Payment Process – How they work in operation**

10. Each individual will know how much their weekly budget is, and the budget includes any personal contribution the individual is assessed as needing to pay (through the Financial Assessment Process). This will be in the support plan and direct payment agreement.

11. When a direct payment has been approved, the social care worker will be asked to complete a Direct Payment Agreement with the recipient. The agreement sets out the terms and conditions to individuals receiving a payment and the responsibilities, obligations, and the conditions of using a direct payment. The direct payment agreement outlines the Councils' responsibilities for ensuring that needs are being met by a direct payment, ensuring that the money is being used appropriately and for the purpose for which it is intended.

12. Where the service is purchased, the Council must be satisfied that the service provided, effectively meets the needs of the assessed person, and promotes their independence, choice, and well-being.

13. The Council has a series of options on how the Personal Budget for a Direct Payment can be managed. A recipient can manage their direct payment budget via different accounts. The Council offers 3 types of accounts for recipients:

- Pre-Payment Accounts
- Managed Accounts
- Traditional Bank Accounts

14. Where the personal budget is managed by the recipient, the direct payment recipient must keep accurate and clear records of personal budget expenditure including bank statements, invoices, cheque, standing order, direct debit, telephonic transfer, internet banking or internet transaction.

15. Contingency planning should be included in the support plan to cover all eventualities/emergencies that are non-health related.

16. The direct payment recipient may build up a contingency fund over time. The maximum value of the contingency funding is six weeks' worth of the weekly Direct Payment budget. At the time of the annual audit, if the contingency is of a higher value than 6 weeks, any unrequired surplus funds may be reclaimed.

17. A review will be completed within six weeks after the Direct Payment has started, by the allocated worker. The review will check that the Direct Payment is successfully

meeting eligible needs and include elements such as managing and using the direct payment, and a discussion to consider any long-term support arrangements that may be appropriate such as payroll, insurance cover and third-party support. The review will also check that the client contribution is being paid directly into the direct payment account.

18. An annual Financial Audit will check how the funds of a direct payment are being used and as intended and to support individuals to continue to use a direct payment with increased confidence.

19. The Council may end a Direct Payment due to recipients' circumstances e.g., Person no longer eligible for a Direct Payment or noncompliance with the financial audit process.

20. If an individual is not satisfied with a decision in relation to a direct payment a complaint can be made to the Council using the compliments, comments, and complaints procedure. This could include:

- The level of payments being offered
- Any aspect of the administration of the direct payments service
- A decision to withdraw or discontinue a direct payment.

## **Direct Payment Programme Goals**

21. The ambition of the Direct Payments programme is to increase the use of direct payments, which aligns with the Council's priority to *ensure residents are healthier, live longer, have better quality of life, and remain independent for as long as possible*.

22. Direct payments can also be a cost-effective way of meeting people's needs and have the potential to assist in reducing the Councils budgetary challenges, although this is not the key driver for the Programme. This is because purchasing support via a personal assistant for example, is usually a much lower hourly rate than care the Council commissions directly with providers.

23. The Direct Payments Programme consists of 3 phases of project work. Each phase is designed to help improve the offer to the residents of Worcestershire and the provision of services they can commission with their direct payment, with an overall goal of increasing direct payment numbers.

24. The three key phases for change are:

- a. Review/development of Direct Payment Policy & Procedures, guidance, and information to promote the use of Direct Payments.
- b. Development of the provider market to ensure people have a wide range of high quality, cost-effective support options to meet their assessed eligible needs, including ready access to a reliable and well-trained personal assistant (PA) workforce and development of PA microenterprises, as these help overcome people's reluctance to become an employer and concerns about cover in the absence of their PA.
- c. Development of clear and simple processes for administering and monitoring the payments, including recovery of unspent monies.

## **Direct Payment Programme Progress – Deliverables completed to date**

### Direct Payment Policy

25. The Direct Payment Policy has been revised to outline the Council's statutory obligations. Terminology has been changed to ensure consistency with updated guidance and processes and ensuring that the text is in plain English and easy to read.

26. The aim of this Policy is to support all Council employees who assess, implement, monitor, and review the use of direct payments. This updated Policy is now aligned to the Care Act 2014, effective from April 2015, the Care and Support (Direct Payments Regulations 2014), and the Care and Support Statutory Guidance (updated 24 June 2020).

27. This Policy ensures that there is a clear definition on what direct payments are; how to request one including the use of nominated and authorised persons to manage the payment; explanation of the direct payment agreement and how the Council will monitor the use of the direct payment; the responsibilities involved in managing a direct payment and being an employer; signposting to local organisations (such as user-led organisations and micro-enterprises) and the Council's own internal and external support, who offer support to direct payment holders, and information on local providers.

28. All key stakeholders were involved in the review and rewrite of the Policy, including Social Work Teams, Finance, Legal and Senior Management. This Policy is in draft format and will require formal sign off through the Councils Governance Process.

### Simplification of Direct Payment Processes

29. Direct payments processes have been redesigned and simplified with changes made to Adult Social Services IT System (LAS) to ensure process compliance and ease of completion. A new Staff Guidance to Direct Payments has been developed. This E-Guidance Manual outlines all the process and step by step procedures relating to Direct Payments in a single document.

