

Introduction of new Direct Payment policy

Following an internal audit report in 2014, a recommendation was made that the Council produce a Direct Payments policy after it was identified that although there is a system in place for the administration and management of Direct Payments there is no Direct Payment policy in place. The Children Act 1989, the subsequent Care Act 2014 and associated statutory guidance provided additional responsibilities for councils which have informed the drafting of the new policy.

A Direct Payment is 'a payment of money from the local authority to either the person needing care and support, or to someone else acting on their behalf, to pay for the cost of arranging all or part of their own Support'. Therefore, the Council makes Direct Payments to the service user instead of arranging for, or providing, any services itself.

This new policy and guidance will provide a clear direction for staff and service users about how the Direct Payment scheme works and provides a common and consistent policy and procedure across both Adults and Children services. This will be of particular relevance to young people going through transition.

A Direct Payment is a payment of money from the local authority to either the person needing care and support, or to someone else acting on their behalf, to pay for the cost of arranging all or part of their own support. The local authority could make a Direct Payment instead of arranging or providing any services itself, if the adult asks them to do so. This ensures the adult can take full control over their own care.

The new policy makes a number of changes to current practice with an aim to:

- A) Increase choice - To extend what a Direct Payment can be spent on to allow recipients greater choice in the services they choose to meet their care needs, and to ensure outcomes identified in the support plan can be met flexibly, without the reliance on traditional services.
- B) Smooth processes and increase clarity – ensure that service users, carers and staff have a clear and agreed understanding of how the Direct Payment process operates.
- C) Reduce bureaucracy – The introduction of payment by means of a pre-payment card means that financial audits will be less burdensome for service users.

D) Increase take up - Deliver personalisation and ensure that people have the choice in what care they receive. We believe that the new policy and practice will simplify the process which will encourage service users to choose this option leading to an increased take-up of Direct Payments.

The new policy helps to deliver the Council's Priority 'to increase the proportion of people receiving community-based social care services who receive self-directed support within the Thriving Residents theme of older people and vulnerable adults being compassionately supported to lead fulfilled and independent lives and also that all of our families, children and young people are supported to get the best start in life.

The new policy will directly deliver the objective of 'supporting people to have more choice and control' as set out in Seamless Care Closer to Home, our commissioning plan for 2016-2020. The new policy supports the delivery of the West Cheshire Offer by enabling people to have more choice and control with the aim of enabling independence and wellbeing through person centred support. In addition by people taking responsibility for the planning of their own care there would be a reduction in demand on our care planning and purchasing function.

We held an open 12 weeks consultation on the draft policy from 9 July to 3 October 2018. We used a variety of methods to engage service users, carers and professionals. A consultation document was produced in on-line and hard copy formats. A letter providing details of the consultation was sent to all current Direct Payment recipients or their identified representative. In addition an email notification was circulated to all partners and Cheshire Centre for Independent Living also sent details of the consultation to all users of their Direct Payment support service.

To raise awareness of the consultation process and encourage participation, presentations were made at various events including stakeholder groups, user representative forums and with partner agencies. We also held five focus groups, three were with Direct Payment users or their representatives and two were with social work professionals. The policy and consultation document were also circulated to Vale Royal and West Cheshire Commissioning Groups for comment.

Lead officer: Joanne Jones

Stakeholders: Direct Payment service users, Carers, Social Workers, third sector providers, representative organisations

Equality analysis is a valuable tool to help embed equality into everything we do

While process is important, equality analysis is essentially about outcomes

Lack of evidence of discrimination is not evidence of a lack of discrimination

It is not acceptable to say that a policy is applied uniformly to all groups and is therefore fair and equal. Applying a policy or procedure consistently may result in differential outcomes for different groups.

For each of the areas below, an assessment needs to be made on whether the policy has a positive, negative or neutral impact, and brief details of why this decision was made and notes of any mitigation should be included. Where the impact is negative, this needs to be given a high, medium or low assessment. It is important to rate the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

High impact – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Medium impact –some potential impact exists, some mitigating measures are in place, poor evidence

Low impact – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	Neutral	Positive	Negative
Target group / area			
Race and ethnicity (Including Gypsies and Travellers; migrant workers, asylum seekers etc.)	The new policy will be applied to all service users. However, we will need to ensure that the policy and also service user guidance is produced to enable translation.	The policy is applicable to people with all protected characteristics. Direct Payments offer a very flexible means of choice and control which can be tailored to individual needs and lifestyles, including culturally appropriate services.	
Disability	We will need to ensure that	The broadening of the	

