

## TORBAY COUNCIL

Report No: **109/2005**

Title: **Options for Direct Payment**

To: Executive

on 17th May 2005

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### **1. Purpose**

- 1.1 To explore the options for implementing an hourly rate for Direct Payments
- 1.2 To examine the long term arrangements for Direct Payments

### **2. Relationship to Corporate Priorities**

- 2.1 Improving health and social care in Torbay by:
  - Helping individuals to live longer healthier independent lives
  - Improving the quality of life and independence of vulnerable people targeting those in greatest need

### **3. Recommendation(s)**

- 3.1 That an hourly rate, including on costs, for domiciliary care be adopted as follows:

Between 7.00 a.m. and 11.00 p.m.:	£12.40 per hour
Between 11.00 p.m. and 7.00 a.m. (night sleeping rate):	£65.18 per night

- 3.2 That it be noted that exceptional circumstances may apply and that these be determined on an individual basis on an individual basis by the Lead Officer (Direct Payments).
- 3.3 That the long term development of a Direct Payment Advisory/Support Team (to include a Development Officer, a Direct Payment Advocate, a Direct Payment Payroll Support Worker, an Administrator and a Finance Adviser), affiliated to the Financial and Benefits Advice Team, be supported and that working relationships be developed with independent organisations in Torbay i.e. Vocal and Age Concern.

### **4. Reason for Recommendation(s)**

- 4.1 To provide a less cumbersome administrative process in relation to Direct Payments.
- 4.2 To ensure that a fit for purpose support service is in place to deal with Direct Payments.

### **5. Key Risks associated with the Recommendation(s)**

- 5.1 The following risk matrix has been determined on the high risk situation relating to Direct Payment capacity – we are currently unable to financially process any more direct payments. Users reviews are now 9 months behind and there are delays in individuals receiving their payments. It is therefore felt that the risk of not agreeing the finance/development implications is very high, the likelihood is very significant, as additional direct payments are "not likely to happen", the impact is serious as, without further development,

the provision of the service would have "significant adverse impact of loss of services" and "failure to meet national PIs".

Likelihood	6	6	12	18x	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
		1	2	3	4
Impact					

Low risk
  Intermediate risk
  High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

## 6. Alternative Options (if any)

### 6.1 Re: Hourly Rate

Currently the system is very cumbersome. The introduction of an hourly rate would enable the client to know what they could receive immediately following a financial assessment rather than having to wait for an average of providers to be sourced.

### 6.2 Long Term Direct Payments

Alternative options would be to keep the direct payment team completely within statutory services, however this would allow no independence for clients

The team could be seconded to an independent organisation this would ensure independence of statutory services with the benefit of experience of running support groups for the client, however, this option would incur additional management costs and needs time to develop. An interim recommendation is for the service to be based within the Adult Trust but working in close partnership with FAB and other agencies and voluntary organisations to provide some independence for the client, with agreement for children's provision.

## 7. Background

7.1 Unfortunately direct payments have had no Lead Officer for approximately a year. We now have a Lead Officer in place and we hope to take account of the Overview and Scrutiny Board's report and the Audit Report of January 2005. The Direct Payment Board's understanding of extending direct payment users in Torbay is that the process is very slow and cumbersome, and current processes have therefore not allowed further development of the team. Another outstanding issue for the team is lack of accommodation, lack of space and lack of access to IT and telephones.

7.2 Our recommendations are also made in the light of the Green Paper "Independence Wellbeing and Choice". People at the centre of the assessments have the opportunity to chose direct payments and individual budgets. We also need to plan for the future of extending direct payments to those who are currently excluded particularly those with limited capacity to consent. By developing working in partnership with local independent and voluntary agencies, we will also be addressing the issues in the Green Paper in building capacity in community working.

### 7.3 Fixed Hourly Rates.

Currently staff are having to contact three providers on which to take an average of costings to determine the rate to be granted to the applicant. This is time consuming as every applicant is assessed individually and leads to delays in agreeing the cost of a package of care for the applicant. It is therefore a very cumbersome process.