30. Links are available in the manual to all forms, systems and contact information required to successfully complete activities relating to Direct Payments.

31. The Staff Guidance Manual is available on the Adult Social Care Practice Guidance SharePoint Site. This new SharePoint Central Site provides a single source / access point to all current Direct Payments materials for Adults Social Care Staff in Worcestershire. Use of this single database to provide a central library for all information will enable Staff to find relevant and up to date Direct Payment information quickly.

### Increasing Support to Front Line Workers on Direct Payments

32. Fortnightly direct payment Surgeries are held for all social care staff, brokerage and Client Contribution Assessment team to attend. These are optional drop-in sessions delivering presentations on specific topics such as client contribution, advanced payments/payment run schedule and Data Barring Services (DBS) checks. These sessions offer the opportunity for support on any case specific queries as well as general queries and group learning opportunity.

33. The Direct Payment Lead has provided “one to one” support to Front Line Workers on specific cases and also answers ad hoc queries.

34. Presentations were created and delivered on “What is a Direct Payment” for students and newly qualified Social Workers. An Introduction to Direct payments has been created for newly employed social care staff, the DP Lead has provided support to specific direct payment cases and queries from frontline staff.

#### Promotional Materials for Direct Payments

35. To enable staff to promote and inform recipients of direct payments, several communication leaflets and a guide to Direct Payments have been created, which are included at Appendix 1. The “Introduction to Direct Payments” leaflet provides an overview of how Direct Payments work and is used when individuals are first referred to Social Services.

36. The “Your Guide to Direct Payments Booklet” provides in-depth detail on all aspects of Direct Payments. This detailed guide is provided to individuals who request more information and on set up of their Direct Payment Account.

37. Direct Payment Leaflets have been distributed to key health partners within Neighbourhood Teams and Medical Centres. A Direct Payment presentation is also available to be shown on a large screen in waiting rooms.

38. A direct payments internal Yammer group had been set up. This channel provides updates/ reminders and a route to capture questions / discussion points.

39. Direct Payment Lead attended Carer meetings with Worcestershire Association of Carers and Carer Representatives (LD) further meetings scheduled to continue providing Carer specific information and support.

#### Revised and Updated Direct Payments Web Pages

40. The Council’s direct payments web pages have been redesigned and updated to reflect current Direct Payment practice. The content and terminology have been simplified and additional information added, including pictures and positive quotations. They have been restructured so each topic is clear and easy to access.

41. Two new promotional videos have been created, one from a Direct Payment Recipient and the other from a representative viewpoint discussing how they use the Direct Payment flexibility and how they have benefitted as recipients. The videos show a Direct Payment recipient and a representative being interviewed, and can be accessed at Appendix 2.

#### Delivery of a Direct Payments Week for internal Staff

42. The first Direct Payments Week was held 11 October 2021. The purpose of the week was to relaunch, promote, and celebrate direct payments, as well as summarise the recent changes to the service.

43. The programme of events included both internal and external speakers. External speakers included Professor/Social Worker Jon Glasby who held a session on

‘Independence pays’: putting direct payments and personal budgets into practice. National speaker Rachel Mason held a session on self-direction, how she has used her son’s direct payment in a flexible and strength-based way as well as obtaining a more cost-effective option for care and support.

44. New training videos and web pages were launched to build relationships between frontline staff and the Direct Payment Team with a meet and greet session.

#### Mandatory Training on Direct Payments for Front Line Staff

45. New e-learning training courses on Direct Payments have been designed and made available to front line staff from October 2021 via the Council’s e-learning portal on OurSpace. The training courses are:

- a. A Guide to Direct Payments (20 Minutes duration)
- b. Five “Bite Size” e-learning modules (All 5 minutes in duration)

46. The “bite size” lessons are for front line staff to help explain to recipients what Direct payments are for and how they can be used effectively. “Bite size” modules currently available are: How Direct Payments can be used; How to set up a new direct Payment; Client Contribution; Emergency Payments and Pre-Payments. The bite size modules will offer staff the opportunity to refresh their knowledge as and when required.

47. Training is provided on “What are Direct Payments” for all students and Assessed and Supported Year in Employment (ASYE) groups within the Learning Academy. An introduction to direct payments is also delivered for newly employed Social Care Staff within the Council.

#### Personal Assistant (PA) Finder

48. **Barrie Bookkeeping & Payroll Solutions Ltd (BBPS)** are now the new ‘Direct Payment Support Service and Employment Hub’ provider, whose vision is to support the expansion of the Direct Payments for Worcestershire County Council. Their intent is to meet each client’s bespoke needs by taking a person-centred approach, maintaining effective communication.

49. Since the commencement of their contract on the 1 October 2021, the progress has been:

- Delivery of 2 presentations during direct payment week explaining BBPS services and levels of support available.
- Referral guidance and flow chart created and circulated to social care staff.
- Attendance at all social care team meetings to introduce BBPS and their ethos, to answer any queries from staff and for the Direct Payment Lead to present the new and improved referral process.
- Biweekly operational meetings in place

50. As of March 31, 2022, there were 69 self-employed PA’s on BBPS register for Worcestershire. If a Direct Payment recipient is not able to source a Personal Assistant, the recipient can ask BBPS to find one. BBPS will check their register and if no one is available on the register, will advertise for a PA.