<p>(as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)</p>	<p>an easy read version of the policy and also service user guidance is produced.</p>	<p>permissible spend element of the policy will enhance people with a disability to have more choice and control over the services they receive.</p> <p>Feedback from consultation included that it was 'really good for people with Learning disabilities'.</p> <p>People who lack mental capacity are still able to have a Direct Payment if there is a willing 'suitable' person who will act on their behalf.</p>	
<p>Gender</p>	<p>Due to age and demographics currently more females than males use the service however there should be no differential treatment as a result of the implementation of the new policy.</p>	<p>The policy is applicable to people with all protected characteristics. Direct Payments offer a very flexible means of choice and control which can be tailored to individual needs and lifestyles.</p>	
<p>Gender identity (gender reassignment)</p>	<p>There should be no differential treatment as a result of the implementation of the new policy.</p>	<p>The policy is applicable to people with all protected characteristics. Direct Payments offer a very flexible means of choice and control which can be tailored to individual needs and</p>	

		lifestyles	
Religion and belief	There should be no differential treatment as a result of the implementation of the new policy.	The policy is applicable to people with all protected characteristics. Direct Payments offer a very flexible means of choice and control which can be tailored to individual needs and lifestyles.	
Sexual orientation (including heterosexual, lesbian, gay, bisexual)	There should be no differential treatment as a result of the implementation of the new policy.	The policy is applicable to people with all protected characteristics. Direct Payments offer a very flexible means of choice and control which can be tailored to individual needs and lifestyles	
Age (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs)	The policy is an all age policy covering children and young people and adults and applies equally.	The policy explicitly states that young people in transition can apply for Direct Payments in their own right rather than their parents.	
Carers		The broadening of the permissible spend element of the policy will enable Carers to have more choice and control over the services they receive as a Carer.	

		The new clear Direct Payments policy makes it much easier for carers to understand the process. As part of its roll out, the policy will be publicised through Carers networks.	
Rural communities	There should be no differential treatment as a result of the implementation of the new policy.	Although people may find it difficult to source traditional models of care in rural communities, the Direct Payment enables more innovative and personalised solutions to be identified.	
Areas of deprivation	There should be no differential treatment as a result of the implementation of the new policy.	The new policy will help in identifying flexible local solutions to care needs and potentially employment in the use of personal assistants.	
Human rights	The policy is in line with Care Act 2014 and Children Act 1989 legislation and therefore there should be no differential treatment as a result of the implementation of the new policy.	Offering greater choice and control over care packages enhances human rights	
Health and wellbeing (consider both the wider determinants of health such as education, housing, employment, environment,		The broadening of the permissible spend element of the policy will enable people to have more choice, control and creativity over	

crime and transport, as well as the possible impacts on lifestyles and the effect there may be on health and care services)		the services they receive. The policy has been the subject of consultation with NHS partners and will be useful background to the development of personal health budgets	
Procurement/partnership (if project due to be carried out by contractors/partners etc, identify steps taken to ensure equality compliance)		No procurement arrangements are necessary as the policy is about personalised expenditure on individual care packages	

Evidence (see guidance note for details of what to include here):

Key findings consultation document available on request to equalities@cheshirewestandchester.gov.uk or telephone 01244 976008

Action plan:

Actions required	Key activity	Priority	Outcomes required	Officer responsible	Review date
Market development work to address the issue of sourcing care in rural communities will be address as part of a broader piece of work on provider market	Work with providers to increase coverage in rural communities. Include requirements in the forthcoming retender of the Care at Home contract	Medium	People in rural communities are able to source relevant care. There is an increase in the number and types of care services available in rural	Commissioning Team	1 April 2019

development.			communities		
An easy read version of the policy and also service user guidance is produced. Need to ensure this is suitable for translation	Develop easy read document and have it produced	Medium	Document produced and available in accessible formats.	Commissioning team	1 April 2019

Sign off	
Lead officer:	Jo Jones
Approved by Tier 4 Manager:	Hayley Doyle
Moderation and/or Scrutiny Virtual moderation by the People Directorate Equality Group	
Date: 16 November 2018	
Date analysis to be reviewed based on rating (high impact – review in one year, medium impact - review in two years, low impact in three years)	