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AGENDA

Committee	COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE
Date and Time of Meeting	WEDNESDAY, 18 JANUARY 2017, 5.00 PM
Venue	COMMITTEE ROOM 4 - COUNTY HALL
Membership	Councillor McGarry (Chair) Councillors Ali Ahmed, Carter, Ralph Cook, Chris Davis, Magill and Sanders

Time approx.

1 **Apologies for Absence**

To receive apologies for absence.

2 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

3 **Minutes** (*Pages 1 - 6*)

To approve as a correct record the minutes of the previous meeting.

4 **Adult Safeguarding** (*Pages 7 - 62*)

5.00 pm

- (a) Cllr Elsmore Cabinet Member (Health, Housing and Wellbeing) will be in attendance and may wish to make a statement;
- (b) Tony Young Director Social Services, Irfan Alam Assistant Director Children's Services and Alys Jones Operational Manager Safeguarding will be in attendance to answer Members' questions;
- (c) Members of the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan will attend to contribute to the discussion and answer Members' questions:
 - o Superintendent Stephen Jones – South Wales Police.
 - o Sheila Harrison, Acting Deputy Executive Nurse Director, Cardiff & Vale University Health Board.

- In addition, Linda Hugh–Jones (Head of Safeguarding, Cardiff & Vale University Health Board), will attend to assist in answering Members’ questions. Simon Burch, the representative on the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan from the National Independent Safeguarding Board, have also been invited to attend.

(d) Members question and answer session.

5 Direct Payments Pre Decision Scrutiny (Pages 63 - 138) 6.00 pm

(a) Cllr Elsmore Cabinet Member (Health, Housing and Wellbeing) will be in attendance and may wish to make a statement;

(b) Tony Young Director Social Services, Sarah McGill Director Communities Housing and Customer Services and Amanda Phillips Assistant Director Adult Services will be in attendance to answer Members’ questions;

(c) Denise Moriarty Strategic Lead Planning Officer Learning Disabilities (Cardiff & Vale) and Sam Harry Category Manager Commissioning & Procurement will be in attendance to answer Members’ questions;

(d) Members question and answer session.

6 Committee Business Report (Pages 139 - 158) 7.00 pm

7 Way Forward 7.10 pm

8 Date of next meeting

The next meeting of the Community and Adult Services Scrutiny Committee is scheduled for 13th February 2017 at 2.30pm in CR4 County Hall (Budget Scrutiny).

Davina Fiore

Director Governance & Legal Services

Date: Thursday, 12 January 2017

Contact: Andrea Redmond, 029 2087 2434, a.redmond@cardiff.gov.uk

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

7 DECEMBER 2016

Present: County Councillor McGarry(Chairperson)
County Councillors Ali Ahmed, Carter, Chris Davis and Sanders

43 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ralph Cook and Julia Magill; Councillors Davis and Sanders had previously advised that they would be late arriving.

44 : DECLARATIONS OF INTEREST

Councillor Sanders declared a personal interest in Item 4 as she has a family member in receipt of domiciliary care via direct payments.

Councillor Ahmed declared a personal interest in Item 5 as he has a family member who owns property.

45 : MINUTES

The minutes of the meeting held on 2 November 2016 were agreed as a correct record and signed by the Chairperson.

46 : DIRECT PAYMENTS

The Chairperson welcomed Councillor Susan Elsmore Cabinet Member (Health, Housing and Wellbeing), Tony Young Director Social Services, Sarah McGill Director Communities Housing and Customer Services, Amanda Phillips Assistant Director Adult Services; and Denise Moriarty Strategic Lead Planning Officer Learning Disabilities (Cardiff & Vale) to the meeting.

The Chairperson invited the Cabinet Member to make a statement in which she reiterated the importance officers and herself place on Direct Payments to provide users with choice, control and independence over their lives; £6.7million was spent on direct payments, a project group had been established to look at new processes and models of delivery.

Members were provided with a presentation on Direct Payments and the Chairperson then invited questions and comments from Members;

- Members thanked officers for a very good presentation and noted that they appreciate stretched targets and being ambitious. Members asked about Direct Payment rates and whether they were comparable across Wales. Officers advised that the current rate was subject to the budget and when completed the information would be forwarded to Members; officers also noted that it was important to compare like with like and that what the agency is paid, is not what the PA is paid.

- Members asked how it could be ensured that during the tender process, service users keep the quality and consistency they are used to. Officers advised that they were working on support specifications and managed banking specific aspects currently, and that the evaluation of tenders would include a quality aspect. Officers further advised that there was a degree of duplication at the moment, and there was a clear understanding needed of roles direct payments can play in the preventative agenda overall. The evaluation process will include people who are in receipt of direct payments as their views are very important.
- Members noted that there was no information on domiciliary care providers current arrangements, especially the pick list that is available to those who have a PA; officers stated that, when it was discussed, it was clear that the support element was very important, the pick list is what someone may require under the support element and managed account element at different times, as they are different components.
- Members sought assurance that if an individual has care through an agency, the principles of the Direct Payments process is the same and were advised that yes it was, it was just which route it was chosen through, PA or Agency; users would be encouraged to have a PA. There was further work needed with the market regarding the agency rate as currently people have to top up.
- Members sought clarification on the retainer fee and asked what it pays for; officers explained that it's for the on-going ability of the service user to connect back with the provider whenever they need to. In the future, the components would be broken down and a fee placed next to each one; benchmarking has been undertaken and providers now publish their costs; an envelope cost exercise would be done too. Officers added that it was important in the specifications to be clear of the role of the Council, a robust contract management process needed to be in place.
- Regarding the costs being divided up, Members asked how the balance was struck between what the service user thinks they need and what the social worker thinks they need. Officers explained that there would be advice and support and the beginning of the process, choice/support provided, people were signposted and preventative measures were put in place as much as possible.
- Members considered the reference to the Council's employment seeking service being used to find PA's and asked how this would work in practice. Officers stated that the key is identifying it, use the Into Work programme to look at training, link to opportunities in the geographical area and use existing pathways. It was a way of growing our own workforce across the sector with safeguards in place and setting standards on qualifications and expectations.
- Members asked about the One Stop Shop and where it would sit; Officers advised that it would be accessed through Assessment in the Social Services Directorate.

- Members asked if the £200k saving would be achieved; officers stated it would be a challenge but they were clear about being prescriptive, paying for actuals rather than a set fee and hoping for greater value for money.
- Members asked for more information on the interim contract and were advised that this was needed to manage the change and provide consistency. The PA's won't change, the potential is for the support and managed banking to change; previous transitions have been successful, workshops have been held to engage and reassure service users and this has worked well; providing continuity and no detriment was key.
- Members asked for more information on rates; officers advised that they have looked at all authorities in Wales, their frameworks and criteria; they have also looked at growth, the national living wage and ensuring that rates are fair and equitable; finance are currently doing the financial modelling. The Cabinet Members added that lots of work had gone on and this would continue until we get it right.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

47 : PRIVATE RENTED SECTOR HOUSING

The Chairperson welcomed Councillor Bob Derbyshire Cabinet Member (Environment); Dave Holland Head of Regulatory and Supporting Services, Will Lane Operational Manager, Public Protection and Bethan Jones Operational Manager Rent Smart Wales to the meeting.

The Chairperson invited the Cabinet Member to make a statement in which he stated that there had been great challenges with Rent Smart Wales, it has been a steep learning curve and not all the answers have been found as yet.

The Chairperson invited questions and comments from Members;

- Members asked if there was a publically available list of who is licensed in each ward under the additional licensing scheme, including who has been reprimanded, that Councillors and residents can access. Officers explained that licence records are in the public domain and available on demand from the licence register, which is an excel document; for public interrogation; there is no list of prosecutions; however high profile prosecutions are publicised through the media. Officers further advised that Shared Services are planning to use its website to publish lists of prosecutions.
- Members asked that with rationalised staff, are officers able to deal with all the minor infringements; officers advised that there is a very large housing base, there are complaints of poor standards of repair etc., and properties have deteriorated from when they were licensed five years ago. Officers further stated that prosecution is a last resort and it means that they have failed in persuading people to come up to standard. Workloads are high and staff are dealing with issues outside the schemes across Cardiff. Officers have to

prioritise as the staffing base across the Shared Regulatory Services three local authorities areas is approximately 23% smaller than it was.

- With reference to the Residential Landlords Association Submission, Members asked if there were any figures to prove that we have better quality; officers explained that they still take enforcement action to bring back up to standard, this was needed to protect public health.
- Members asked regarding Rent Smart Wales, in relation to setting up the process and resources at the end of the process, whether there were adequate enforcement and penalties in place to improve and sustain standards. Officers stated that, as part of the introduction to the Rent Smart Wales scheme, the Welsh Government made money available so that the Shared Regulatory Service could promote the scheme. A financial model was done which intended to fully recover costs including enforcement, compliance etc. It was based on a lot of assumptions and therefore needs regular review. With regards to resources, the model gives an average but there will be increases and decreases in demand, there have been complaints about the services' inability to cope but currently with reduced demand it is coping well.
- Members were concerned that there would not be enough resources to follow through on compliance; officers stated that it was about providing the right resource when needed, the current focus was to get Landlords registered on the scheme now, this focus would change in the next few months.
- Members asked for an update on empty properties in the private sector. Officers had previously explained to Members that they had not transitioned this issue properly through the Shared Regulatory Service, meetings had now taken place and it had been agreed with the Director of Communities Housing and Customer Services that there would be a mail shot to the 150 premises on the list; there would be 20 properties brought back into use by the end of the year and there would be an improvement in the situation in 2017/18. A road map would be produced for Members with information on where to go when problems were identified. Officers have looked at roles, services, how they are delivered and how Members access information.
- Members referred to the Students Union submission and asked what work was being done with them around information, communication, ward councillor work etc. Officers advised that they work with them on wider issues of student integration; in fact Cardiff is an exemplar across the UK for its work with communications to students. There are specific issues with planning, planning officers, a reflection of potential demand and density of HMO's in particular areas. The Cabinet Member stated that there are Student Environment Champions; officers go door to door to ensure students know how to keep the area tidy etc. The University recognises the issues and has given the Council money to continue its work.
- Members asked what proportion of students rent HMO's; Officers didn't have the figures but noted that in Plasnewydd there were more non-student HMO's; Officers would provide this information to Members.

- Members noted the huge discrepancy between those who have completed the training and those that have registered and asked if training had not been completed could they still be registered. Officers explained that any landlord actively managing or letting a property needs a licence, to get the licence they will have had to have completed the training. There had been over 30k registrations in November; registrations once in place last 5 years. Those not licensed will be subjected to enforcement.
- Members asked how many applicants had been refused and were advised that 2 had been refused awaiting outcome from Housing Tribunal. The process was rigorous with lots of steps, such as self-declaration and checking against prosecution registers across the 22 Welsh Authorities.
- Members asked how those who are not registering would be found and action taken. The Cabinet Member stated that they had expected very few refusals as the issue lies further down the line when complaints happen; the threat of losing a licence, having done the training etc. Officers added that Local Authority partners such as housing benefit will be the eyes and ears for those not registered, and people would be investigated; all compliance would be looked at again in 5 years' time when renewals happen.
- With regards to enforcement, officers work with Local Authorities and are able to get data from partners such as housing benefit across Wales, this data can be manipulated to find landlords and also help with fraud, council tax etc.
- Members asked when tangible benefits of the scheme would be seen, and how benefits for tenants would be measured. Officers explained that Welsh Government would evaluate the project, a baseline report had been published a few weeks ago and there would be another in 2/3 years' time. Officers stated that measuring is more difficult, it could be argued that by publicising how to complain and what tenants' rights are may increase the complaints, especially initially. A key indicator of how well the private Rented Sector operates is the house condition survey; Welsh Government will undertake this in time and it is hoped that improved conditions are seen. With regards to outcomes and what they mean, it is about trying to tease out information, consequences of actions taken.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

48 : COMMITTEE BUSINESS

Members were advised that all correspondence was up to date; Members had been provided with copies of responses, also copies of notes from the Performance Panel, which was due to meet next on 12 December to consider the Month 6 budget monitoring report and the budget approach of Adult Social Services.