51. BBPS have received numerous compliments from front line workers. The average referral rate time is down to 2 to 3 days, which previously could be months.

#### PA Micro-enterprises

An external business partner, Community Catalysts, have been engaged to deliver a 2-year project to develop and deliver the Micro-enterprise Solutions for the Council. Micro-enterprises are small, private businesses which employ fewer than 10 people.

52. Feedback from direct payment recipients, Carers, Staff, and best practice research, indicates that the responsibility of employing a Personal Assistant is the key inhibitor preventing people from choosing a direct payment.

53. The development of community-based microenterprises, with PA's who are able to offer community led personalised support and services for eligible people, would help remove this barrier.

54. Having this option available in Worcestershire will aid the increase in direct payment take up (as has been proven in other Local Authorities e.g., Somerset) diversifying the market and enabling greater choice and control for direct payment recipients.

55. The micro-enterprise model of care and support will be an integral part of Worcestershire's strengths / asset-based approach and Direct Payment offer.

#### **Financial Auditing – Reduction in Contingency Funds Progress Update**

56. The aim of this project workstream was to reduce the contingency that individuals were holding in their DP (Direct Payment) account from 8 weeks to 6 weeks of weekly budget and to develop a consistent approach to financial audits of Direct Payment Accounts.

57. Before this project, there was not a standard consistent approach to auditing all 3 types of accounts (pre-payment accounts, managed accounts and traditional back accounts).

58. The project goal was to audit all direct payment accounts, which would identify any areas where large sums of money were being held historically so they could be reclaimed, as well as providing financial assurance that the accounts were being managed correctly.

59. The total monies reclaimed to date is: **£2,120,000**. This reclaimed figure accounts for 94% of the 1,000 direct payments accounts having been audited.

60. The auditing has been a success, defined by the number of audits carried out and the total money reclaimed from accounts. A major reason for this success was due to the partnership working between Finance staff and Social Care Teams.

61. A consistent approach to financial audits, of all types of accounts, has been jointly agreed with all stakeholders. Process maps documenting how the process will work going forward, together with an agreed associated Service Level Agreement drawn up. This new auditing approach is now moving into "Business as Usual" operation.

62. A new Direct Payment Finance Team structure has been agreed, which will include 3 members of staff plus 0.5 FTE admin support. The new team will carry out the role of monitoring (previously the Direct Payments Monitoring Officer) and auditing accounts across all roles. Recruitment is currently underway to fulfil these roles. This new team will also be responsible for completing the balance of audits outstanding.

## Next Steps

63. The micro-enterprise workstream is to continue as a 2-year project, which started in February 2022. Community Catalysts will work in conjunction with the Council to develop and deliver community enterprise solutions for Worcestershire.

64. The work products created during the programme will be embedded into “Business as Usual” operations. All outstanding work products will be completed, including the formal sign off for the Direct Payment Policy.

65. This embedding will include creating and delivering “Face to Face” training on support plans. This training course will be integrated with the 3C’s model and co-delivered by the 3C’s practitioner and DP Lead. The course will be **essential training**, with the audience being all off the Social Work Team including Social Care Workers, Social Workers, ASWP and Team Managers.

66. The Direct Payment Lead role is secured until August 2022 and will continue to provide the essential interface between the Social Workers Team and Finance. This role will ensure that Direct Payments are continually promoted, and Front-Line Workers supported.

67. Direct payment numbers will be increased through the setting of targets from April 2022/ 2023 for teams and individuals. Whilst ensuring that each Line Manager documents and agrees individual targets in personal objectives. and reviews the results and adjusts accordingly.

68. Following additional benchmarking activities, alternative organisational accountabilities will be reviewed to support the goal of increasing the take up of direct payment. This would require a review of the current roles and responsibilities for Direct Payment activities between the Social Workers and the DP Support Provider (BBPS).

## Financial and Budgetary Information

The total spend relating to Direct Payments for 2021/22 was c£18.1 million (detailed in the following table) attracting c £1.4 million of client contributions giving a net spend of £16.7 million. A budget has been set for 2022/23, plus relevant inflationary uplifts.

