

**HERTFORDSHIRE COUNTY COUNCIL  
ADULT CARE SERVICES SCRUTINY COMMITTEE  
THURSDAY 14<sup>TH</sup> MARCH 2002 AT 10.30 AM**

Agenda Item No.

**1**

**IMPLEMENTATION OF DIRECT PAYMENTS  
SCHEME IN HERTFORDSHIRE**

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**1. Purpose of the Report**

- 1.1 To provide Members of the Adult Care Scrutiny Committee with an update on the implementation of the Direct Payments Scheme in Hertfordshire.

**2. Summary**

- 2.1 There are currently 70 users of direct payments in Hertfordshire. Direct payments are offered as an option to those eligible for services. Support to clients wishing to pursue this option is offered through the Personal Assistance Support Services (PASS). 25 further clients are currently being assisted by PASS to move forward to receive direct payments.

**3. Conclusions**

- 3.1 The direct payment scheme in Hertfordshire has steadily increased its uptake, and the ever greater focus on the promotion of independence, and particularly the outcome of the Best Value Review for Physical Disability and Sensory Disability, all point toward the need to promote the scheme further. If we are significantly to increase take-up, there may be a need to review the way in which payments are made, and the services for which they can be used and consideration should be given to more flexible ways in which budgets can be made available to fund the scheme.

#### **4. Background**

- 4.1 The Community Care (Direct Payments) Act 1996, was introduced to enable Social Services Departments to offer direct payments to people with physical disabilities, sensory impairment, learning disabilities or mental health problems. In the first instance, this applied only to clients between the ages of 18 - 64 years. Hertfordshire County Council implemented a Direct Payment scheme in April 1998 and following amendments to the regulations, which came into force on the 1<sup>st</sup> February 2001, extended its scheme to apply to people over the age of 65 years, from April 2001.
- 4.2 Direct payments are aimed at bringing about improvements in the quality of life of people who would like to manage their own support. They enable clients to purchase services directly following an assessment of needs, increasing users' choice, flexibility and control over how their own needs are met. Direct payments can offer a means of promoting independence, enhancing users' choice and control, all of which form part of the County Council's promises to the citizens of Hertfordshire.

#### **5. Outline of the Direct Payment Scheme**

- 5.1 As with any other care provided, access to the Direct Payment Scheme begins, with an assessment of need which is undertaken by a care manager. Once needs have been assessed and it is clear that a client is eligible for services, then a discussion takes place about arrangements for meeting the identified needs. Direct payments can be discussed as an option if a person meeting the criteria we have set, which determine that they are "willing and able" to manage the different aspects of the scheme. The definition of "willing and able" is attached as Appendix 1 to this report.
- 5.2 If a user wishes to consider the direct payments option, they are encouraged to receive support from the personal assistance support service (PASS). This is a voluntary organisation funded by the County Council to offer advice and support to users and potential users of direct payments and to help them make any necessary arrangements for purchasing their own care, or employing staff directly.
- 5.3 If somebody chooses to go forward with taking on direct payments, the assessment of their needs will determine the number of hours of care they will be eligible to receive by way of service, and rather than providing the care directly, they will receive £8 per hour of the service they are deemed to require. This amount will be paid into a separate bank account, from which they will meet the costs of their own care.
- 5.4 Users in receipt of direct payments have to provide quarterly financial returns about how the resources have been spent, and on any balance remaining in their account. Users are required to demonstrate that the resources they have

been given have been used for the provision of care to meet their assessed need.

## **6. Action Taken to Support the Implementation of Direct Payments in Hertfordshire**

- 6.1 When the scheme was first introduced in 1998, training was offered to front-line staff to encourage the take up of direct payments, and guidance and procedures were issued to all staff to be used as a tool when considering clients following an assessment of need. As mentioned earlier, the County Council funded a support organisation, PASS, to assist with take-up and support services. A central policy officer was identified to assist with any issues and act as a link to staff and to liaise with all the relevant parties, including the legal and finance teams, and PASS.
- 6.2 When the decision was taken to extend the scheme to older people, the opportunity was taken to review the scheme as a whole. New monthly forums were set up for staff and their managers from July 2000 to act as support/case discussion and to improve awareness and knowledge of the scheme. These forums are ongoing.
- 6.3 New policy and procedural guidance incorporating the extension of the scheme to older people was produced in August 2001 and revised again for February 2002. Informal training/team discussions have been made available to all staff, and a fully updated and comprehensive training programme will be rolled out from April/May 2002.
- 6.4 The County Council also supports the Hertfordshire Personal Assistance Support Service, which was established in June 1997, specifically to support the implementation of direct payments. The County Council provides £60,000 per annum of funding to PASS and, in addition, £52,505 is funded through partnership money, which is held by Primary Care Trusts. This additional partnership funding was added at the point of the decision to extend the scheme to older people and was to enable PASS to deal with the increased numbers requiring advice and support.
- 6.5 When the scheme was reviewed in 2000, there was a large consultation workshop involving users, carers, staff and other key personnel such as legal and finance, as well as members of the County Council. This took place on 12<sup>th</sup> November 2000 and provided an opportunity to hear an overview of the direct payment scheme policies and procedures and a user perspective, and then to break into small workshops to discuss issues and make proposals for revisions to the scheme. The day proved extremely useful for all. It was particularly encouraging that the majority of attendees were users and carers.