The Disabled Adaptation deep dive meeting had taken place and the notes were currently being written up.

Members discussed the work programme and agreed to move the proposed Regional Partnership Board item from January 2017 to March 2017 to enable pre-decision scrutiny of the Direct Payments Cabinet Report in January 2017.

RESOLVED: to note the report.

49 : DATE OF NEXT MEETING

The next meeting of the Community and Adult Services Scrutiny Committee is scheduled to take place on 18th January 2017 at 5.00pm in CR4, County Hall, Cardiff.

**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

18 January 2017

ADULT SAFEGUARDING

Purpose of Report

1. To provide Members with background information to inform their scrutiny of adult safeguarding. This report provides: an overview of the duties regarding adult safeguarding, as set out by the Social Services and Wellbeing (Wales) Act 2014; an overview of the Local Safeguarding Adults Board; metrics available re: adult safeguarding in Cardiff; and a copy of the *SSIA¹ Safeguarding Adults: Councillors Workbook*, attached at **Appendix A**.

Scope of Scrutiny

2. As part of work programming discussions for the 2016/17 Municipal Year, Members decided to scrutinise whether the Council and its partners are working together effectively regarding adult safeguarding in Cardiff, with specific focus on:
 - Local Safeguarding Adults Board – governance arrangements and linkages to other partnership and safeguarding working.
 - Service Delivery – safeguarding elements in service delivery – responding to concern re abuse and/ or neglect.

¹ SSIA stands for Social Services Improvement Agency

Overview of Adult Safeguarding

3. The Social Services and Wellbeing (Wales) Act 2014 (hereafter referred to as the Act) sets out the duties and responsibilities for local authorities and relevant partner organisations² with regard to safeguarding. Part 7 details the specific duties and requirements regarding safeguarding. Other parts of the Act also apply to safeguarding cases, such as the overarching duty to promote well-being, to have regard to people's individuality, dignity and views, and support them to participate including considering whether advocacy support is necessary. Practitioners must also have regard to the United Nations Principles for Older Persons, the United Nations Convention on the Rights of Disabled People, as well as the European Convention of Human Rights.
4. The Welsh Government has published some guidance, including an overview of safeguarding and briefings on Adult Protection and Support Orders and Adult Practice Reviews. Detailed guidance on other aspects of practice for adult safeguarding, concerning processes and procedures, is awaited.
5. The Care Council for Wales is co-ordinating training on the Act and various training materials are available on their website by clicking on the following hyperlink: <http://www.ccwales.org.uk/learning-resources-1/the-act/safeguarding/> These have been used in the preparation of this cover report.
6. The Act sets out a new pathway for adult safeguarding, as shown overleaf, which includes:
 - A new definition of an adult at risk
 - A new duty for all relevant partners to report an adult at risk
 - A new duty for a local authority to make enquiries if it has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk.

² The Act defines relevant partners as the police, other local authorities, probation, local health boards and NHS trusts.

Adults Pathway



7. The **new definition of an adult at risk** is an adult who:

- Is experiencing, or is at risk of, abuse or neglect.
- Has needs for care and support (whether or not the authority is meeting any of those needs).
- As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.


8. Abuse and neglect include :

Abuse and neglect

- Physical
- Sexual
- Psychological
- Emotional
- Financial
- Neglect

Taking place in any setting

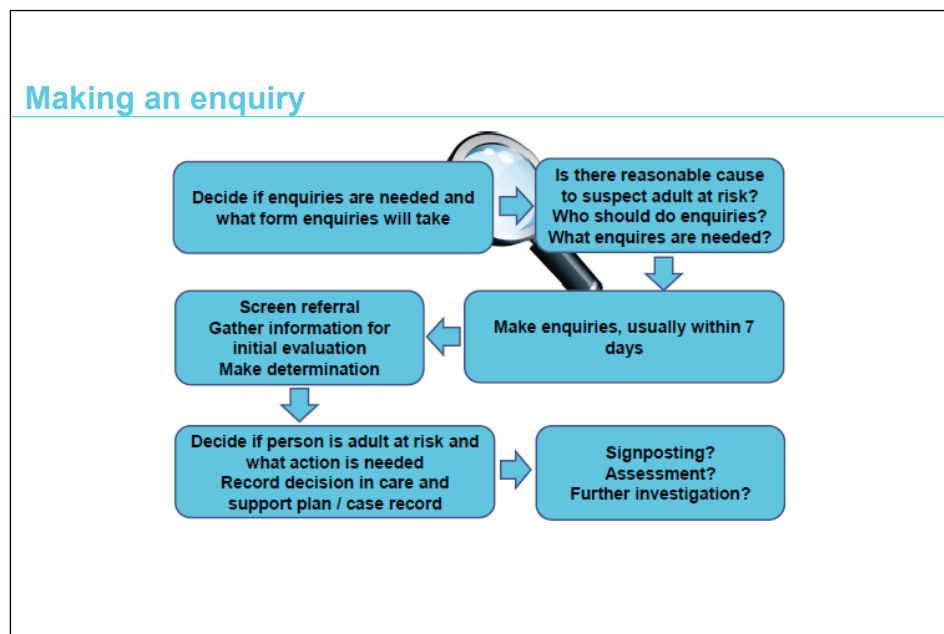
- Violent offences
- Sexual offences
- Property offences
- Hate crime
- Exploitation



9. The **new duty to report an adult at risk requires** relevant partners that have reasonable cause to suspect that a person is an adult at risk and appears to be

within the authority's area or within another local authority's area, to inform the local authority of that fact. Information must be shared in accordance with the 'Welsh Accord for the Sharing of Personal Information' (WASPI). This accord clarifies that organisations should share the minimum necessary information on a need-to-know basis with the person's consent, but can share without consent where there is a risk of abuse or serious harm to themselves, or others.

10. The **new duty for local authorities to make enquiries** applies if a local authority has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk. The local authority must:
- Make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken (whether under this Act or otherwise) and, if so, what and by whom.
 - Decide whether any such action should be taken.



11. Enquiries must start with the person's wishes, feelings, views and needs. However, practitioners should consider whether coercion or intimidation is being used to persuade the person to refuse to participate. Practitioners must also consider mental capacity and must consider advocacy. Enquiries end with a determination about what is needed next, which may be a formal investigation or

a criminal investigation or, where the adult is not at risk, signposting, information or assessment. The decision must be recorded in the care and support plan if there is one, or on the case record if not. Enquiries should be completed within seven working days of a local authority being notified.

12. The Act introduces **Adult Protection and Support Orders (APSO)**, where an Authorised Officer applies to a Justice of the Peace for an APSO to enable:

- The authorised officer and any one with them to speak in private with a person suspected of being an adult at risk.
- The authorised officer to ascertain whether that person is making decisions freely.
- The authorised officer to properly assess whether the person is an adult at risk and to make a decision about any action that should be taken.

Overview of Local Safeguarding Adults Boards

13. The Act establishes Local Safeguarding Adults Boards across Wales. A range of statutory agencies are represented on Boards, including health, probation, the police and local authorities. Boards have two main roles: to prevent abuse, and to protect adults within its area who are experiencing, or are at risk of abuse and/or neglect. Regulations stipulate a Safeguarding Adults Board to cover the Cardiff and Vale of Glamorgan region.

14. Adult Safeguarding Boards (ASBs) have responsibility to review practice and to disseminate information on best practice and ensure that policies and procedures are relevant and fit for purpose. This includes learning from practice reviews and older serious case review findings, which can help local authorities and partner agencies to challenge practice and learn from each other.

15. ASBs should also ensure that service recipient participation is embedded into their work. In particular, Boards must publish a plan each financial year setting

out what they intend to do, and a report on progress and work achieved at the end of that year. They can also ask for, and be asked for, information from partner agencies.

16. Therefore, Boards have an overall responsibility for challenging relevant agencies to:

- Contribute to ensuring national policies / procedures are monitored and remain fit for purpose.
- Raise awareness regarding risk of abuse, neglect and other forms of harm
- Review efficacy of measures for each lead agency.
- Undertake practice reviews and audits and make and monitor any recommendations.
- Disseminate information on best practice, facilitate research into protection and review training needs.
- Co-operate with other boards and seek specialist advice or information when appropriate.

17. The Care Council For Wales' safeguarding training cite the following research recommendation to support boards to have good governance:

Research ([The governance of adult safeguarding: findings from research into Safeguarding Adults Boards, SCIE, 2011](#)) - recommendations to support boards to have good governance:

- Strong statements of strategic purpose and scope, with explicit multi-agency commitment
- Clear structures with explicit divisions of responsibility and robust coordinating mechanisms
- Explicit commitments on membership, in roles that are understood and agreed, including clarity on the authority of the Board in relation to member agencies
- Broad stakeholder involvement
- Clarity on the role and status of the chair, and Board rules of engagement, including resources
- Strategic leadership on a range of functions, including strategic planning, policy and procedural guidance for member agencies, performance monitoring and quality improvement
- Explicit involvement of people who use services and carers in the work of the Board, and standards for their empowerment in all safeguarding activity
- Clear internal standards for Board performance, and clear external accountability routes

Overview of National Independent Safeguarding Board

18. The National Independent Safeguarding Board, established by the Act, has the following duties:

- To provide support and advice to Safeguarding Boards with a view to ensuring that they are effective.
- To report on the adequacy and effectiveness of arrangements to safeguard children and adults in Wales.
- To make recommendations to the Welsh Ministers as to how those arrangements could be improved.

19. The establishment of a National Board aims to ensure that safeguarding for children and adults in Wales is consistent, effective and accountable. Whilst members of local safeguarding boards are not accountable to the national board (they are accountable to their individual agencies), they do give an annual report to the National Board.

20. The Welsh Government appoints the members of the Board through a public appointment exercise. The members are:

- Dr Margaret Flynn (Chair) – undertook the reviews into Winterbourne View hospital in South Gloucestershire and Operation Jasmine review in Gwent.
- Keith Towler, the former Children’s Commissioner for Wales.
- Ruth Henke QC, an eminent lawyer in the protection of children and vulnerable adults.
- Simon Burch, a former director of social services at Monmouthshire Council.
- Jan Pickles OBE, Programme Director at the NSPCC.
- Rachel Shaw, designated nurse, safeguarding children at Public Health Wales.

Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan

21. Regulations stipulate a Safeguarding Adults Board for the Cardiff and Vale of Glamorgan region. Attached at **Appendix B** is the draft '*Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan: Governance and Strategic Priorities 2017- 20*'. This paper sets out:

- Governance arrangements, including terms of reference and membership
- Board Priorities 2017-2020
- Financial information
- Action Plans 2017-2020.

The paper is draft and does not currently include adult safeguarding data or details of service user engagement.

22. The governance section highlights that the Board will establish four sub-groups, which are: Adult Practice Reviews; Training; Quality Assurance and Audit; and Communication and Engagement. It also states that there will be an Executive Group that will ensure that '*the priorities and duties of the Board ... are met and that the actions agreed and ratified by the Board in its business plan are implemented.*' The Board is chaired by Tony Young, Director of Social Services, Cardiff Council. The Board will meet six monthly and the Executive Group will meet at least quarterly.

23. The introduction to the paper states that the Board has held three workshops to develop the Board and agree the main priorities for the next three years. There is an Action Plan for each of the priorities, attached as appendices to the paper. The priorities are:

- Domiciliary Care and Nursing Homes
- Dementia.

Performance Overview

24. Social Services has provided the following information with regard to referrals received, investigations undertaken and the outcome of the allegation as well as information on the type of abuse.