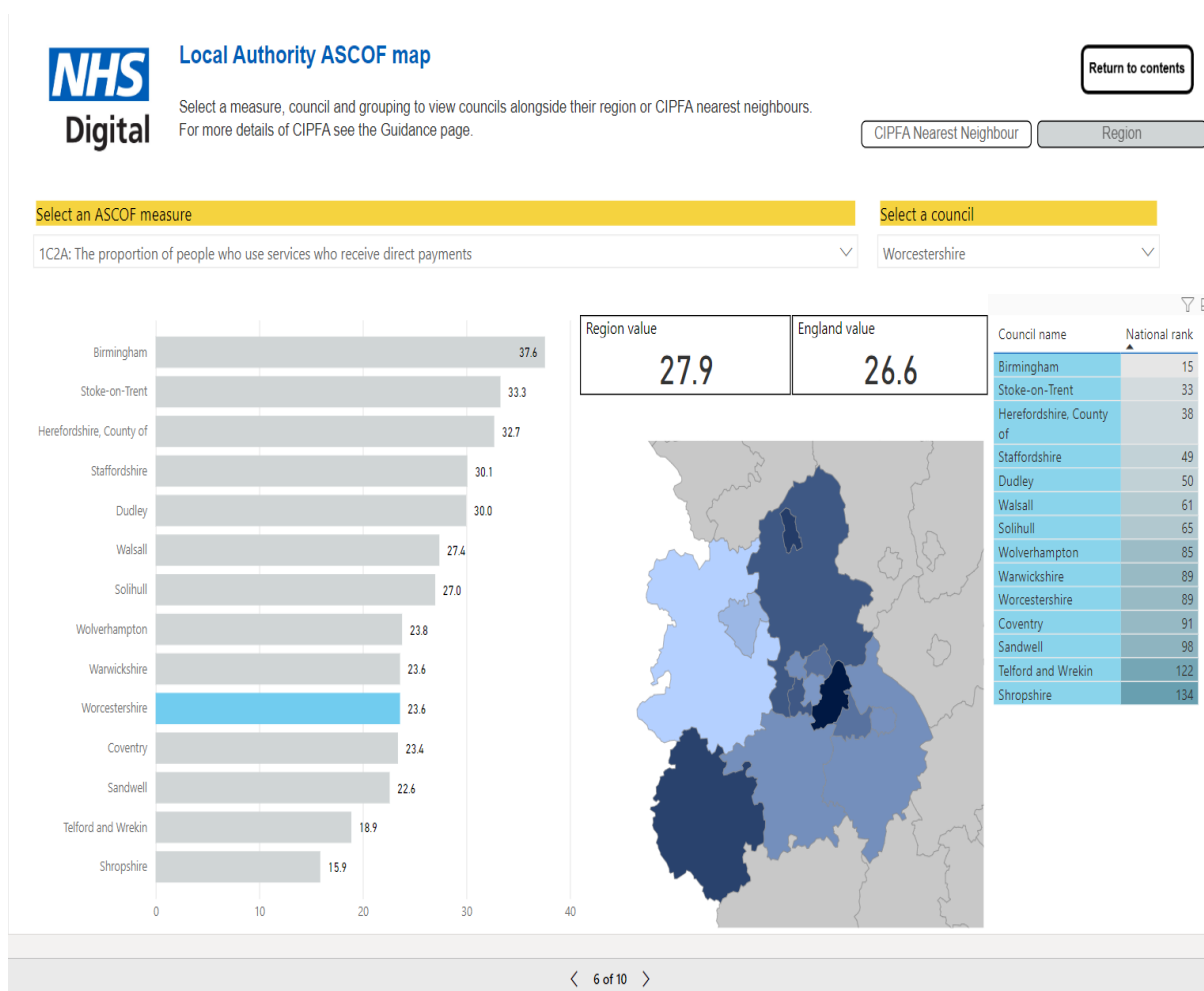


Client Group	Value (£'m)	Contributions (£'m)	Net Cost (£'m)
Older People	3.8	0.5	3.3
Learning Disabilities	8.4	0.6	7.8
Physical Disabilities	5.4	0.3	5.1
Mental Health	0.5	-	0.5
<b>Total</b>	<b>18.1</b>	<b>1.4</b>	<b>16.7</b>

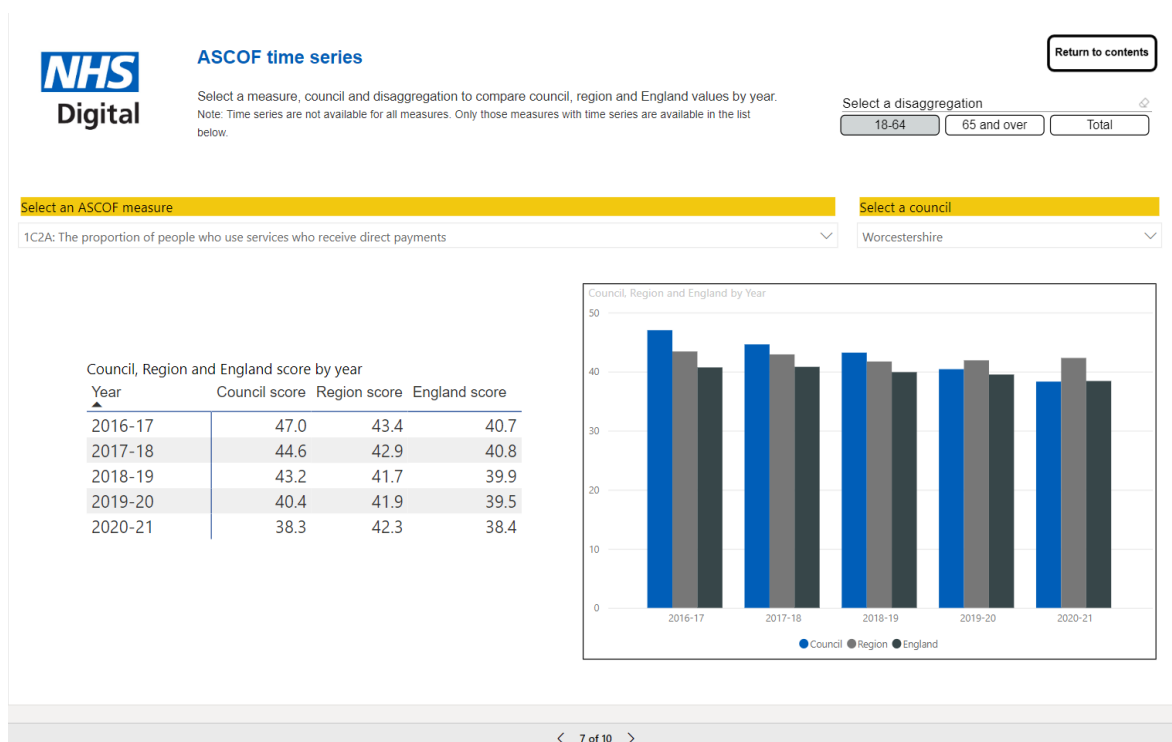
## Worcestershire Performance Statistics of People using Direct Payments