## **7. How are We Doing?**

- 7.1 As at January 2002, there were 70 users of the direct payment scheme in Hertfordshire; 4 of these were older people, 62 had physical disabilities and 4

had learning disabilities. As yet, no mental health clients have taken up direct payments. There is a fairly even spread of users across the county in each of the Primary Care Trust Areas.

- 7.2 In addition, there are a further 25 users in touch with PASS, who are preparing them to move towards taking on direct payments.
- 7.3 Take-up in Hertfordshire is similar to that in Cambridgeshire or Suffolk, but is lower than the number of clients receiving direct payments in Essex. However, Essex did have a scheme in place before formal direct payments were introduced, via a third party arrangement.
- 7.4 Growth in the user base in Hertfordshire has been gradual. There is a need for staff to become familiar with a different way of working and to ensure that all the support, reviewing and monitoring arrangements are in place. It is a big undertaking for a user to move to a direct payment scheme, and may involve them in a significant amount of additional work. Therefore people think carefully before moving forward. Nevertheless the numbers have been growing, and we expect this to continue as we move forward.
- 7.5 At present we have a flat rate of £8 per hour for services, which is provided to recipients of direct payments, and this can be used for the purchase of home care services, personal assistance or for other services which meet the needs of the user. For some users, there may be recruitment difficulties related partly to the resources they have available, but also in some cases to where they live, for example, in a rural area where transport may be an issue. The shortage of care staff in Hertfordshire where employment levels are high is also an issue for people to consider in moving to a direct payment scheme.
- 7.6 Currently a pilot project is under way to offer direct payments to carers to pay for services which enable them to carry on in their caring role.

## **8. Issues for Consideration**

- 8.1 The use of a flat rate of £8 per hour to make direct payments means that it is not always easy to translate an assessed need for day care, for example, into an hourly rate. Some authorities offer variable rates, according to care group and level of need. Some users consider the current rate of £8 an hour to be unrealistic, and some of these factors may be affecting take-up of the scheme.
- 8.2 At present, eligibility criteria for services vary between care groups and this can lead to some perceived inequity of provision by way of resources made available through direct payments. However, this is no different from the provision of direct services on which the eligibility criteria have a similar impact. The implementation of the recent guidance on fair access to care will require us to pull together our eligibility criteria for all care groups and ensure that there is no discrimination in access to care based on age.

- 8.3 A significant amount of the day care and home care provided in the county directly to users is through block contracts, or through direct provision of, for example, a day centre. This can mean that it is difficult to free up resources for direct payments, when block contracts have to be fully used and paid for and day centres cannot reduce their staffing levels for the loss of one individual and, indeed, demand for places is high.
- 8.4 In a county the size of Hertfordshire, the training of staff is also a huge exercise, and a new approach is needed to offer continuing support to people who move on to direct payments, in order to provide continuing support from care management staff so that users are not just left dealing with finance officers.
- 8.5 A further issue arising is supporting staff in determining whether the definition of "willing and able" (see Appendix 1) is met and more generally in taking forward direct payment with any individual client.

## **9. Proposals for the Way Forward**

- 9.1 The Adult Care Services Department will consider allocating a proportion of its home care budget to each area team, specifically for the purpose of providing direct payments, which would also need to be provided for in the learning disability team budgets. Consideration needs to be given also to a greater use of direct payments for day care, respite care and equipment, (as recommended in the Best Value Review on Physical Disability and Sensory Disability). If this is to be successful, again consideration needs to be given to the creation of a separate budget for this purpose.
- 9.2 If the scheme is to be expanded considerably, there will need to be some consideration of alternative rates and an alternative means of allocating resources other than simply on an hourly basis. This will be necessary if we are to extend direct payments for greater use for things like respite care and equipment. Some of the work to effect the changes required will be undertaken by the Project Manager for the implementation of the Best Value Review on Physical Disability and Sensory Disability.
- 9.3 Training and support staff remain critical to the successful implementation of the system, particularly to expansion. It is proposed that lead officers be identified in each area team and care group to support the implementation of direct payments and become champions in their areas.
- 9.4 There is some particular work to do around the expansion of direct payments to carers, particularly in the light of the fact that the sorts of services on offer to carers and the ways in which they are able to use direct payments may conflict with the purposes for which users can receive and use the scheme.

**"WILLING AND ABLE", HERTFORDSHIRE'S CRITERIA**

The care manager should make a judgement as to whether a person is "willing and able" to manage direct payments, taking account of the following factors:

- Does the person understand the concept of direct payments?
- Can the person express preferences about how their needs are met?
- Does the person have a preference for direct payments based on a clear understanding of the benefits which direct payments will bring?
- Will the person be able to make his/her own decisions about how the direct payment is spent?
- Does the person understand the terms and conditions under which the direct payment is made (after being fully informed about these terms and conditions)?
- Is the person willing to abide by the terms and conditions under which the direct payment is made?

If the answer to any of these questions is "no", then direct payments will not be an appropriate way of meeting the person's needs.