Referrals

	2015-16	2016-17
Referrals received that met the threshold of significant harm/ proceeded to investigation	107	246
Referrals received that did not meet the threshold of significant harm	119	
Number of inappropriate referrals received	116	
Total number of referrals received during the year	342	761

Type of POVA investigation

	2015-16	2016-17
Criminal	34	86
Non-Criminal	90	206
Total	124	292

Outcome of Allegation

	2015-16
Allegation Withdrawn	5
Admitted	6
Proved	29
Disproved	39
Inconclusive	25
Likely on the balance of probability	6
Unlikely on the balance of probability	6
Other	8
Total	124

Type of Abuse

	2015-16	2016-17
Physical	48	216
Sexual	11	45
Emotional/ Psychological	12	158
Financial	14	136
Neglect	60	243
Domestic	6	110
Racial	0	1
Domestic and Racial abuse	0	1

Type of Abuse (taken from VA4 2015-16)

	Gender	18-64	65+	Total
Emotional/ Psychological	Male	3	4	12
	Female	3	2	
Financial/ Material	Male	1	3	14
	Female	2	8	
Neglect	Male	9	17	60
	Female	8	26	
Physical	Male	13	5	48
	Female	15	15	
Sexual	Male	3	0	11
	Female	7	1	
Sub-total	Male	29	29	58
	Female	35	52	87
Total		64	81	145

Way Forward

25. At the meeting, the following members of the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan will attend to contribute to the discussion and answer Members' questions:

- Superintendent Stephen Jones – South Wales Police.
- Sheila Harrison, Acting Deputy Executive Nurse Director, Cardiff & Vale University Health Board.

26. In addition, Linda Hugh–Jones (Head of Safeguarding, Cardiff & Vale University Health Board), will attend to assist in answering Members’ questions. Simon Burch, the representative on the Safeguarding Adults Regional Board Cardiff and The Vale of Glamorgan from the National Independent Safeguarding Board, has also been invited to attend.

27. Councillor Susan Elsmore (Cabinet Member for Health, Housing and Wellbeing), may wish to make a statement. The following officers will attend to contribute to the discussion and answer Members’ questions:

- Tony Young – Director of Social Services and Chair of Local Safeguarding Adults Board.
- Ifan Alam – Assistant Director of Children’s Social Services and lead officer for safeguarding across Social Services.
- Alys Jones – Operational Manager – Safeguarding.

28. As part of the scoping exercise for this scrutiny, Members identified that they particularly wished to ask questions testing whether there are robust arrangements in place across key partners (particularly councils, the NHS and Police) to respond to concerns about abuse and neglect, including the following:

- how abuse is being prevented through good multi-agency work and assuring quality care;
- how well services work to improve outcomes for people who have experienced harm and abuse;
- how far care and protection plans are keeping people safe from abuse;
- how agencies are ensuring that people’s human rights are respected;
- how agencies are involving people fully in decisions about their lives especially when they don’t have capacity;
- how services uphold the right to justice for people who have experienced harm or abuse;
- How well services address what happens to the people who have harmed or abused others;

- Does the Local Safeguarding Adults Board have the resources, both financial and human, to undertake its role effectively and deliver its business plan?

29. Members particularly wished to explore the safeguarding mechanisms for personal assistants (Direct Payments), self-funded care arrangements and commissioned services. Members stated that they wished to understand referral thresholds and processes and how lessons are learned from serious case reviews and regulators.

30. Members aim to take a view on the following:

- Are services (health and social care and police responses particularly) in our area good enough to prevent neglect or abuse?
- Is the Local Safeguarding Adults Board effective in leading and holding individual agencies to account and ensuring effective multiagency working?
- Do services engage with people and can they demonstrate that they make a positive difference when concerns about abuse or neglect are raised?

Legal Implications

31. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be

undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

32. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- I. Consider the information provided in the report, appendices and at the meeting
- II. Agree any comments and observations committee wishes to make to Cabinet.

DAVINA FIORE
Director of Governance and Legal Services
12 January 2017

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ssia

Social Services Improvement Agency
Asiantaeth Gwella'r Gwasanaethau Cymdeithasol

Safeguarding Adults: Councillors Workbook



WLGA CŵLUC



Leading Social Services
in Wales
Yn arwain
Gwasanaethau Cymdeithasol
yng Nghymru



Llywodraeth Cymru
Welsh Government

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Summary of Key Points

The Social Services and Well-being (Wales) Act 2014 put safeguarding adults on a statutory footing. The Act and associated Regulations introduces new arrangements for adults at risk to cover both preventing abuse and neglect occurring and responding once concerns are raised.

These new arrangements include:

- A duty of relevant partners (including the police, probation, the NHS and others) to report suspicions of an adult being at risk of abuse or neglect to the local authority
- The introduction of Adult Protection and Support Orders, which enables professionals to gain access to premises to make an assessment to determine whether an adult suspected to be at risk is making decisions freely and if any action is required
- The establishment of six Safeguarding Adults Boards across regions in Wales to prevent abuse and neglect and protect adults at risk of it
- The establishment of a National Independent Safeguarding Board to advise and support safeguarding boards

Councillors have a key role to play in safeguarding adults in a number of ways including:

- Ensuring that through the decisions they take, or through their participation in scrutiny activities, they contribute to preventing abuse and neglect occurring
- Assuring themselves that there are robust arrangements in place across key partners (particularly councils, the NHS and Police) to respond to concerns about abuse and neglect
- Raising awareness about the abuse and neglect of adults in their ward work
- Being aware of how to report abuse or neglect should they or their constituents become aware of it.

Key questions that councillors may wish to ensure that officers and partners can respond to are:

- Are services (health and social care and police responses particularly) in our area good enough to prevent neglect or abuse?
- Do services engage with people and can they demonstrate that they make a positive difference when concerns about abuse or neglect are raised?
- Do people look out for each other in our communities and do they know how to raise concerns?

Foreword

Every Councillor has responsibilities in relation to safeguarding adults. Those responsibilities include your work with constituents and in the debate and decision making that you contribute to as part of the council.

Alongside the NHS and the Police, councils have a key responsibility to lead in preventing the abuse and neglect of adults with care and support needs and in ensuring that there is a good response when concerns are raised. It is your role to hold to account those with statutory responsibility, the Lead Member and Director, and to ensure that adults' rights to life and freedom from inhuman or degrading treatment are safeguarded, alongside their rights to privacy, a family life, a fair hearing and to liberty and security.

Daunting stuff – but thankfully, you will be supported in your responsibilities at a local level within your authorities, and through WLGA, SSIA and Welsh Government. This short guide is intended to give you an outline of your role as a Councillor, a list of additional resources to follow up, a checklist for your authority, and a personal checklist, to help equip you with the information you need to be an effective councillor in this area.

Who are we safeguarding?

Over the last 15 years the issue of safeguarding and protecting adults who are more vulnerable has had increasing importance. The Welsh Government's Guidance 'In Safe Hands' (2000) was the first comprehensive policy framework for safeguarding adults. Councils were given the lead role in developing local policies and procedures in partnership with the police and NHS organisations. This is now formalised in the Social Services and Well-being (Wales) Act 2014, which puts safeguarding adults on a statutory footing for the first time. It defines the people to be safeguarded as adults who are 'at risk':

'An "adult at risk"... is an adult who -

- a) is experiencing or is at risk of abuse or neglect,*
- b) has needs for care and support (whether or not the authority is meeting any of those needs), and*
- c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.'*

Safeguarding adults differs from the safeguarding and protection of children in a number of ways. A key difference is that while there is a legal expectation that children are protected from physical or psychological damage, adults who are able to make decisions for themselves (who have 'mental capacity') have a right to make their own choices, take risks, be free from coercion and to be consulted and involved in their own safeguarding plans. Adults without mental capacity who are unable to make important decisions for themselves have legal safeguards under the Mental Capacity Act (2005).

Safeguarding is about people and everyone is different.

What constitutes abuse and neglect?

People may be abused or neglected at home, in their communities, in a care home, at hospital, in college or at work, at day and community centres or other places where people spend their time or receive services.

The Act provides definitions of 'abuse' and 'neglect':

"Abuse" means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place), and "financial abuse" includes - having money or other property stolen, being defrauded, being put under pressure in relation to money or other property; having money or other property misused;

"Neglect" means a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being (for example, an impairment of the person's health).

Because they are described as abuse or neglect, this doesn't take away from the fact that many of these acts or omissions are crimes. Here are some examples given in the draft statutory guidance (example case studies for each of the following can be found in **Appendix 1**):

Physical abuse - hitting, slapping, over or misuse of medication, undue restraint, or inappropriate sanctions;

Sexual abuse - rape and sexual assault or sexual acts to which the vulnerable adult has not or could not consent and/or was pressured into consenting;

Psychological abuse - threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks; coercive control is an act or pattern of acts of assault, threats, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim

Neglect - failure to access medical care or services, negligence in the face of risk-taking, failure to give prescribed medication, failure to assist in personal hygiene or the provision of food, shelter, clothing; emotional neglect

Financial abuse in relation to people who may have needs for care and support - unexpected change to their will;

- sudden sale or transfer of the home;
- unusual activity in a bank account;
- sudden inclusion of additional names on a bank account;
- signature does not resemble the person's normal signature;

- reluctance or anxiety by the person when discussing their financial affairs;
- giving a substantial gift to a carer or other third party;
- a sudden interest by a relative or other third party in the welfare of the person;
- bills remaining unpaid;
- complaints that personal property is missing;
- a decline in personal appearance that may indicate that diet and personal requirements are being ignored;
- deliberate isolation from friends and family giving another person total control of their decision-making.

People who abuse or neglect vulnerable adults largely fall into four main categories:

- paid staff members or support workers
- family members, partners or carers
- neighbours and members of the community and
- other adults who themselves have care and support needs.

How are people safeguarded?

Safeguarding adults takes place in communities through a number of different factors:

- awareness raising and an absence of tolerance of abuse
- effective responses from social services, the police, NHS and others to concerns raised about abuse or neglect
- providing access to services needed, advocacy, justice and support
- using learning from practice reviews to improve services.

Policy and practice around safeguarding adults has developed rapidly over the past 12 years as society has become more aware of abuse and neglect in institutions, in private homes and in the community. This is partly due to high profile cases including the deaths of Stephen Hoskin, Fiona Pilkington and her daughter; and the investigations into Winterbourne View, Ash Court and other establishments.

Safeguarding Adults Boards

Adult safeguarding is everybody's business. Any person may recognise and report abuse or neglect, and everyone can play a part in building communities where abuse does not happen.

All of the bodies responsible for adult safeguarding need to work effectively with each other. Some organisations have specific responsibilities towards adults at risk of abuse and neglect. This includes councils, the police and the NHS.

In Wales Safeguarding Adults Boards are established in legislation alongside Safeguarding Children's Boards and a National Independent Safeguarding Board. Their objectives are to prevent adults who have needs for care and support from becoming at risk of abuse or neglect and to protect them.

Councils are lead partners and partners include the police, Local Health Board, any NHS Trust providing services in the area, the Secretary of State in relation to the discharge of Offender Management, and Probation.

The areas Boards cover and the lead partners are set out in the [Safeguarding Boards \(General\) \(Wales\) Regulations 2015](#). For adults, these are as follows:

Safeguarding Board area	Covering	Lead Partner
North Wales Safeguarding Adults Board	Isle of Anglesey Gwynedd Conwy Denbighshire Flintshire Wrexham	Conwy County Borough Council
Gwent Safeguarding Adults Board	Baenau Gwent Caerphilly Monmouthshire Torfaen Newport	Caerphilly County Borough Council
Cwm Taf Safeguarding Adults Board	Merthyr Tydfil Rhondda Cynon Taf	Rhondda Cynon Taf County Borough Council
Western Bay Safeguarding Adults Board	Bridgend Neath Port Talbot Swansea	Neath Port Talbot County Borough Council
Mid and West Wales Safeguarding Adults Board	Powys Ceredigion Carmarthenshire Pembrokeshire	Carmarthenshire County Council
Cardiff and Vale Safeguarding Adults Board	Cardiff Vale of Glamorgan	City of Cardiff Council

The role of the lead partner is to establish the Board, and thereafter to provide Welsh Ministers with information on the performance of the Board, if required to do so.

What is the role of councillors in relation to safeguarding adults?