69. The increase in direct payments is measured using a percentage of people in community-based services who have a direct payment based upon the national Adult Social Care Outcomes Framework (ASCOF) metric of ASCOF 1c-2a.

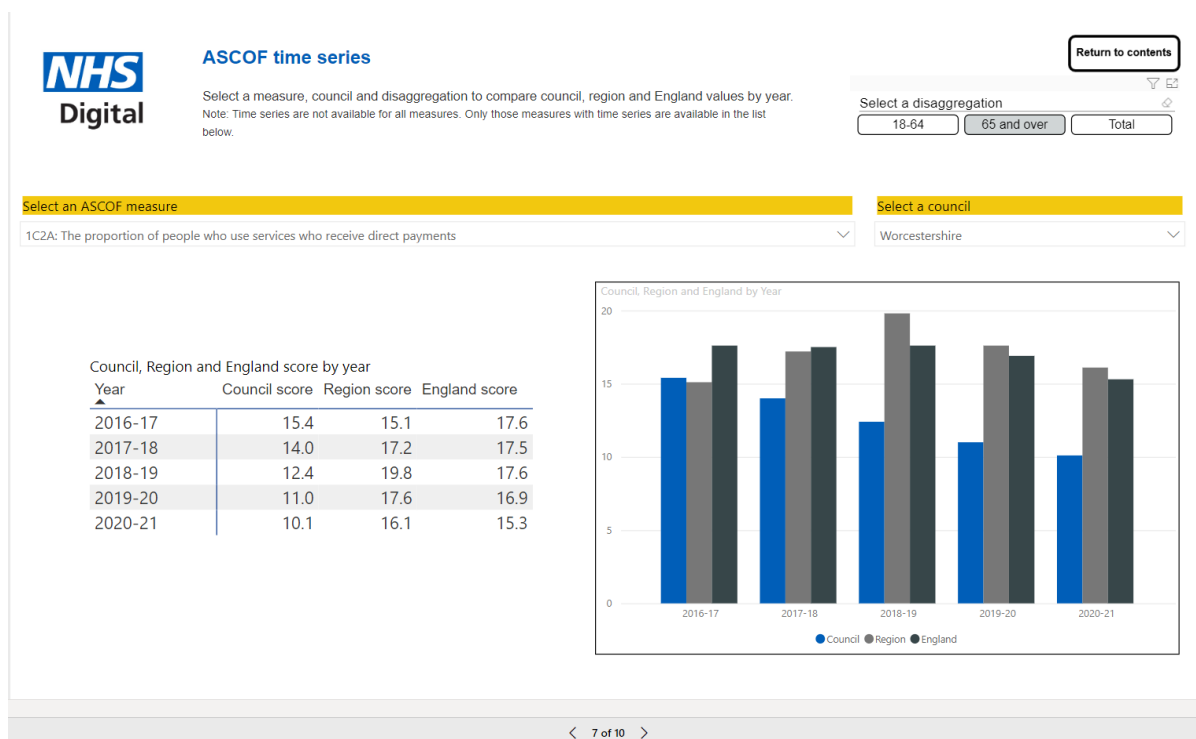
70. In comparison to other authorities, Worcestershire's 2020-21 result of 23.6% is below comparators, England (26.6%) and region (27.9%) See ASCOF Map below.



71. For those aged 18-64 Worcestershire's 2020- 2021 result is **38%**, in line with the England average but below the regional average of **42%**.



72. For those aged 65+, Worcestershire's 2020- 2021 results are 10% compared with 15% nationally and 16% regionally.



74. March 2022 shows the current performance, using the ASCOF metric of people in community-based services who have a direct payment, the figure for Worcestershire is 22.9%.

75. In Worcestershire, as of March 2022, 22.9% of people, aged 18+ receiving community-based services, have a direct payment (Using the ASCOF metric of people in community-based services who have a direct payment)

76. During the month of March 2022, there were 14 starters and 19 leavers of Direct Payments and during the full 2021 – 2022 there have been 240 starters and 236 leavers of direct payments.

77. Recent informal benchmarking suggests the regional result for 2021-22 is around 25% (previously 28%) the formal ASCOF results will be available later this year.

