

4 July 2018

Name of Cabinet Member:

Cabinet Member for Adult Services, Councillor Abbott

Director Approving Submission of the report:

Deputy Chief Executive (People)

Ward(s) affected:

None

Title:

Review of the City Councils Direct Payment Policy 2018

Is this a key decision?

No. Although the matter within the report can affect residents from all wards in the City, it is not anticipated that the impact will be significant and it is therefore not deemed to be a key decision.

Executive Summary:

The underlying principle of self-directed support is to enable adults, carers, young carers and parents of disabled children to take greater control of their lives and the support they receive so that they can make decision, manage their own care and support arrangements and risks. This puts people at the centre of assessing their own needs and tailoring their own support.

Direct Payments enable adults, carers, young carers and parents of disabled children to have control over spending their social care funding and facilitate a greater degree of choice than would otherwise be available in how their support is delivered. This can be achieved for example through employing one or more personal assistants or through spending all or part of a personal budget with an agency who supply support workers to assist with meeting social care eligible needs.

A review of the existing Direct Payments Policy 2013 has been undertaken to ensure the policy enables Coventry City Council to embed personalisation in practice giving adults, carers, young carers and parents of disabled children more choice, control and flexibility over their care and support improving life chances, and leading to independent and fulfilling lives. A key mechanism for delivering choice and control is by offering and arranging direct payments for adults, carers, young carers and parents of disabled children. It was recognised that the 2013 Policy needed to be reviewed to ensure it was more user friendly for the public, service users and staff. This has taken some time to complete due to the amount of work involved in amending the policy. Any changes made to the policy have been made in line with the Care Act (2014) and the Children and Families Act (2014). This report outlines the changes to policy.

Recommendations:

The Cabinet Member are requested to approve the revised Direct Payment policy updated in line with legislation.

List of Appendices included:

Appendix 1 Direct Payment Policy 2018

Background papers:

None.

Other useful documents

- **Direct Payments Policy 2013**
http://www.coventry.gov.uk/downloads/file/13680/direct_payments_policy
- **Cabinet Members** (Health and Community Services & Children and Young People), 2 August 2012 – Outcome of consultation on proposals for a new Direct Payments Policy and revised proposals for further consultation
<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=124&MID=2221#A12736>
- **Cabinet Member** (Adult Services), 5 October 2017 – Money Management Support – Direct Payment Support Services
<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=710&MID=11457>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Updating the City Councils Direct Payment Policy 2018

1. Context (or background)

A review of the Direct Payments Policy 2013 has been undertaken to ensure the policy enables Coventry City Council to embed personalisation in practice giving adults, carers, young carers and parents of disabled children more choice, control and flexibility over their care and support improving life chances, and leading to independent and fulfilling lives. A key mechanism for delivering choice and control is by offering and arranging direct payments for adults, carers, young carers and parents of disabled children. It was recognised that the 2013 Policy needed to be reviewed to ensure it was more user friendly for the public, service users and staff. This has taken some time to complete due to the amount of work involved in amending the policy. Any changes made to the policy have been made in line with the Care Act (2014) and the Children and Families Act (2014).

The updates to the policy include the following:

- Arrangements for Disclosure and Barring Checks
- Paying family members living in the same household to administer direct payments
- Reviewing direct payment arrangements within the first 6 months
- Direct Payment rate
- Proportionately monitoring direct payments based on the risks involved
- Legal rewards
- Direct payments for Carers, Young Carers and Replacement Care

2. Options considered and recommended proposal

- 2.1 As there is a requirement to review the policy in line with the above Acts, there were no options to be considered or rejected. The Cabinet Member is requested to endorse the incorporation of the requirements within the existing, previously agreed, policy which have been amended in line with legislation.

3. Results of consultation undertaken

- 3.1 No formal local consultation has been undertaken as the 2013 Policy was fully consulted on previously. The amendments made to that Policy have been made to ensure it reflects current legislation, which were fully consulted on prior to implementation.
- 3.2 There is an Independent Living steering group led by the City Council with membership across key stakeholders ensure direct payment policy, practice and process are improved. This group were consulted during the review of the policy and approved the final version.

4. Timetable for implementing this decision

- 4.1 The updates to the policy will be implemented as soon as is practicable dependant on the outcome of the Cabinet Member meeting.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no direct financial implications arising from the amendments to the policy. The value of direct payments is calculated based on the assessed needs of an individual and funded from within existing budgets.

5.2 Legal implications

Direct Payments support services assist with delivery of the City Council's statutory obligations under the Care Act (2014), the Mental Health Act (1983) and the Care and Support (Direct Payments) regulations 2014 and the Children and Families Act (2014). The local authority is obliged to provide a direct payment to someone who meets the conditions in the Act and Regulations. The updates to the policy are all in line with the Care Act 2014 and the Children and Families Act 2014.

The Care Act 2014 and Children and Families Act (2014) did not significantly amend the previous legislation in relation to direct payments, however it was recognised that the 2013 Policy needed to be reviewed to ensure it was more user friendly for the public, service users and staff.

Public authority decision makers are under a duty to have due regard to, i) the need to eliminate discrimination, ii) advance equality of opportunity between people who share a protected characteristic and those who do not, and iii) foster good relations between persons who share a relevant protected characteristic and people who do not (public sector equality duty - s149(1) Equality Act 2010). The applicable protected characteristics are disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy or maternity.

Decision makers must be consciously thinking about these three aims as part of their decision making process with rigour and with an open mind. The duty is to have "due regard", not to achieve a result but to have due regard to the need to achieve these goals. Consideration being given to the potential adverse impacts and the measures needed to minimise any discriminatory effects.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Direct Payments assist towards meeting Council plan objectives of:

- Improving Health and Wellbeing of local residents
- Protecting our most vulnerable people
- Active Communities and empowered citizens

The underlying principle of self-directed support is to enable adults, carers, young carers and parents of disabled children to have greater choice and control over their lives and the support they receive, to improve their wellbeing, life chances and they are able to live independent lives.

6.2 How is risk being managed?

The policy will continue to be monitored on a regular basis to ensure compliance with the appropriate national Acts.

6.3 What is the impact on the organisation?

No implications.

6.4 Equalities / EIA

An Equalities Impact Assessment was undertaken for the review of the policy and the existing policy which identified that overall this policy would overall have a positive impact on adults, carers, young carers and parents of disabled children. The existing and revised policy

enables adults, carers, young carers and parents of disabled children to take greater control of their lives and the support that they receive so that they can make decisions and manage their own care and support arrangements by enabling them to assess their own needs and tailor their own support. The policy allows them to have control over spending their personal budget and facilitates a greater degree of choice about how their support is delivered.

6.5 Implications for (or impact on) the environment

No implications.

6.6 Implications for partner organisations?

The existing policy already encourages collaborative working with partner organisations such as the Coventry and Rugby Clinical Commissioning Group and third sector organisations, for example, Penderels Trust Direct Payment Support Service and Age UK. The amendments to the policy will not change this.

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John Gregg	Director of Childrens Services	People	05/04/18	05/04/18
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Cllr Pat Seaman	Cabinet Member (Children and Young People)	People	21/06/18	21/06/18

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