All members have a role to play in safeguarding adults, but some members will have additional responsibilities as a Lead Member, Chair or member of a relevant scrutiny committee.

Hints and Tips:

Councillors have a key role to play in safeguarding adults in a number of ways including:

- Ensuring that through the decisions they take, or through their participation in scrutiny activities, they contribute to preventing abuse and neglect occurring
- Assuring themselves that there are robust arrangements in place across key partners (particularly councils, the NHS and Police) to respond to concerns about abuse and neglect
- In raising awareness about the abuse and neglect of adults in their ward work
- In being aware of how to report abuse or neglect should they or their constituents become aware of it.

All councillors

As councillors with a key role in communities, championing the wellbeing of their constituents, councillors are in a position to pick up concerns and raise awareness of adult safeguarding. They may become aware of individual cases of abuse through their work with constituents and so have a duty to report it.

As part of their governance role, holding their colleagues, council officers and their partners to account, and accounting to their constituents for what has been done, all Councillors have a responsibility to ask questions of lead members and other partner organisations about the safety of adults in their area, and about the outcomes of adult safeguarding.

Lead Member for Adult Services

Every council has a councillor that is the Lead Member for Social Services; a role with responsibility for the political leadership, accountability and direction of the council's services. The Lead Member has a role in ensuring that the various departments within a council work together to promote wellbeing, prevent social exclusion and protect adults from abuse.

Members of Overview and Scrutiny Committees

Councillors in OSC have a crucial role in ensuring that the system works through holding leaders to account. OSC members need to review the work of Social Services and Regional Safeguarding Boards to find out:

- how abuse is being prevented through good multiagency work and assuring quality care
- how well services work to improve outcomes for people who have experienced harm and abuse
- how far care and protection plans are keeping people safe from abuse

- how agencies are ensuring that people's human rights are respected
- how agencies are involving people fully in decisions about their lives especially when they don't have capacity
- how services uphold the right to justice for people who have experienced harm or abuse
- how well services address what happens to the people who have harmed or abused others.

Councillors in other relevant roles

Councillors who are members of bodies which have a safeguarding remit such as, Community Safety Partnerships, Police and Crime Panel, Hate Crime or Domestic Violence Partnerships, Community Cohesion bodies, and the NHS will need some knowledge of adult safeguarding in order to fulfil their responsibilities and know what questions to ask.

Councillors will need to be aware of the links between safeguarding adults and safeguarding children, for example, the behaviour of an adult may be abusive to children and another vulnerable adult.

Key Questions

Key questions that councillors may wish to ensure that officers and partners can respond to are:

Your council:

Do you know who the lead officer and lead councillor for adult safeguarding are within your council?

What training is made available to staff and councillors on safeguarding policies, procedures and practice?

Do services engage with people and can they demonstrate that they make a positive difference when concerns about abuse or neglect are raised?

Your council and its partners:

Are services (health and social care and police responses particularly) in our area good enough to prevent neglect or abuse?

Is the Safeguarding Adults Board (SAB) effective in leading and holding individual agencies to account and ensuring effective multiagency working?

How well is your council doing?

Does the SAB have the resources, both financial and human, to undertake its role effectively and deliver the SAB business plan?

Your community:

Do people in our communities look out for each other? Are members of the public in your authority area aware of what adult abuse is and do they know what to do if they have concerns about it?

Is there evidence of the difference that safeguarding work is making to adults in your community? Are people safer, do they feel safer, and are their circumstances improved?

Safeguarding is a shared responsibility across the whole local authorities and all services make consideration to safeguarding. Of course, as with any issue you come across as a member, if you are concerned that something is wrong, you have a responsibility to relay your concerns to the relevant officer – your statutory Director or Chief Executive.

Conclusion

Safeguarding Adults is a crucial aspect of local authority work, linking to many local agendas, including police and criminal justice, care quality, disability hate crime, community safety and cohesion, domestic abuse, forced marriage, and support for carers.

Growing awareness of the prevalence of abuse makes it all the more urgent and necessary for councillors to take action locally to ensure that everyone, including professionals, the voluntary sector and the general public are made aware of abuse and neglect, how to recognise and report it, who is responsible for intervening, and what people's rights are to protection, support, choice and advocacy.

Adult safeguarding policy and practice is moving rapidly into a new era where values such as preventing harm and promoting dignity, empowerment and choice are taken at least as seriously as numbers of safeguarding alerts and the results of investigations into failures.

This means that there are new roles for councillors in examining how safeguarding is experienced by local people, how people were consulted and involved in developing policies and monitoring services, and how they were involved in their own safeguarding plans and procedures.

Above all, councillors need to know what questions to ask to hold to account those responsible for adult safeguarding, and ensure that everyone is following agreed multiagency procedures, and that appropriate links are made between agencies so that people at risk and needing help are not missed.

Appendix 1 – Case Study examples

Physical abuse

Mrs J and Mrs L are both residents at a residential home that specialises in providing care and support to individuals with a dementia related diagnosis. A member of staff has reported that at dinner time, Mrs J was observed to slap Mrs L on the arm causing Mrs L to cry and leaving a red mark on her forearm.

Why would this be considered to be abuse?

This would be seen as service user on service user physical abuse. Even if the service user didn't have insight into the effect of slap another person. This is because an act occurred that was deemed to be physical assault, in addition to this it would be seen to have caused harm by Mrs L having a mark from the slap and being upset.

Safeguards required:

- Staff initially separated the two ladies to reduce a reoccurrence.
- Staff completed a risk assessment and behaviour management plan.
- Staff reported the incident to the local authority, Social Services Department.
- The Care home advises relatives of the incident and the measures that have been put in place.

Sexual abuse

K is 29 years old. She has a history of mental health problems. She has told her friend that when she was recently unwell and receiving treatment in private hospital, she became friends with her male care worker. She told her friend that they had a sexual relationship but has now told her he doesn't want to see her anymore.

Why would this be considered to be abuse?

K would be viewed to be a vulnerable adult at the time of her hospital admission. The male care worker was in a position of responsibility and therefore abused this position of trust.

Safeguards required:

- The friend or K needs to report the incident to the local authority, social services department.

Neglect

Mr C lives at home with his daughter. He has severe arthritis and diabetes which reduces his dexterity; as a result he is unable to handle his own medication and is reliant upon his family for support with medication and making meals or snacks.

Mr C has been noted on several occasions to suffer from dizzy spells and on one occasion had a diabetic hypo (low blood glucose levels - symptoms vary across individuals). When asked by the diabetic clinic whether he was eating regularly and taking his insulin as recommended, he advised that it isn't as regular as it should be, his daughter had agreed to help with this but was very busy and didn't always get time to help, but he didn't want to trouble her.

Why would this be considered to be abuse?

Mr C's daughter agreed to take responsibility for her father's medication and dietary needs. However has failed to do this. He has experienced deterioration in his health due to this mismanagement of his medication, causing him harm to his well-being.

Safeguards required:

- the clinic staff to report this to the local authority social services department
- clinic to complete medical review of Mr C

Financial abuse

Miss M lives at home alone and is housebound. She relies upon the help of a neighbour to collect her pension and pay her bills. Miss M always speaks fondly of her neighbour saying she would be totally isolated without this support.

A local councillor visiting Miss M notices that the house is very cold and damp, with minimal furniture and threadbare carpets. When asked if the house is always cold, she advised that she had her gas cut off some months ago due to not being able to pay her gas bill. She advised that when she contacted the bank, they told her she didn't have enough money to cover the cost of the bill. Miss M advises that she doesn't understand how this has happened because she thought she had a small amount of savings, but they don't seem to be there anymore.

Why would this be considered to be abuse?

Miss M has put her trust in her neighbour to help with management of her household bills. However it appears the bills have not been paid and her savings are no longer in the bank.

Safeguards required:

- The councillor or Miss M needs to report the incident to the local authority, social services department.
- Miss M needs to be advised to report the possible theft to the police.

Psychological abuse is frequently observed in conjunction with other forms of abuse.

Mrs S lives with her son, she chose to move in with him and his family after a fall at home. Mrs S has reduced mobility since the fall and has a downstairs bedroom.

Mrs S was observed at day centre to be increasingly withdrawn and tearful at times.

When asked what was wrong she reported that she thinks she made a mistake moving in with her son. She tells staff that at home she spends most of her time in her bedroom because she feels she is a burden. When asked if she has spoken to her son, she says that she tried to speak with him. However he told her they wouldn't be able to support her if she did move home and she would never see her grandchildren again.

Why would this be considered to be abuse?

Mrs S's son has threatened to remove support and prevent access to her grandchildren, which has caused her to be withdrawn and upset.

Safeguards required:

- Day centre staff need to report the incident to the local authority, social services department.

**SAFEGUARDING ADULTS REGIONAL BOARD
CARDIFF AND THE VALE OF GLAMORGAN
GOVERNANCE AND STRATEGIC PRIORITIES 2017-20**

**Outcomes of a 6 month Strategic Review
Proposals for the Way We Do Business and the Business We Will Do**

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I. Introduction:

The Safeguarding Adults Regional Board Cardiff and the Vale of Glamorgan is still in its infancy, and over the last year work has been progressing on developing a robust and cohesive board for the region. In moving forward it is recommended that, from this point on, the Board shall be known as the **Safeguarding Adults Regional Board – Cardiff and the Vale of Glamorgan**. This will ensure that the work of the board captures the geographical and demographic nature of the area and its aspirations to safeguard the population within that area.

The Safeguarding Boards (General) (Wales) Regulations 2015 specify that all Safeguarding Boards must produce an annual plan which determines its planned activity and outcome for the coming year.

A Safeguarding Board must also

- (a) make its current annual plan and annual report publicly available,
- (b) make available on request a copy of any of its past annual plans and annual reports,
- (c) send its current annual plan and annual report to the National Board

The board has agreed, however, that this Governance and Strategic Priorities Business Plan 2017-2020 will be summarised in an annual plan at the end of each year which identifies key actions achieved in the year and objectives for the following year of the Business Plan.

Board activity to date has included three workshops which have developed the resilience of the Board and strengthened relationships amongst Board members, and agreed its main priorities for the next three years. The workshops were held on the 18.11.15; 11.03.16 and 22.06.16 and were facilitated by Jan Horwath, Emeritus Professor of Child Welfare in the Department of Sociological Studies at the University of Sheffield. Jan has undertaken research in conjunction with many national and international agencies, and in Wales specifically has undertaken work with the Welsh Local Government Association and Association of Directors of Social Services into transforming governance and collective action to safeguard children: developing a shared knowledge base; and with Caerphilly Safeguarding Children Board on child protection planning in cases of chronic neglect. (University of Sheffield website 2016)

Under Jan's facilitation the Board considered the following issues:

- Holding to Account exercise
- Agreeing 2 key areas for priority
- Developing a brief for an initial three year plan for the priorities identified.

Each annual plan under The Safeguarding Boards (General) (Wales) Regulations 2015 must detail the following information within its content, and this Business Plan has identified all the actions within the body of the document:

- I. Introduction
- II. Members of the Safeguarding Board (Appendix 2)
- III. **Adult Safeguarding Data for the previous year**

- IV. Outcomes the Safeguarding Board proposes to achieve in the year
These are detailed in the two main priorities of the Business Plan and the development of robust sub-group arrangements highlighted in further detail below. (see appendix 3 & 4)
- V. Summary of improvements
Given the infancy of the Board no improvements will be reported on until April 2017.
- VI. Expenditure the Safeguarding Board is likely to incur in order to achieve its objectives
- VII. How the Safeguarding Board proposes to collaborate with other persons or bodies engaged in activities relating to its objectives
- VIII. When and how the Safeguarding Board will give adults who are, or may be, affected by the exercise of its functions, the opportunity to participate in its work.

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II. GOVERNANCE ARRANGEMENTS

S.134-141 of the Social Services and Well-being (Wales) Act 2014 provides for Safeguarding Boards for adults and children and for the combination of such boards.