### **Purpose of the Meeting**

78. Following discussion of the information provided, the Scrutiny Panel is asked to:

- determine any comments for the Cabinet Member with Responsibility for Adult Social Care
- agree whether any further information or scrutiny is required at this stage.

### **Supporting Information**

Appendix 1- Direct Payments Leaflets available for recipients: “Direct Payment Overview” and “Your Guide to Direct Payments”

Appendix 2 – Video about Direct Payments [Direct payments | Worcestershire County Council](#)

### **Specific Contact Points for this Report**

Emma James / Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965  
Email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Assistant Director Legal and Governance) the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of the Adult Care and Wellbeing Overview and Scrutiny Panel on 15 March 2021

[All agendas and minutes are available on the Council's website here](#)

# DIRECT PAYMENTS



Following a strength-based conversation (Care Act 2014 assessment), your social care worker will support you to learn about all the types of support available in your community. Where you need support that requires funding, your social care worker will agree a Personal Budget. You can choose to have all or part of your Personal Budget as a Direct Payment.

Direct Payments give you more choice, control, and flexibility over your care and support arrangements. A Direct Payment allows you to receive money to purchase **YOUR** identified care and support needs. This can include (but not limited to);

- Personal care from a Personal Assistant (known as PA), or homecare provider. The PA is someone who doesn't usually live with you and can be employed or self-employed.
- Equipment/Assistive Technology to support and promote your independence at home
- Support to connect with people or activities in the community or at home.

If you would like to have all or part of your Personal Budget as a Direct Payment, you will need an account specifically for the Direct Payment. Either you, or your financial representative can manage this account, or our Direct Payment Support Service can manage this on your behalf. Your client contribution (the amount you pay yourself) is also calculated as part of your budget (see Financial Information Leaflet).

Direct Payments provide flexibility, choice, and control over the services **YOU** require, and a service tailored to your needs. For more information about Direct Payments please discuss with your allocated social care worker or visit [www.worcestershire.gov.uk](http://www.worcestershire.gov.uk).... **The Choice is Yours!**

Find out more online:

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

## Appendix 1 – Direct Payments Overview Leaflet





# Your Guide to Direct Payments

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## 1. What is a Direct Payment?

A Direct Payment allow you to receive money to purchase Your identified care and support needs.

Instead of Worcestershire County Council purchasing care for you, we will give you the budget to purchase some or all your care needs yourself. The budget can be managed by you or a representative.

Following a strength-based conversation (Care Act 2014 assessment), your Social Care Worker will assist you to explore all support available in your community that interest you and could meet your desired outcomes. Where you need support that requires funding, your Social Care Worker will agree a Personal Budget. You can choose to have all or part of your Personal Budget as a Direct Payment. Direct Payments give you more choice, control, and flexibility over your care and support arrangements.

See DP factsheet number 1 & 4.

## 2. If you need help with your Direct Payment and Pre-Payment Account?

If you feel that you can't manage the Direct Payment on your own there are several options for you.

**Nominated Person** - You may nominate a person (family member, friend, etc) to manage the account for you.

**Authorised Person** - This is your Power Of Attorney, or deputy appointed by the Office of Public Guardianship.

**Suitable Person** - A person who the "Authorised Person" (where there is one) and the Local Authority agree that this person is a Suitable Person to whom to make Direct Payments on your behalf if you have been assessed as lacking capacity to manage Direct Payments), e.g., appointee.

**Managing Agent** - The Direct Payment Support Service can manage the account on your behalf to ensure services are paid.

All the above supporting persons would need to sign the Direct Payment Agreement.

### 3. How Direct Payments work

You will need an account specifically for the Direct Payment budget.

**Pre-Payment Card Account** – This is an account that we will set up for you and provide you with a pre-payment card that is simple and easy to use. You can then pay for services through the card or online bank transfers. The account works similarly to online banking services. You can set up Direct Debits or standing orders from your Pre-Payment Account to pay for services that meet your care and support needs as agreed in your support plan. You can view and manage the account on the telephone and online. For more information see Prepayment Account Guidance.

**Managed Account** – This is an account that is managed by a direct payment support service. Although the person having the Direct Payment or representative, remains the employer, the support service will ensure financial elements such as wages and tax bills are paid correctly.

Your Social Care Worker will talk through these options and other potential alternatives and work out together, what is best for you.

### 4. How is your Direct Payment set up?

**Support planning** – Your support plan is a plan of agreed ways to meet your care needs. When your eligible care needs have been identified, your Social Care Worker will work with you to agree your outcomes and what support will need to be purchased by a Direct Payment, including any identified non-costed support. A support plan will be written with your full involvement. You can determine what services you will be purchasing and include any informal support network you have (e.g., support from family, community service). You will have a copy of this plan for you to refer to and will be used as the basis of the Direct Payment agreement.

**Client Contribution** – Your Social Care Worker will refer you for your financial assessment which will determine your Client Contribution. If your financial assessment identifies that you need to pay a contribution, you need to pay this into the account as the first part of the Direct Payment. Worcestershire County Council will pay the remainder of your budget into the account every 4 weeks. When added together these two amounts will make up your full Direct Payment and these amounts will be clearly explained in your Direct Payment agreement.

