

Direct Payment Policy Consultation 2023 – 2024

Summary example of findings and actions to be taken

A summary example of the key findings are detailed below, this includes the consultation question, comments received in support or opposing, with actions that will be taken.

- 1 Section 15 – restrictions on the use of a direct payment. The consultation survey asked the question ‘how strongly do you support or oppose the restrictions on the use of direct payment as described’. 80% of survey respondents supported restrictions on the use of Direct Payments as described, 14% opposed them and 6% neither support or oppose.
- 2 Comments received in support of restrictions included:
 - *Agree that there should be restrictions*
 - *Travel costs with a personal assistant authorised activities should be permitted*
- 3 Comments received opposing restrictions included:
 - *Help with travel costs would be greatly appreciated*
 - *There needs to be clearer guidance on exceptional circumstances as one person may be granted and another not for the same thing. Also allowances should be paid on certain circumstances for living expenses giving the cost of living rise. Consideration given to national shortage of PAs available*
- 4 Action to be taken, travel costs and the local transport policy will be clearly defined in the review of the adult social care charging policy. Allowances for living costs would be appropriately considered as part of an adult financial assessment and further detail on this is explained in the adult social care charging policy.
- 5 Section 17 – personal assistants and self-employed personal assistants. The consultation survey asked the question ‘do you agree with the definition of the role of a Personal Assistant, is it clear regarding the responsibilities of being a good employer, and do you support or oppose the use of self-employed personal assistants for adult Direct Payments.
- 6 88% of survey respondents agreed with the definition of a personal assistant, 6% did not agree and 6% did not know or had no opinion. 80% of respondents felt that the section was clear regarding the responsibilities of being a good employer. 73% of survey respondents

supported the council using self-employed personal assistants for adult Direct Payment recipients. 76% of respondents indicated that they employ a personal assistant directly, while 31% indicated their personal assistants are self-employed.

- 7 Comments received in support of self-employed personal assistants included:
- *There is a lot to employing someone and so I think the Policy should direct Policy users to other information/documents so that they can understand what it can involve.*
 - *Happy to see self-employed PA's as this has been a long standing issue in Adults especially with audit*
 - *The PA's I use are self-employed and prefer this status as they can choose when they are available to be on the rota giving them flexibility to other work elsewhere. I have used this method for over 10 years and to date works well.*
- 8 Comments received opposing the use of self-employed personal assistants included:
- *My PA has another job and so they would not appreciate having to do their own tax & national insurance*
 - *Because unless a high enough wage to cover all the additional deductions /no holiday pay, it will not be viable to manage for these self-employed carers.*
- 9 Action to be taken in support of the feedback received is a suite of supporting documentation is currently being developed that includes what is a direct payment, what is a personal assistant, and employment status - employed or self-employed status. Documents will be developed in easy read format.
- 10 Section 19 – pooled budgets Direct Payments. The consultation survey asked, 'do you support or oppose the use of a pooled budget to meet common needs and achieve better outcomes for individuals as a group of people together'. 74% of survey respondents supported the use of pooled budgets to meet common needs and achieve better outcomes for individuals, 18% neither support or oppose and 8% opposed.
- 11 Comments received in support of pooled budgets included:
- *This seems like a good option for people who may choose to do this*
 - *If it works for people who know each other then that's good, but unlikely that in reality this would be used much as children/adults have varying needs and require specific day/time which another one may not need*

- 12 Comments received opposing the use of pooled budgets included:
- *Becomes very messy if one or more is using DP inappropriately and DP is suspended / ended*
- 13 Comments by those that neither support or oppose the use of pooled budgets included:
- *Can see pros and cons of this. Could be open to one recipient using their Direct Payments to contribute whilst other's don't. Would need to be manage and monitored.*
 - *Don't really understand this, would need more information on how this works in reality.*
- 14 Action to be taken, a pooled budget agreement will be developed clearly outline everyone's roles and responsibilities for their pooled budget arrangements. This will include clear guidance in respect of what happens if these arrangements are increased, ended or suspended. In addition, a pooled budget factsheet will be developed including easy read and will be publicised on LiveWell.
- 15 Section 20 – emergency and contingency arrangements, the purpose of asking respondents this question was as a reminder emphasising the importance that they should have emergency and contingency arrangements in place. 58% of survey respondents commented that have made their arrangements or have contingency plans in place to cope with emergencies, 42% responded that they do not.
- 16 Comments received in by respondents who answered no, included:
- *I use family support in emergencies*
 - *We explored several options but non were suitable as the subject's care is a mixture of personal assistant and parental care. No suitable respite care existed when we explored options for parental care not being available in an emergency. I believe this whole are needs to be revisited.*
 - *It is difficult to find reliable people to support us in emergencies*
 - *Still awaiting contact from social worker for care package to be fulfilled*
 - *Have not considered.*
- 17 Actions to be taken, as part of the setting up of a Direct Payment and ongoing conversations with the recipient and/or their representative emergency and contingency arrangements are discussed. This features as part of the audit and will be revisited for each recipient to ensure that they are taking appropriate action to have such plans in

place. Adult and children Direct Payment recipients can be supported by adult direct payment support service and children Short Breaks Team if support is required in this area.