The Board shall operate in accordance with the Social Services and Well-being (Wales) Act 2014; 'Working together to Safeguard People Volume 1- Introduction and Overview', which replaces the guidance on Adult Protection Committees in 'In Safe Hands: Implementing Adult Protection Procedures in Wales' (Welsh Assembly Government 2000), which was issued under section 7 of the Local Authority Social Services Act 1970

Functions of the Board:

The functions of the Board will be undertaken by the Board directly or delegated by the Board to its Executive Group or the four key sub-groups.

The four sub groups of the Board are as follows:

- I. Adult Practice Reviews sub-group
- II. Training sub-group
- III. QA and Audit sub-group
- IV. Communication and Engagement sub-group

The Executive Group will ensure that the priorities and duties of the Board, as noted below, are met and that the actions agreed and ratified by the Board in its business plan are implemented.

- a) Raise awareness of abuse, neglect and harm in the Cardiff and Vale area
- b) Review the effectiveness of local safeguarding measures
- c) Contribute to the review and development of policies and procedures
- d) Undertake adult practice reviews and other audits, reviews and investigations, and ensure that any recommendations are implemented and monitored
- e) Review the performance of the Board in carrying out its responsibilities
- f) Disseminate information about best practice and learning
- g) Undertake research into protection and prevention from harm
- h) Review training needs and ensure the provision of training within its area
- i) Co-operate with other Boards

- j) Seek specialist advice and information
- k) Respond to any notification to the Board in relation to its functions
- l) Engage in other activities relevant to the Board's objectives
- m) Develop national and regional protection procedures
- n) Identify when and how the Safeguarding Board will give adults who are, or may be, affected by the exercise of its functions, the opportunity to participate in its work.

Lead Partner:

Regulations 4 (1) & (2) of The Safeguarding Boards (General) (Wales) Regulations 2015 provide for a Safeguarding Board partner to be the lead partner for each of the Safeguarding Adults Board. The lead partner for the Cardiff and Vale Safeguarding Adults Board will be Cardiff City and County Council.

Membership of the Safeguarding Board:

Section 134(2) of the 2014 Act prescribes the following as a Safeguarding Board partner:

- the local authority for an area, any part of which falls within the Safeguarding Board area;
- the chief officer of police for a police area, any part of which falls within the Safeguarding Board area;
- a Local Health Board for an area, any part of which falls within the Safeguarding Board area;
- any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Safeguarding Board partner in relation to the Safeguarding Board area.

The Board may also include representatives from other bodies if they exercise functions or are engaged in activities in relation to adults who may have care and support needs within the Board area.

All SARB members are required to have a current Disclosure and Barring Service (DBS) check. For those members whose agency do not require a DBS Check the SARB standard is that they must have one and their agency will ensure this is acted upon. This is the case for members both of the Boards and all its Sub-Groups including any Task and Finish Groups.

All SARB members and their partner organisations must abide by the statutory duties laid out within the Social Services Well-being (Wales) Act 2014 and adhere to the

expectations of the Act i.e. duty to report 'adults at risk'.

Chair arrangements:

The Chair and Vice Chair may be a Board partner or from a body represented on the Board. The appointments may be for a period of up to three years at the end of which, subject to a majority decision, the tenure may be renewed for a further period of up to three years.

Meeting arrangements:

Full Board meetings for all members will be held 6 monthly to include planning workshop activity and /or audit. The Executive group will be held at least quarterly. More frequent meetings can be held if deemed necessary by the Chair.

Meetings of the Board shall proceed only if representatives of the following quorate members are in attendance:

Cardiff City and County Council
Vale of Glamorgan Council
Police
Cardiff and Vale University Health Board

Responsibility of the member agencies of the SARB:

The SARB expects its member agencies to:

- be an active partner in safeguarding adults;
- contribute to the SARB financially and/or in kind by providing staff for particular tasks which will be outlined in the annual business plan;
- collate and provide management information as required by the SARB and contribute to quality assurance arrangements;
- share information to safeguard adults in line with the SARB information sharing arrangements and in the spirit of the Wales Accord for the Sharing of Personal Information;
- identify and support staff to participate in the inter-agency activities of the SARB such as policy development, scrutiny of practice, training, Adult Practice Reviews, practice development and new initiatives;
- ensure that the policies and procedures of the SARB are disseminated in an

effective way within their own agencies and acted upon;

- represent the SARB and its activities within their own organisation;
- report difficulties within their own agency and between agencies to the SARB and work with partners to find effective solutions.

Accountability:

Under S.139 (3) of the Social Services and Well-Being (Wales) Act 2014 each Safeguarding Board partner must take all reasonable steps to ensure that the Safeguarding Board on which it is represented operates effectively.

Measures in place to monitor and assess the effectiveness of the Board shall be through a range of mechanisms including:

- Safeguarding Board Annual Plans and Reports
- Adult Safeguarding Data return
- Business Planning
- Formal agency reporting mechanisms
- Achieved outcomes from any recommendations of adult practice reviews

As part of their membership, Board members and their representatives agree to undertake the full functions of the Board as listed above both in their capacity as a member, and as representative of their individual organisation.

III. BOARD PRIORITIES 2017-20

On analysing the outcomes of the three workshops facilitated by Professor Horwath it was agreed that the two main priorities for the SARB for 2016-17 to 2019-20 (3 year business plan) would be **Domiciliary Care and Nursing Homes** and **Dementia**.

A SWAT analysis exercise of the identified priorities were undertaken, and from these analysis it was agreed that these two priorities were the prevalent themes that emerged:

DOMICILIARY CARE & NURSING HOMES	
<p>Why are they vulnerable and a priority? Complex needs and dependency levels Service provision to meet the needs Isolation and lack of family support Needs that limit independence Contracted privately Unseen (care at home) Dementia Care and support needs Quality of care Fragility of the market</p>	<p>What do we know keeps them safe? Contractual arrangements Escalating concerns procedures QA systems Visits from Health Professionals & others Goodwill of staff Level of overseeing by staff and appropriate reporting Contracts monitoring CSSIW relationship Local intelligence Contact with statutory services e.g. SW, GP, DN, family, social networks, neighbour – and would know where to go for advice and support.</p>
<p>Gaps: Monitoring with partners Regional approach Adequate recruitment of nursing staff Monitoring effectiveness of training Measuring competencies QA process Service user testing & feedback Market – reduced choice, increased risk of lowered standards Gap in supply and continuity Registration of domiciliary care workers Sharing agenda around QA Promote awareness to providers of SAB Privately commissioned Domiciliary care provision Ensure monitoring of care by integrated partnerships SAB notification of escalating concerns Service users voice, family feedback.</p>	<p>Challenges: Duty to report to partners Regional approach to managing quality What does good look like (simple terms)? Providers to share good practice How do we evidence domiciliary care is safe? Longevity of partners in commitment – continued engagement Are partners safeguarding aware? Operational issues – communication to Board When information is known what Board does about it Holding agencies, service to account – how?</p>

OLDER DEMENTIA	
<p>Why are they vulnerable and a priority?</p> <ul style="list-style-type: none"> Isolation Capacity issues Lack of community sensitivity Physical risks – falling, accident, wandering Vulnerable to predatory individual Disinhibited Tension in relationships and carer stress May be vulnerable prior to identification by services May be vulnerable from others May be vulnerable even when helped by others Condition Cognitive ability Communication Progressive illness Increase in dependency – pressure on carers – frustrations 	<p>What do we know keeps them safe?</p> <ul style="list-style-type: none"> Service requirements Statutory requirements – DoLS Increase in public awareness – dementia friendly communities Family support Referrals from GPs and others Care and support Care provision/respite Partners – health professionals Dementia champions Training schemes Technology OPCW Codes of conduct. How do we measure effectiveness of these?
<p>Gaps:</p> <ul style="list-style-type: none"> What services are available within the LSAB area? Support for carers Hospital prevention – need for acute care Understanding More education and training Suitability and availability of placements Dementia friendly communities and environments Awareness raising across communities and families 	<p>Challenges:</p> <ul style="list-style-type: none"> Very wide subject Dementia friendly status for region to get guiding coalition How do we hold to others to account? What is the Board’s remit? Do we know the extent of the problem? Dementia awareness to the wider area

The workshop on the 22.06.16 was then tasked with developing a 3 year plan for each of the two priorities. The following notes summarise the outcomes of the workshops, and the attached appendices (Appendices 3 & 4) note the draft 3 year action plans for both priorities.

Domiciliary Care and Nursing Homes:
(See action plan – App. 3)

On- going monitoring of exemplars/"norm"/concerns (Trip Advisor)

Year 1:

1. Establish scale of problem and nature – gather evidence – what is currently known.
Work and engage with sectors
2. Define with service users and the sector what 'good' looks like – pledge charter. Review escalating concerns procedures – regional approach. Develop "do you feel safe" tool linked to review and contract monitoring
3. Agree regional approach to work with both sectors.

Year 2:

1. Ensure delivery of Operation Jasmine plan.
2. Monitoring
3. Measuring impact
4. Revised QA/performance monitoring framework
5. Mapping existing sources of intelligence and integrating into QA

Year 3:

Consistent/clear regional approach to empower family /carers
Fee levels/quality payment

Dementia:

(See action plan – App. 4)

Year 1:

'Dementia Friendly Status' across the LSAB region – how does this ensure safeguarding is achieved?

Raising awareness?

Preventative

What would be the LSABs role in this process? – monitoring the effectiveness, need to agree measures.

Picture of 'dementia' in the Cardiff & Vale region

What makes it a priority for us? – National Data – comparisons

Local Data

Outcomes to be achieved

Sub-group scoping exercises

How 'good' each partner of the Board is re: Dementia?

What does good look like?

Holding each agency to account

Task groups – scoping and mapping exercises

Year 2:

Plan developed from scoping data of the 1st year – process.

IV. EXPENDITURE OF THE BOARD:

Organisation	Current Contribution to LSCB (%)	Current Contribution to LSCB (£)	Proposed contribution to combined Business Support Unit (%)	Proposed contribution to Business Support Unit (£)
Cardiff Council	35%	28,000	40%	60,000
Vale of Glamorgan Council	15%	12,000	20%	30,000
South Wales Police	20%	16,000	10%	15,000
Cardiff and Vale UHB	20%	16,000	25%	37,500
Probation Services	10%	8,000	5%	7,500
TOTAL	100%	£80,000	100%	£150,000

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V. ADULT SAFEGUARDING DATA 2016-17

*Need to collate and combine Health, Cardiff and Vale data for previous year.
Task group to be convened to agree baseline annual data for the board.*

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APPENDICES:

Appendix 1

SAFEGUARDING ADULTS REGIONAL BOARD (SARB) CARDIFF AND THE VALE OF GLAMORGAN

TERMS OF REFERENCE

1. Context:

These Terms of Reference direct the objectives and functions of the Safeguarding Adults Regional Board Cardiff and the Vale of Glamorgan (SARB) which was established under section 134 of the Social Services and Well-being (Wales) Act 2014.

The Board shall operate in accordance with the Social Services and Well-being (Wales) Act 2014; 'Working together to Safeguard People Volume 1- Introduction and Overview', which replaces the guidance on Adult Protection Committees in 'In Safe Hands: Implementing Adult Protection Procedures in Wales' (Welsh Assembly Government 2000), which was issued under section 7 of the Local Authority Social Services Act 1970.

2. Values:

The Safeguarding Adults Regional Board Cardiff and Vale of Glamorgan is committed to working with all partner organisations and the wider communities it serves to safeguard and prevent adults from abuse or neglect and to promote their well-being.

3. Objectives:

The objectives of the Board are:

- a. to protect adults within its area who –
 - i. have needs for care and support (whether or not Cardiff or the Vale local authorities are meeting any of those needs), and
 - ii. are experiencing, or are at risk of, abuse or neglect, and
- b. to prevent those adults within its area mentioned in paragraph (a) (i) from becoming at risk of abuse or neglect.

4. Functions:

The functions of the Board will be undertaken by the Board directly or delegated by the Board to its Executive Group or the four key sub-groups. (Appendix 1)

The Executive Group will ensure that the priorities and duties of the Board are met and that the actions agreed and ratified by the Board in its annual plan are implemented.