**Direct Payment Agreement** - You or your nominated representatives must sign the Direct Payment Agreement which includes Terms and Conditions. This document explains the responsibilities of yourself and/or your representative and the responsibilities of Worcestershire County Council. This explains your overall weekly budget including any client contribution you must make. The Agreement explains how your personal information may be used. We need to share information to set up and pay your Direct Payment and provide support to you appropriately. We will do this in a way that protects your privacy.

**Support service** - You will be referred to our Direct Payment Support Service partner (DPSS). They will work with you and your Social Care Worker to provide a costings breakdown (to ensure your Direct Payment amount covers all aspects of your support plan and any employment-related costs). The DPSS can provide you with guidance and support on how to be an employer. If required, they can support you at any time with any queries you may have regarding your direct payment and employment responsibilities.

**Pre-Payment Account** - Your Social Care Worker will request that your Prepayment Account is set up. This tends to be set up within three to four weeks. You will receive a Pre-Payment Account Guidance which shows you:

- how to activate your account,
- pay money (client contribution) into the account,
- how to view balance and statements,
- setting up direct debits, standing orders and one-off payments,
- Upload invoices,
- and has a very useful Frequently Asked Questions section.

The User Manual can be found on this webpage: [Pre-payment account | Prepayment account | Worcestershire County Council](#) or ask your social care worker for a copy.

**Managed Account** - Your Social Care Worker will refer to the Direct Payment Support Service on your behalf to request the setting up of a Managed Account. This type of account can be set up within 3-4 weeks. The Direct Payment Support Service will contact you to discuss this. Their contact details are provided at the end of the leaflet.

**Timescales** - On set up a Pre-Payment accounts take 2 - 4 days to create. Cards are created every Thursday and aim to be with the recipient the following Wednesday (unless postal service delays this). Card needs activating within 7 days after receiving. For managed accounts, dates need to be agreed and once purchased the direct payment support service should be able to set up their system within a week. Overall, from the social care worker's involvement and Direct Payment agreement being completed, the process of set up and receiving funds can take up to 4 weeks, but funds will cover from a back dated start date.

## 5. Frequency of Payments

The Council pay Direct Payments funding on a four-weekly basis. Your Direct Payment would be paid on our next payment run which could potentially be after your care starts. This could result in your PA's working up to 4 weeks before payment. The first payment will be backdated to the date your care starts and will cover the next 4 weeks. Further payments are made in advance to fund the next 4 weeks care and so on. You can find a payment schedule.

[https://www.worcestershire.gov.uk/info/20567/personal\\_budgets\\_and\\_direct\\_payments\\_for\\_adults](https://www.worcestershire.gov.uk/info/20567/personal_budgets_and_direct_payments_for_adults)



## 6. What can and can't be paid for using a Direct Payment?

Your Direct Payment can only be used for support to meet your agreed eligible needs and outcomes, that have been agreed and clearly written into the support plan with your Social Care Worker.

**Things that CAN be purchased include:**

- Personal Care from a Personal Assistant (known as PA) or domiciliary/home care provider. The PA is someone who doesn't live with you and can be employed or self-employed (you will need to see evidence of PA being self-employed which is normally a unique reference number from HMRC)
- Equipment or Assistive Technology.
- Replacement Care. This is to support breaks for main carer.
- Assistance with daily living tasks
- Support from a Communicator Guide/Interpreter.
- Support to access socialisation outcomes in own home or in the community. (e.g., PA support to enable you to access a social activity. Your DP will fund PA time and PA entry fee (if applicable), you would fund your own entry fee).

**Things that CAN'T be purchased include:**

- Household bills or items e.g., furniture, etc
- Rent or mortgage
- Food and Drink
- Health services that should be provided by the NHS.

Please refer to the Factsheet number 2, for further information or discuss with your social care worker.

## 7. What you need to consider when deciding your support arrangements.

### **If you decide to employ a Personal Assistant (PA)**

Having a Personal Assistant provides flexibility, continuity, and a personalised support service which you control. This involves you employing an individual of your choice to support you.

We need to ensure your Direct Payment includes all the costs involved in employing a Personal Assistant. The Direct Payment Support Service will do this for you. Your Social Care Worker will make a referral.

This will include the following:

- PA hours and negotiated rate of pay starting at National Living Wage as a minimum.
- Annual Leave (5.6 weeks pro-rata)

- An employer can choose to include bank holidays as part of a worker's statutory annual leave.
- Employers liability insurance (including Public Liability)
- Payroll costs (if applicable)
- Pension (auto- enrolled)
- National Insurance
- Disclosure Barring Service (DBS) checks records for criminal convictions of the proposed PA.
- Training for PA's.
- Other potential costs, e.g., recruitment.
- Funding for contingency arrangements.

**If you choose a self-employed Personal Assistant you will need to consider:**

- Hourly rate (this will include the cost of bank holidays, annual leave, and pension)
- Public Liability Insurance
- Letter from HMRC with unique tax ref.
- Whether DBS in place
- Whether Training is up to date.
- Contingency arrangements in place – It is the self-employed Personal Assistants responsibility to cover sickness or holiday.
- It is the responsibility for self-employed PA's to cover their own Pension, Tax/NI, DBS costs. You will need to see evidence of PA being self-employed which is normally a unique reference number from HMRC.