- 7.4 A fixed hourly rate and partnership working with the Financial Advice and Benefits Team (FAB) would allow FAB assessors to determine at the end of the assessment interview the applicants contribution and therefore the hourly rate of funding they would receive for their direct payment.
- 7.5 For example, if an individual was determined as being full cost, they would normally contribute £9.30 an hour to their care; FAB would be able to inform the client they would receive £3.10. an hour top-up as a direct payment. Likewise, if the contribution was £5.00 maximum they would receive £7.40 top up for the first hour plus £12.40 in full for the remainder of the hours required to purchase their care.
- 7.6 FAB Team would then inform the Finance Advisor in the Direct payment team of the assessment for immediate input to the financial data system, therefore reducing waiting times considerably.
- 7.7 The methodology employed in determining the hourly rate is based on nine providers Prices for whole hours have been looked at and extracted from the domiciliary care price list for each provider as available. Average prices were then calculated including each price available from providers for time of day and length of visit. (see Appendix 4)
- 7.8 **Long term development of Direct Payment Advisory Support Service Team.**  
The current team consists of  
Direct Payment Officer 37hrs  
Administrator 18.5 hrs,  
Accountant 4 hrs Child Care  
Finance officer 15hrs Adult Services  
Payroll Adviser 22 hrs.
- 7.9 The team have currently reached capacity both in terms of dealing with additional requests for direct payments and in office space. They are struggling to underpin a robust process needed in the delivery of direct payments for residents of Torbay.
- 7.10 The recommendation of a Direct Payments Advisory Support Service would include a Direct Payment Development worker, Direct Payment Payroll Support Worker , Finance Officer, Administrator, a Direct Payments Support Co-ordinator (Appendix A). The role of this team therefore would be to develop the protocol and pathways for accessing direct payments for individuals and to develop support groups for direct payment users, carers and personal assistants. The essential piece of work that needs to happen is linking with the independent sector and working in partnership with the independent and voluntary sector in Torbay, i.e. with advocacy groups and groups representing particular minorities, Age Concern, Brixham Does Care. Closer working with independent and voluntary groups would allow a degree of independence from statutory services
- 7.11 Partnership working with the FAB team would allow additional resources to underpin the work of the Direct Payments team and to assist in covering for sickness holidays etc. It would also meet some of the issues which have been raised in the audit report Direct Payments January 2005 by ensuring that "adequate numbers of staff could be trained in necessary procedures and processes to enable them, if necessary, to actively undertake the input of direct payments data to the system for new or existing service users with regard to all the other factors required also to be taken into consideration."It would also enable support regarding home visits and lone working with adequate and effective risk assessments being undertaken and regularly reviewed.
- 7.12 Any changes in service user contribution during the year as a result of the FAB team assessment could be automatically fed into the system in time for the fortnightly payments. Closer working with the Debt Collection department of the Council also needs to be encouraged in order to reclaim money owed to the Council.

7.13 Affiliation to the FAB team would develop support around the Independent Living fund thereby enhancing the individuals independence in controlling their services and being in the centre of the service that is being set up. Joint working would take place to ensure that the individuals needs are being met. A person centred approach would enable the individual to be able to determine what it is they require and how this could be met through Independent Living fund and/or direct payments. Working together would also improve consistency of the process and would provide a better infrastructure to support the individuals concerned in receipt of direct payments.

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## IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

### Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of Responsible officer
Legal	No	Janine Bond
Financial – Revenue	Yes additional staff costs	Janet Wheeler
Financial – Capital Plan	No	Janet Wheeler
Human resources	No	Geoff Williams
Property	No	Sam Partridge
Procurement and Efficiency	No	Steve Parrock

### Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>Delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

If the answer to any of the above questions is "Yes" the author must have addressed the relevant issue/s in the main report and have included a full justification and, where appropriate, an impact assessment.

### Part 3

The author of the report must complete this section.