The four sub groups are as follows:

- V. Adult Practice Reviews sub-group
- VI. Training sub-group
- VII. QA and Audit sub-group
- VIII. Communication and Engagement sub-group

Functions of the Board:

- o) Raise awareness of abuse, neglect and harm in the Cardiff and Vale area
- p) Review the effectiveness of local safeguarding measures
- q) Contribute to the review and development of policies and procedures
- r) Undertake adult practice reviews and other audits, reviews and investigations, and ensure that any recommendations are implemented and monitored
- s) Review the performance of the Board in carrying out its responsibilities
- t) Disseminate information about best practice and learning
- u) Undertake research into protection and prevention from harm
- v) Review training needs and ensure the provision of training within its area
- w) Co-operate with other Boards
- x) Seek specialist advice and information
- y) Respond to any notification to the Board in relation to its functions
- z) Engage in other activities relevant to the Board's objectives
- aa) Develop national and regional protection procedures
- bb) Identify when and how the Safeguarding Board will give adults who are, or may be, affected by the exercise of its functions, the opportunity to participate in its work.

5. **Board Arrangements:**

Lead Partner:

Regulations 4 (1) & (2) of The Safeguarding Boards (General) (Wales) Regulations 2015 provide for a Safeguarding Board partner to be the lead partner for each of the Safeguarding Adults Board. The lead partner for the Cardiff and Vale Safeguarding Adults Board will be Cardiff City and County Council.

Membership of the Safeguarding Board:

Section 134(2) of the 2014 Act prescribes the following as a Safeguarding Board partner:

- the local authority for an area, any part of which falls within the Safeguarding Board area;
- the chief officer of police for a police area, any part of which falls within the Safeguarding Board area;
- a Local Health Board for an area, any part of which falls within the Safeguarding Board area;
- any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Safeguarding Board partner in relation to the Safeguarding Board area.

The Board may also include representatives from other bodies if they exercise functions or are engaged in activities in relation to adults who may have care and support needs within the Board area.

Chair arrangements:

The Chair and Vice Chair may be a Board partner or from a body represented on the Board. The appointments may be for a period of up to three years at the end of which, subject to a majority decision, the tenure may be renewed for a further period of up to three years.

Meeting arrangements:

Full Board meetings for all members will be held 6 monthly to include planning workshop activity and /or audit. The Executive group will be held at least quarterly. More frequent meetings can be held if deemed necessary by the Chair.

Meetings of the Board shall proceed only if representatives of the following quorate members are in attendance:

Cardiff City and County Council
Vale of Glamorgan Council
Police
Cardiff and Vale University Health Board

6. Responsibility of the member agencies of the SARB

The SARB expects its member agencies to:

- be an active partner in safeguarding adults;
- contribute to the SARB financially and/or in kind by providing staff for particular tasks which will be outlined in the annual business plan;
- collate and provide management information as required by the SARB and contribute to quality assurance arrangements;
- share information to safeguard adults in line with the SARB information sharing arrangements and in the spirit of the Wales Accord for the Sharing of Personal Information;
- identify and support staff to participate in the inter-agency activities of the SARB such as policy development, scrutiny of practice, training, Adult Practice Reviews, practice development and new initiatives;
- ensure that the policies and procedures of the SARB are disseminated in an effective way within their own agencies and acted upon;
- represent the SARB and its activities within their own organisation;
- report difficulties within their own agency and between agencies to the SARB and work with partners to find effective solutions.

7 Membership and structure

Statutory guidance confirms that members will need to be people holding a strategic role within their agency in relation to safeguarding adults. Thus there is an expectation that SARB membership and representation should be composed of very senior individuals, or at the very least individuals of sufficient seniority to be able to make decisions that could commit resources and take actions forward. The most senior individuals will be members of the Executive Board.

All SARB members and their partner organisations must abide by the statutory duties laid out within the Social Services Well-being (Wales) Act 2014 and adhere to the expectations of the Act i.e. duty to report 'adults at risk'.

8 Governance and Accountability:

Under S.139 (3) of the Social Services and Well-Being (Wales) Act 2014 each Safeguarding Board partner must take all reasonable steps to ensure that the Safeguarding Board on which it is represented operates effectively.

Measures in place to monitor and assess the effectiveness of the Board shall be through a range of mechanisms including:

- Safeguarding Board Annual Plans and Reports
- Adult Safeguarding Data return
- Business Planning
- Formal agency reporting mechanisms
- Achieved outcomes from any recommendations of adult practice reviews

As part of their membership, Board members and their representatives agree to undertake the full functions of the Board as listed above both in their capacity as a member, and as representative of their individual organisation.

9. Review Arrangements:

The Safeguarding Board Terms of Reference will be reviewed on an annual basis

Date Agreed:

Review Date:

MEMBERS OF THE BOARD

Cardiff and Vale LSAB
Local Authority
Director of Social Services , City of Cardiff Council – Tony Young (Chair)
Director of Social Services, Vale of Glamorgan Council – Phil Evans
Interim Head of Service, Vale of Glamorgan Council, Safeguarding lead – Suzanne Clifton
Head of Adult Services Vale of Glamorgan County Council – Lance Carver
Operational Manager Safeguarding, City of Cardiff Council – Alys Jones
Operational Manager, Assessment & Care Management, City of Cardiff Council – Sue Schelewa
Operational Manager, Legal Services, Vale of Glamorgan Council – Carolyn Goodall
Interim Operational Manager, Safeguarding and Performance, Vale of Glamorgan – Matthew Brown
Mental Capacity Act and Deprivation of Liberty Safeguards Manager – Andy Cole, Integrated Operational Manager Cardiff and the Vale Councils
Assistant Director of Social Services, City of Cardiff Council, Amanda Phillips
Health
Sheila Harrison– Assistant Nurse Director, Cardiff & Vale UHB (Vice Chair)
Acting Assistant Director of Nursing Abertawe Bro Morgannwg Health Board Cathy Dowling
Assistant Director of Nursing and Service Improvement Velindre NHS Trust – Jayne Elias
Dr Suzanne Wood, Consultant, Cardiff & Vale Public Health medicine
South Wales Police
Superintendent, Martin Jones, South Wales Police - Vale
Superintendent, Stephen Jones, South Wales Police - Cardiff
National Probation Service
Assistant CEO, Peter Greenhill (Vice Chair of the Board)
Welsh Ambulance Service Trust
Nicola Harvey, Named Professional for Safeguarding PA Claire McNeily
South Wales Fire and Rescue
Shaun Moody, Group Manager Community Safety and Partnerships
Third Sector
VCVS – Sandra Roberts
Age Connect – Jeff Hawkins
Care Providers
Care Homes Association – Brian West
Learning Disability & Supported Living Care Providers – Mandy Evans

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**CARDIFF & VALE LSAB
DOMICILIARY AND NURSING HOME CARE
3 YEAR ACTION PLAN – 2016 -2019**

Points marked with a * are taken directly out of the Jasmine Review Cardiff and Vale Action Plan

	AIM	TASKS	WHO	TIMESCALE	OUTCOME
YEAR 1:					
1.1	Aim to define what good Domiciliary and Nursing Home care looks like	1.1.1 Engagement with the sector 1.1.2. workshop for contracts team and care sector providers 1.1.3 develop a statement of strategic intent – ‘what matters to me’ 1.1.4 develop the Asset Based Approach across the adult health and social care sector.	1.1.1 Peter Lawrence	1.1.2 – 2 year project – October 2018	
1.2	Consult with service users and the sector to define good quality care: <i>Engagement across the sector to remind health and social care staff of their duty to report areas of concern needs to be in place in accordance with Part 7 Guidance of the new Act.*</i>	1.2.1 Service user questionnaire arrangements to be embedded into the case review process 1.2.2 Refresh feedback forms within the Contracts arrangement	1.2.1 Laura Eddins, VoG QA Officer		
1.3	Identify the nature of the service currently and the challenges faced across the sector	1.3.1 Identify the current capacity within the marketplace	Peter Lawrence, Gaynor Jones		

1.4	Review current Provider Performance procedures and develop a consistent and robust regional approach to monitoring, auditing and escalating concerns processes: <i>To align the two local authority protocols and adopt a LSAB wide single Provider Performance protocol*</i>	1.4.1	Provider performance process	Peter Lawrence Gaynor Jones	March 2017	*Operation Jasmine action plan
1.5	Develop a 'do you feel safe' tool with a clear link to contract monitoring arrangements	1.5.1	Liaise with the Gwent project to review the model.	Alys Jones Sue Schelewa OM Cardiff Council		
		1.5.2	Adult services Oms to meet with Tanya Strange, Gwent lead on project			
		1.5.3	Gather learning from the RVS service advocacy project			
1.6	Consider the development of 'Trip Adviser' type tool to promote informed choice		As above (1.5)			
YEAR 2:						
2.1	Ensure effective delivery and implementation of the Operation Jasmine action plan		Operation Jasmine action plan	Alys Jones, Chair	Full review of action plan by March 2017. On-going actions to then be incorporated fully into LSAB action plan.	
2.2	Improving performance monitoring and QA systems on a regional basis	2.2.1	Develop a Board wide Quality Assurance meeting as opposed to individual local authority area based meetings*	Peter Lawrence Gaynor Jones	April 2017 – March 2018	
2.3	Ensure effective and professional care staff	2.3.1	Regional workforce	2.3.1 Angela Bourge		

	across the region	partnership 2.3.2 Professional Concerns process to be strengthened – link to review of 'In Safe Hands'	2.3.2 Lynda Gallagher Joanne Betteridge	2.3.2. March 2017	
2.4	Mapping existing sources of intelligence and integrating into the QA systems	A review of current contracting and key quality performance arrangements need to be developed across the Board's area in line with the Older People's Commissioner for Wales review of care homes in Wales; 'A Place to Call Home'.*	Rachel Jones OM		
YEAR 3:					
3.1	Adopting a consistent and clear regional approach to empower families and carers	Link to 1.5 action above			
3.2	Develop a robust fee level structure linked to incentivised quality payment arrangements across the sector		Rachel Jones OM		

Appendix 4

**CARDIFF & VALE LSAB
SAFEGUARDING PEOPLE WITH DEMENTIA
3 YEAR ACTION PLAN – 2016 -2019**

	AIM	TASKS	WHO	TIMESCALE	OUTCOME
YEAR 1:					
1.1	Agree benchmark for measuring safe and	1.1.1 Engagement with	Suzanne Wood	3 year strategy	

	effective Dementia support and services		homes within the Board area: 1.1.2 Admiral 1.1.3 Sterling University			
1.2	Undertake an engagement and consultation exercise with dementia sufferers, family and carers and service providers		1.2.1 Engagement with the sector 1.2.2. workshop for contracts team and care sector providers 1.2.3 develop a statement of strategic intent – ‘what matters to me’ 1.2.4 develop the Asset Based Approach across the adult health and social care sector. 1.2.5 Link to wider Care and Support Questionnaire	Laura Eddins VoG QA Officer		
1.3	Dementia Friendly status – how does this approach ensure safeguarding?	1.3.1	Awareness raising regarding the safeguarding needs of dementia sufferers.	Jane Farr		<ul style="list-style-type: none"> • Treating people well • Navigation around the community • Ensuring that the wider community shares in the understanding regarding the needs of those with dementia
		1.3.2	Develop a preventative programme			
		1.3.3	Thematic workshop with managers			
		1.3.4	All key staff and partner agencies to attend the Dementia Friends training			
1.4	Create a picture of dementia within Cardiff and the Vale region to	1.4.1	National and local comparisons.			

	demonstrate what makes it a priority for the Board	1.4.2	Local data			
		1.4.3	Measure how good each partner of the board is regarding Dementia			
		1.4.4	Measure demographic demand and growth			
1.5	Undertake a Dementia scoping and mapping exercise across the region	As in 1.4				
YEAR 2:						
2.1	Agree an action plan developed from the findings of Year 1.	Process Systems Training				
2.2	Build up a service user picture of what good practice looks like?	Links ??				
2.3	Develop a process of ensuring that prevention is ensured to minimise risks to the Dementia sufferer	2.3.1 Develop the Asset Based approach across the region 2.3.2 Undertake robust and effective reablement programmes across the Board area. 2.3.3 Promote the Dementia Friendly across all areas fo the Board region		Louise Bassett; Partnership Manager		
YEAR 3:						
3.1	Audit and revisit the plan and measure its effectiveness.					