## **Domiciliary home care**

- This means you having the budget to pay for a domiciliary care agency directly. Adult Social Care will pay a maximum rate for this type of care, which is the hourly rate the Council contracts with domiciliary care providers. You could pay a 'top up' if you chose a service that costs more than this and this should be identified in the support plan and Direct Payment Agreement.

## **Day Opportunities**

- If it is identified you need support to socialise within your community, you can use your direct payment to do so. Please talk to your Social Care Worker about your options.
- There would be a potential separate cost for transport if that is required (return journey).

## **Contingency**

- You should consider alternative arrangements in the event of your chosen provider being unavailable at short notice. Every Direct Payment account can have up to six weeks contingency fund (six times the weekly amount) for this purpose.

## 8. Review and Audit

### Initial review

We will contact you after 4-6 weeks of your service start date, to make sure everything is going ok with your Direct Payment and all employment considerations are in place, and you are happy and confident with how your Direct Payment is working.

### Annual Review of Care and Support and Financial Audit

A review of your care and support including a financial audit will take place annually. The Direct Payment team will complete an audit prior to review with your social care worker.

The review with your social care worker is an opportunity to ensure your support plan is meeting your needs and if anything needs to change. The review will cover:

- Ensuring payments are in line with your support plan
- Client Contribution is being paid in line with your financial assessment
- Insurance is in place
- DBS is in place if new personal assistants/self-employed Carers working since previous review.
- Services are being paid appropriately.
- Check annual PA wage increase if needed.
- New DP Agreement required if changes in the Direct Payment budget is required
- Contingency funding – We allow some contingency for flexibility and changes in need. If more than 6 weeks' worth of the weekly Direct Payment, then Adult Social Care will reclaim this, unless there is a valid reason for funds to remain in the account (i.e., HMRC tax bill imminent, etc).

## 9. Key contacts for further information/queries

If you have a query about your Direct Payment, you can:

- Go to the Direct Payment webpage on the Worcestershire County Council website: [https://www.worcestershire.gov.uk/info/20567/personal\\_budgets\\_and\\_direct\\_payments\\_for\\_adults](https://www.worcestershire.gov.uk/info/20567/personal_budgets_and_direct_payments_for_adults)
- Direct Payment Support Service can help with a range of queries for example about what DP's are, how funding can be spent including options such as employed PA, self-employed PA's, microenterprises, the PA finder/matching service, domiciliary care, the costing of services, recruiting a PA, queries relating to employment law, contracts of employment, being a good employer, training, Managed (third party) Accounts, payroll advice, HMRC advice, insurance information (public liability and employers liability), pension and autoenrollment, national insurance and national living wage and national minimum wage and redundancy advice and calculations.

Tel no. 01902 912896 or email [kelly@barriebookkeeping.co.uk](mailto:kelly@barriebookkeeping.co.uk)  
<https://barriebookkeeping.co.uk>

- The Managed Account and Payroll Service are here to support you with your Managed Account and can be contacted by email at: [DP@barriebookkeeping.co.uk](mailto:DP@barriebookkeeping.co.uk) or tel. no. **01902 912896**
- Direct Payment Team can help with a range of queries for example queries relating to the setting up of Pre-Payment Accounts, issuing Prepayment Cards, expired cards, reclaims of misspent funding and excess contingency funding, monitoring of Pre-Payment Accounts (spend and checking client contributions have been paid), financial audits.

The Direct Payment Team can be contacted via the Customer Contact Centre: Tel no. **01905 766936**, (Opening Times: 9.00 am to 16.00 Monday to Friday). There is an answer machine to leave messages. Email: [Directpaymentsteam@worcestershire.gov.uk](mailto:Directpaymentsteam@worcestershire.gov.uk)

- Prepaid Financial Services (EML) can help with a range of queries about your Pre-Payment Account, for example: password, PIN or log-in issues, the setting up of standing order, direct debits and bank transfers, resolving issues of getting online, providing account statements and balances, ordering replacements cards, cancelling cards lost cards.

EML can be contacted on Tel no. 0207 127 0743 (Opening times: 8.00am to 18.00 Monday to Friday).

EML website <https://prepaidfinancialservices.com/en/contactus>

Frequently Asked Question's Section: <https://prepaidfinancialservices.com/en/frequently-askedquestions>

Cardholder log-in <https://prepaidfinancialservices.com/en/login-cardholder>

- Social Care Worker can help with a range of queries for example: queries relating to the setting up of a DP, what a DP is, innovative use of the DP, the support plan, hours of care, spend relating to the care plan, ordinary bank accounts monitoring and auditing, contingency funding (for sickness, training and short term increases in care needs), DBS ID checks and dealing with one off payment requests. You can contact your allocated Social Care Worker (if you have one) or the Adult Contact Team  
Telephone: **01905 768053** or email: [ACTadmin@worcestershire.gov.uk](mailto:ACTadmin@worcestershire.gov.uk)
- Client Contribution Team are responsible for completing financial assessments for all adults who are assessed as requiring a care package. They deal with any queries relating to your assessed contribution, and subsequent appeals in relation to this whilst also ensuring all benefit entitlements are taken up. Contact via phone number **01905 765761**.