- 18 Section 27 – safeguarding and DBS checks. The consultation survey asked ‘are you aware of safeguarding procedures and the requirement for a DBS check to be carried out for both children and adult Direct Payments’. 90% of survey respondents are aware of safeguarding procedures and the requirement for a DBS check to be carried out for both children and adult Direct Payments and 10% were not aware.
- 19 Comments received by those that answered ‘yes’ included:
- *Should be document that all are aware of risks*
 - *A DBS is only meaningful on the day it is carried out. There should be more regular checks.*
- 20 Comments received by those that answered ‘no’ included:
- *It would be helpful if the council could provide help and support with these checks as wouldn’t know ow to do it on a personal level although recognise the importance of them*
 - *I have never been told the procedure and how the short breaks team do a DBS check for their PAs*
- 21 Action to be taken, it is important that operational colleagues and support provided by the adult Direct Payment support service and children Short Breaks Team remind recipients that it is their responsibility to ensure all staff recruited are subject to regular DBS checks being completed. This will be reminded as part of the audit process.
- 22 Section 29 – finance and monitoring prepaid cards. The consultation survey asked ‘how strongly do you support or oppose the introduction of a prepaid card for Direct Payments’. 46% of respondents supported the introduction of a prepaid card, 26% neither supported or opposed and 29% opposed the use of a prepaid card.
- 23 Comments received from respondents in support of prepaid cards included:
- *Much more flexible and appealing to people*
 - *Should make the process less stressful*
 - *As Direct Payments pay for regular expenses such as personal assistant salary, there needs to be a method for both direct transfer and for adjustments. It is not clear how the move to prepaid card supports this*

- *More visible to CE ensuring any misuse can be picked up and actions in a timely manner*
- 24 Comments received from respondents that opposed prepaid cards included:
- *A separate bank account should suffice*
 - *Present system of having separate Direct Payment bank account works well*
 - *If clients are having to top up it would be easier to have it all paid from one account*
- 25 Comments received from respondents that neither supported or opposed or didn't know included:
- *Not sure how that works*
 - *This could work on some instances but not if paying people directly into their bank account for work*
 - *Happy with lighter audit but not sure how payments to a service would occur*
 - *The policy document and all other related media needs to be very clearly written with explanations so everyone can understand it and so not fall foul of using the card incorrectly. I am all for it if it prevents fraud/theft.*
- 26 Actions to be taken, to support the implementation of prepaid cards a factsheet is being developed detailing the following - what is a prepaid card, benefits of a prepaid card, set up and use, making payments using the card, loading money on to the card (client contribution and top up) and queries about the card. Information will be provided in written format including easy read and will be publicised on LiveWell.
- 27 Overall, 9 respondents comments on the Direct Payment policy, these included:
- *I have never been given any policy in the years my son has received Direct Payments this policy will create clarity for people managing the budget*
 - *The respite breaks I get enabled by the Direct Payments are literally life savers*
 - *The draft policy seems very similar to the existing Direct Payments policy apart from the prepaid card proposal, so I can't see what significant difference adopting it would make to current recipients*
 - *29.7 a Direct Payment should not be made before a financial assessment has been completed*

- *As long as there isn't a reduction of available funds for this service as it is not enough as it is. With Cheshire East on the verge of bankruptcy, regardless it would be unlawful that they use this area in any way to claw back funds from vulnerable persons who are already having a difficult time*
- *I think PA's should get double time for working during Christmas etc.,*
- *Our main difficulty following the agreement method of payments in advance – is that we can't predict what the payment will be due to differing hourly and weekend rates, intermittent price increases, differing month length. May help if CE remittance timing matched outgoings to care agency ie all calendar month rather than 4 x 13 per year.*
- *Also delay of several months in our audit feedback meant that recommendations were outdated and no longer relevant*
- *Direct payments are very restrictive. More flexibility in their use in those things are associated with activities provided by a PA would be welcome. Examples are train tickets, fuel, etc., there could also be some circumstances where access to activities for the PA could be covered to ensure the entitled person has the support they need*

28 Individual feedback was received from the organisation Disability Positive whose expressed concerns regarding the increased use of self-employed personal assistants which could lead to an increased liability risk for direct payment recipients. The feedback that Disability Positive provided is incorporated in the consultation report.