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LSAB Overarching Tasks

Provide strategic direction:

Meeting 1 – how have we done over the past year?

Meeting 2 – Establish strategy based on the bigger picture on developments local and national.

Meeting 3/4 - monitor how translated into business plan and agency involvement and accountability on progress.

Executive Group and Sub Group Chairs - link to Operation Jasmine Action Plan.

Ensures actions and objectives of the Board's Strategy implemented through the business plan.

Straplines:

What does good look like? Programmes

Develop initiatives in line with the business plan drawing on existing resources.

Sub-Groups:

Chaired by Board members:

- Training – Jo – joint with LSCB
- APR – Amanda Phillips – joint with LSCB CPR group
- Communication and Engagement – 3rd sector Chair – Jeff – stand- alone LSB group
- Q&A- Linda Hughes Jones -stand- alone LSB group

Task and Finish Group:

Operational staff to attend.

What does good look like for priorities 1 and 2? (1) **Domiciliary and Nursing Care** and (2) **Dementia**.

Fee levels and quality payments – Priority 1

Scoping and Mapping – Priority 2

Overlap throughout on both priorities.

Quality Assurance:

Priority 1:

Define what good looks like working with service users.

Review escalating concerns procedures and develop a consistent approach

End of 2 year new performance management framework.

Priority 2:

Effective processes and systems.

Communication and Engagement:

Priority 1:

Develop a 'do you feel safe' tool.

What does good look like? – link to T&F and QA groups.

Raising an awareness of the business plan priorities.

Consistent approach to empowering families, service users and communities.

Priority 2:

Service user expectations and families needs. Creative approaches.

Training:

Priority 1:

Draw on the above to raise awareness e.g. what good looks like?

Mapping of training needs and ways they can be met.

Priority 2:

Good quality dementia care.

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**CITY AND COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

18 January 2017

PRE DECISION SCRUTINY OF: DIRECT PAYMENTS

Purpose of Report

1. To give Members background information to aid the scrutiny of the draft report to Cabinet entitled 'Direct Payments for Vulnerable People' The full draft report is attached at **Appendix 1** and has **4** appendices:
 - **Appendix A** – Options Appraisal Paper
 - **Appendix B** – Consultation Findings
 - **Appendix C** – Equality Impact Assessment
 - **Appendix D** – Letter from Cllr McGarry, Chair of Community & Adult Services Scrutiny Committee.
2. The Cabinet is to consider the report and its recommendations regarding Direct Payments at their meeting on 19 January 2017. At this committee meeting Members will have the opportunity to hear from internal witnesses and will then be able to decide what comments, observations or recommendations they wish to pass on to the Cabinet.

Background

3. The Social Services and Well-being (Wales) Act 2014 sets out the duties of a local authority in meeting needs for care and support, or support in the case of a carer, following an assessment. Sections 50, 51, 52 and 53 in Part 4 of the Act detail the requirements regarding direct payments. The Part 4 Code of Guidance (meeting needs) details the requirements and guidelines for local authorities

regarding direct payments. This is available on the Care Council for Wales' website at: <http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

4. The Code of Guidance states:

'Direct payments are monetary amounts made available by local authorities to individuals, or their representative, to enable them to meet their care and support needs; or in the case of a carer, their support needs. Direct payments are an important mechanism by which people can exercise choice, voice and control to decide how to meet their needs for care and support and achieve their personal outcomes. As such direct payments are an integral part of meeting people's needs through care and support planning, and must not be seen as a separate, secondary, consideration.'

5. As part of the papers for the Committee Meeting on 7 December 2016, Members received further information on the requirements for local authorities regarding Direct Payments and on the current position including the take up rates of Direct Payments. These papers are available to view at:

<http://cardiff.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=2784>

6. In 2005, the Council appointed Cardiff and Vale Coalition for Disabled People (now part of Diverse Cymru) to provide support to service users who wished to use Direct Payments to recruit a Personal Assistant or use an Agency. Following feedback from service users, the scheme was extended to include support with banking via managed accounts. The value of this contract is approximately £700,000 per annum, with a fixed annual fee for the first twelve months of £881 per person and £721 post twelve months per person. The Council currently offers two separate hourly rates for Direct Payments, of £10.02 for a PA and £11.96 for an Agency. The performance results for Quarter 3 show that there were 707 adults using Direct Payments.

Review of Direct Payments

7. The Budget agreed by Full Council on 25 February 2016 included a saving of £200,000 from a review of the administrative arrangements for Direct Payments, including *‘the current contract with a support provider. Consideration to be given to alternative service delivery focussing on quality and best use of resources whilst continuing to maintain existing service user support to those receiving a direct payment.’*

Proposed Recommendations to Cabinet

8. The report to Cabinet contains the following recommendations:
 - a. *‘Approve the proposed model for the provision of direct payments support services for service users as set out in the body of the report’;*
 - b. *‘Authorise the proposed procurement process; if the proposed recommendation is approved, all stages of the procurement process to be delegated authority to the Director of Social Services in consultation with Cabinet Members for Finance and Health, Housing and Wellbeing, the Council’s Section 151 Officer and the Director of Governance and Legal Services, to determine all aspects of the procurement process up to and including the award of contracts and all ancillary matters pertaining to the procurement.’*

Proposed Model

9. The proposed model for the provision of direct payments support service for service users is set out at **points 12 – 16 of Appendix 1**. These state that there will be a *‘clear single point of contact for information and advice’*. The Council’s role will be more clearly defined and will include:

- a. the promotion and encouragement of the use of Direct Payments
- b. the development of training pathways for individuals who may wish to become personal assistants in Cardiff
- c. visits prior to referral to the support provider to ensure that the option of Direct Payments is fully understood and that advice on the widest range of independent living services are explored.

10. The Cabinet report sets out the scope for the support service and the Direct Payment Managed Account Service, underneath **point 15** of the report.

Proposed Procurement Process

11. The proposed procurement process, to be delegated, is set out in **points 17 - 29 of Appendix 1**. These state that the approach to commissioning will be strongly aligned to the Co-operative Values that the Council has signed up to and details the principles underpinning the recommissioning, at **point 24**. The Cabinet report states that:

- a. The contract for Direct Payments will be delivered as a whole package by tendering to the market for providers
- b. Providers will be secured to a 3 year contract, with the option to extend for three further years if they are delivering best value, quality of service and cost
- c. Evaluation criteria will be weighted equally on quality and value for money
- d. Consideration is being given to using the Open procedure for procurement, which would be subject to a separate report (director level).

12. The report to Cabinet states, at **point 22**, that '*The Directorate recognizes it is working to a tight timescale. Transition and contingency arrangements are in place and will be administered by social services for a period leading up to the new contract. All directorate involved in the project have been briefed and are ready to respond as and when necessary.*'

13. The report to Cabinet contains details of the consultation process, with consultation findings attached at **Appendix B** of **Appendix 1**.

Previous Scrutiny

14. This Committee has regularly scrutinised Direct Payments as part of performance monitoring scrutiny and scrutiny of the Director of Social Services Annual Report.

15. Following scrutiny of the 2016/17 budgetary proposals at their meeting on 15 February 2016, Members made the following comment regarding the proposed saving linked to the review of Direct Payments:

*'Line 145 – Members note that the existing contract will expire in January 2017 and the £200,000 saving should flow from the 3 months thereafter. Members also note the comments that the Local Safeguarding Adults Board wishes to raise awareness of the risks of financial abuse and that work on this area should happen this year.'*¹

16. Members carried out policy development scrutiny at their committee meeting on 7 December 2016, including hearing from internal witnesses on the work to date to consider options and develop recommendations for the Cabinet to consider. Following the meeting, the Chair wrote to Councillor Susan Elsmore, Cabinet Member for Health, Housing and Wellbeing, stating the following:

'Members note the objectives of improving arrangements for those using Direct Payments by simplifying the referral pathway and increasing choices. Members also note the aim of achieving value for money for the Council whilst ensuring quality of provision. Underpinning these is the need to increase the numbers of personal assistants available to provide care and support. Members support these goals, which will help us to meet our legal duties.'

¹ Letter from Cllr McGarry, Chair CASSC, to Cllr Bale, Leader, dated 16 February 2016

*'Members recognise that there is a real opportunity to make a difference for service users and carers by ensuring the direct payment system works for them. Members also recognise the need to ensure value for money for the Council. However, Members are concerned about the tight timescales outlined at the meeting. Members recognise that officers are working hard to deliver to these timescales. However, Members would like assurance that more time will be taken if it is needed to ensure that the best possible scheme is developed.'*²

17. Members also requested additional information be provided as part of these papers, on the following:

- *The respective roles of Social Services and Preventative Services in the new pathway;*
- *The monitoring requirements built into the specification;*
- *The evaluation criteria and weighting;*
- *The transition arrangements, to ensure continuity and no detriment to service users; and*
- *Comparator information on Direct Payments rates.*

18. This information is provided at **Appendix 2** of this report, which is the response from Councillor Elsmore, Cabinet Member for Health, Housing and Wellbeing, to Councillor McGarry, Chair of this Committee.

19. The Children and Young People Scrutiny Committee carried out pre-decision scrutiny of this report at their meeting on 10 January 2017. The letter from Councillor Richard Cook, Chair of that Committee, to Councillor Lent, Cabinet Member for Early Years, Children and Families, is attached at **Appendix 3** of this report.

² Letter from Cllr McGarry, Chair CASSC, to Cllr Elsmore, Cabinet Member, dated 9 December 2016

Way Forward

20. The item will commence with Councillor Susan Elsmore (Cabinet Member – Health, Housing and Wellbeing) being invited to make a statement. Sarah McGill (Director of Communities, Housing and Customer Services and Senior Responsible Officer for this project), Tony Young (Director of Social Services), Amanda Phillips (Assistant Director of Social Services – Adults, and Project Lead for this project), Denise Moriarty (Project Manager) and Samantha Harry (Commissioning and Procurement) will be in attendance to assist in answering Members' questions.

Legal Implications

21. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

22. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this

report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

23. The Committee is recommended to:

- a. consider the information in the report, appendices and at the meeting;
- b. decide whether they would like to make any comments to the Cabinet on this matter in time for its meeting on 19 January 2017; and
- c. decide the way forward for any future scrutiny of the issues discussed.

DAVINA FIORE

Director of Governance and Legal Services

12 January 2017

CARDIFF COUNCIL CYNGOR CAERDYDD

Cabinet Meeting: 19th January 2017

DIRECT PAYMENTS FOR VULNERABLE PEOPLE

REPORT OF DIRECTOR OF SOCIAL SERVICES

AGENDA ITEM: 10

Portfolio: Joint Report - Health, Housing and Wellbeing (Councillor Susan Elsmore) and Early Years, Children and Families (Councillor Sue Lent)

Reason for this Report

1. To recommend the approach to be taken for the recommissioning of Direct Payments support services in line with the implementation of the Social Services and Wellbeing (Wales) Act 2014.

Background

2. Direct Payments take the form of a cash payment made to a person who is eligible for care and support from social services in order to enable them to arrange and pay for their own care and support.
3. Direct Payments are a different way of delivering on the legislative responsibilities of social services where there is an assessed eligible need. The Purpose of Direct Payments is to give people flexibility over when their care is provided, the exact nature of the care, choice and control over who they have caring for them and the standards and quality of that care.
4. Direct payments can also be used for meeting the care and support needs of a child and of their carer.
5. The Social Services and Wellbeing(Wales) Act 2014 states that Direct Payments are an essential tool for the Council in meeting the Welsh Government's strategic aim of supporting people who require support and care to achieve their wellbeing outcomes and also to support carers who require support in achieving their wellbeing outcomes.