	<i>Delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Directorates?	No	

Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?	<i>delete as appropriate</i>
	Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.
2.	If "Yes" - details and outcome of consultation, if appropriate.

Part 5

Is the proposal a Key Decision in relation to an Executive function? (i.e. would generate expenditure or savings in excess of £100,000 or 20% of an approved budget OR affect more than 2,000 residents of the Borough.)	<i>delete as appropriate</i>	If "Yes" - give Reference Number
	No	

Part 6

**Wards**

All

**Appendices**

- Appendix 1            The Direct Payments Advisory Service
- Appendix 2            Accommodation
- Appendix 3            Approximate Costings for Additional Staff
- Appendix 4            Averaged Hourly Rate and Sleep-in Shift

**Documents available in Members' Room**

None

**Background Papers:**

The following documents/files were used to compile this report:

- Internal Audit Report 2005
- Green Paper "Independence Wellbeing and Choice"

### **The Direct Payments Advisory Service**

The following paragraphs summarise how the Direct Payment Advisory Service can support someone during the set-up of a direct payment and afterwards.

#### **Direct Payment Supporting Co-ordinator**

The Direct Payment Advocate is available to all service users.

- Gives support to help the individual remain at the centre of the direct payment process during set-up, and helps the direct payment user maintain control of the direct payment.
- Helps the individual understand direct payments and to give consent.
- Where necessary, can help find a support network for the direct payment user.
- Supports access to advocacy service to assist in resolving disputes surrounding direct payments e.g. where a decision is made not to grant a direct payment to someone; where a communication problem exists between the DP user and Social Services or between the DP user and their personal assistant.
- Sets up peer support groups for direct payment users, their carers and personal assistants

#### **Direct Payments Records and Payroll Support Worker**

- Assists the direct payment user with record keeping.
- Supports and trains direct payment users to enable them to manage the scheme independently.
- Helps direct payment users set up a simplified payroll service and tax deduction scheme.

#### **Direct Payment Development Worker**

- Publicises and promotes direct payments and the Direct Payment Advisory Service to potential users.
- Produces information in accessible formats including booklets, audio cassette and website
- Will develop the Direct Payment Support Services so that it provides the support that direct payment users require. This involves consulting with service users, carers, service providers and external agencies e.g. voluntary organisations.
- Visits potential direct payment users to advise them on the implications of employing their own carer e.g. payment of personal assistant's tax, national insurance, public liability, employers liability insurance, employment law etc.
- Explains how the direct payment scheme operates e.g. record keeping, setting up of bank account.
- Help draw up advertisements, contracts of employment and how best to recruit a carer. To be supported by support workers.
- Is available for ongoing support e.g. to help recruit a new carer when one leaves, advise on resolving disputes around employment issues, Statutory Maternity Pay, Statutory Sick Pay, redundancy etc.

**Accountant/Finance Officer**

- Advise re financial information
- Authority of accounts
- Set up of licence on data systems
- Financial Reviews

**Administrator**

- Maintenance of data base
- Referral input
- Respond to general enquiries
- Create information packs
- Minute taking
- Research
- Publication of quarterly newsletter

**Accommodation**

Currently one desk telephone and PC are shared by 3 people.

Accommodation Required

Desk space x4  
Phone lines x8 (telephone and PC line )  
Computer hardware  
Filing space and cabinets  
Accessible environment for clients  
Interview space for clients

Hardware costs approx	£4,400
Literature, publicity training etc.	£8,000

**Approximate costings for additional staff**

Re-grading Direct Payments Development Manager	<b>P2/3 £5239 - £8434</b>
Direct Payment supporting co-ordinator - 37hrs	<b>Scale 6 + on costs @ 25% £25,369 - 27,068</b>
Additional finance support - 37hrs	<b>Scale 5 + on costs @ 25% £22,403 – 24,570</b>
Additional administration support – 37hrs	<b>Scale 2-3 + on costs @ 25% £15,803 – 19,215</b>
<b>Total additional staffing costs</b>	<b>£68,814 – 79,287</b>

N.B. the above costings do not include travel costs