6. Typically, direct payments are used for:
- Personal Care Services
 - Personal Assistants
 - Agency support
 - Community Activities
 - Equipment and minor home adaptations
 - Respite
7. As well as increasing flexibility and choice, Direct Payments do require the service user or their carer to take on additional responsibilities for arranging and administering their care and support arrangements.
8. In 2005 the Council appointed the Cardiff & Vale Coalition for Disabled People (CVCDP) (now Diverse Cymru) to provide a service which was responsible for supporting the service user to recruit a Personal Care Assistant (P.A.) or to establish a contract with an Agency. Key services in that support include:
- To work with social workers in identifying potential users of Direct Payments and to meet and advise prospective users of the scheme.
 - To advise the service user of their responsibilities as an employer
 - To provide a “ managed banking” service which provides an alternative for the service user who may not wish to establish their own separate care bank account
 - To advocate on behalf of the service user for problems which arise in relation to the direct payments scheme.
 - To provide user with the support necessary to recruit a PA or appoint an agency.
 - To notify the Council of any concerns about the welfare of the Direct Payments user, their family or personal assistants which relate to this scheme as soon as is reasonably possible.
9. Diverse Cymru has continued to provide the Direct Payment Support Service. The value of the service equates to annual payments of circa £700,000.
10. During the last 11 years service user numbers have increased and currently 621 Adults and 151 Children are in receipt of a Direct Payment. 40 Adults and 16 Children are ‘Working Towards’ a Direct Payment with Diverse Cymru (figures as of 23.11.2016).
11. There is now a need to recommission the Direct Payments support service in order to comply with procurement requirements and also to ensure that the service integrates effectively with current models of social care prevention and support.

Direct Payment Model Proposal

12. The Directorate has reviewed the direct payment support service requirements in light of legislative requirements and the opportunities for integration made possible through service redesign.
13. In order to inform the development of a new service specification a consultation exercise was undertaken to gather service user views of the support and assistance that they valued and to find out if there were areas of support where additional help was required.
14. The review process has made clear that the current support service arrangements can lead to a degree of duplication and a lack of clarity about respective roles and responsibilities between the provider and the Council. Going forward therefore the specification will more clearly define these roles and responsibilities and ensure that service users have a clear single point of contact for information and advice.
15. There will be a more clearly defined role for the Council in the promotion and encouragement of the use of the Direct Payment option and also in the development of training pathways for individuals who may wish to become personal assistants in Cardiff. Every service user assessed as eligible for a Direct Payment will be visited prior to referral to the support provider to ensure that the option is fully understood and that advice on the widest range of independent living services are explored.

- **The Support Service** - will advise and provide support to people on a number of issues:

- Visit each referred service user within a specified period
- Provide advice on safety and best practices at home
- Support on planning to use PA/Agency or Residential
- Recruitment including adverts/job descriptions/interviews
- Acting as an employer
- Setting up employment systems
- Legal advice relating to HR/Employment
- Advice in relation to training/qualifications/DBS
- Financial advice including pensions/insurance and payroll
- Ongoing advice around employment and Direct Payments

- **Direct Payment Managed Account Service**

Set up a Managed Account arrangement with the service user and providing ongoing support to keep the arrangement in place, as well as liaising with Social Services:

- Providing information about each option
- Setting up and monitoring the dedicated account
- Arrange & pay all agreed outgoings (PA wages, care agency fees, insurance etc.)
- Collect care contributions

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- Pay all amounts due to HMRC and keep pensions/insurance covered
- Record income and payments
- Provide statements of all transactions

16. The Directorate has conducted a consultation with person's, families and case managers in order to assess the current service provision and establish principles for future service models. The main findings of the consultation supported the flexibility of selecting support as and when required from support service or managed accounts. Thus offering the service user more choice. Please refer to **Appendix B**.

In Summary

17. A number of options were researched and considered to secure the delivery of the services. The preferred model would be to appoint either one or two organisation delivering the Support and Managed Accounts Service across the City to the combined value of circa £4.2 million. Two organisations delivering the Support and Managed Accounts service may address any market issues relating to capacity and would sustain services.

18. Further work is currently be carried out by the directorate to determine the most appropriate route of one or two providers to deliver the service. If recommendation 2 is approved, the information would inform the decision report for the director of Social Services. Such benefits are one or two organisations to deliver an effective model which takes into account the service users feedback supporting a single organisation as a point of contact, and the success of the 'one- stop shop' element. There are a number of experienced providers in the Direct Payments market that could provide valuable and effective service to service users of Cardiff, and this could be accessed through a combined tender. Please refer to **Appendix A – Options Appraisal Paper**.

19. It is proposed that the contract for Direct Payments will be delivered as a whole package by tendering to the market for providers.

20. It is proposed the Directorate will procure a sustainable direct payment service expecting providers to deliver services which meet the outcomes of individuals as set out in their support plans, offering individuals more choice, control and independence in their lives.

21. Direct Payments will remain an option for service users in order to ensure that they have a choice over who delivers all or part of their support. This should not present any difficulty and we anticipate being able to deliver choice for service users where this is required.

22. The Directorate recognises it is working to a tight timescale. Transition and contingency arrangements are in place and will be administered by social services for a period leading up to the new contract. All directorate involved in the project have been briefed and are ready to respond as and when necessary.

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23. The approach to the commissioning process will be strongly aligned to the Co-operative Values that the Council has signed up to:

- **OPEN** – allowing service users to have their say on what is important to them, ensuring that they are listened to and their views directly inform the way that services are delivered in the future.
- **FAIR** – ensuring that all organisations have the best opportunity to be successful, every effort will be made to ensure that smaller organisations can participate by encouraging joint working and consortia.
- **TOGETHER** – working together with partner agencies, co-producing solutions and jointly commissioning where possible, to deliver a range of services designed for those who need them most.

24. A number of principles underpin this recommissioning:

- Ensuring that services are based on need and that the most vulnerable service users are protected.
- Promoting independence and delivering support at the lowest appropriate level to meet client needs.
- Taking evidence based approach to service design – considering current usage / turnover, outcomes and service user feedback.
- Ensure services are sustainable.
- Maximise the time spent on the client and reduce management costs.
- Wherever possible, commission support in partnership with other organisations / across funding streams.
- Develop service specifications that are outcome based and quality focused.

25. It is proposed that providers will be secured through appointment to a 3-year contract with the option to extend for three further years if they are delivering the best value, quality of service and cost.

26. The Directorate is proposing to seek the most economically advantageous tender based on criteria weighted equally on quality and value for money.

27. If the proposed recommendation is approved, all stages of the procurement process to be delegated authority to the Director of Social Services in consultation with Cabinet Members for Finance and Health, Housing and Wellbeing, the Council's Section 151 Officer and the Director of Governance

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and Legal Services, to determine all aspects of the procurement process up to and including the award of contracts and all ancillary matters pertaining to the procurement.

- 28. In light of the tight timescales in which the directorate are working, the Directorate are considering to use the Open procedure although this will be subject to a separate report (director level) if recommendation 2 is approved.
- 29. The Council propose to secure a support service and a managed accounts service to assist service users in all or elements of the persons direct payment service. It will be important at a time of any transition there is continuity in the delivery of the service.

ISSUES & RISKS

- 30. If the proposed recommendations are approved, the procurement process may give rise to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) between providers. Anonymised TUPE Information will be provided as part of the tender documentation.
- 31. The Directorate recognise to undertake a competitive tender process could de-stabilise the provision and continuity of support. However there is a requirement to competitively tender the service. The Directorate in conjunction with service users and families will ensure disruption to individuals is minimised.

CONSULTATION

- 32. **Communities & Adult Services Scrutiny Committee** on 7th December 2016 has considered the proposals outlined in the report. Please find attached a letter from the Chair, Councillor McGarry, of Direct Payments at Community & Adult Services Scrutiny Committee. **Appendix D.**

A pre decision scrutiny of the report will be presented to **-Children and Young People Scrutiny Committee** on 10th January 2017 and **Communities & Adult Services Scrutiny Committee** on 18th January 2017. Committee’s comments will be made available to Cabinet at the meeting.

- 33. Service user and Case Manager/Social Worker consultation has also taken place. A report of the findings of the consultation can be found at **Appendix B**
- 34. Officers will continue to work closely with incumbent providers and other stakeholders. Every effort will be made to involve stakeholders and in particular service users in the specification of services and in the evaluation process.
- 35. This report does not relate to a local issue.

EQUALITY AND DIVERSITY

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36. An Equalities Impact Assessment has been undertaken and attached as **Appendix C** to consider the potential impacts of the proposal in terms of equality so that the directorate can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.

37. The Council as adopted the principle that in the conduct of public business and administration of justice in Wales, it will treat the English and Welsh languages on a basis of equality.

Reasons for Recommendations:

38. The reason for the recommended decision is to obtain the necessary approval in order to commence the procurement process to invite bids from the market in relation to Direct Payment Services for vulnerable people as outlined in the report.

Legal Implications:

The first recommendation is to seek approval for the proposed model in relation to the longer term arrangements for the provision of support services for Direct Payments.

Direct Payments – current legislation

Direct Payments are monetary payments made available by the Council to individuals, or their representatives, to enable them to meet their assessed care and support needs, thereby increasing choice and independence for those individuals. The primary legislation which now governs Direct Payments is set out in the new Social Services and Well-being (Wales) Act 2014 (“the new Act”). In particular sections 50 – 53 set out the legislative provisions which require or allow the Council to make a Direct Payment towards the cost of meeting (i) an adult’s needs, (ii) a child’s needs, and (iii) a carer’s needs for support under sections 40, 42 or 45. These provisions are underpinned by the Care and Support (Direct Payments) (Wales) Regulations 2015 (“the 2015 Regulations”), which set out, amongst other matters, what steps a local authority must take to enable individuals to make informed choices about direct payments. In addition to the new Act and the 2015 Regulations, the Council is required to act in accordance with the Welsh Government Code of Practice (entitled Social Services and Well-being (Wales) Act 2014 part 4 Code of Practice (Meeting Needs)). It is understood that the Directorate has taken account of the aforementioned legislation and guidance in developing the proposed model for the longer term provision of support services in relation to Direct Payment arrangements.

Proposed Model

It is noted that the Directorate proposes to go out to tender in order to appoint either one or two providers to provide the (i) support services and (ii) a “managed account “ service. Legal Services are instructed that the proposed

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model will allow individuals and/or their representatives to select which elements of the services, if any, they wish to access, thereby offering choice in accordance with the primary objectives of the current legislation and guidance. By way of example only, an individual may elect to have his/her Direct Payment paid (1) to his/her own bank account and to manage the Direct Payment himself/herself, or (2) to a nominated third party on his/her behalf, with the proposed model providing that the individual may choose as his/her nominated third party either (i) the Council's appointed provider of the "managed account" service or (ii) another third party of the individual's choice.

As highlighted in the body of the report, the Directorate has undertaken stakeholder consultation in order to develop the proposed model. Consultation gives rise to the legitimate expectation that the feedback from the consultation will be taken into account when developing proposals.

Procurement

Legal Services are instructed that the Directorate proposes to undertake a competitive tender in order to award either one or two services contracts for a fixed term of three years with the option to extend for a further period or periods equating to no more than three years. It is understood that the estimated value of the proposed contract is circa £4.2 million. Under the Public Contracts Regulations 2015 the proposed services fall within Schedule 3 of the Public Contracts Regulations 2015 ('2015 Regulations'). Contracts for service that fall within schedule 3 and which are above threshold (ie are over £589,148) must be procured in accordance with the Regulations 74-77 (the so called "Light Touch Regime"). Whilst contracts which fall under the Light Touch Regime are not subject to the full ambit of the 2015 Regulations, nonetheless they are subject to certain mandatory requirements which are set out in the 2015 Regulations. Of particular significance to this proposal, is that there is a mandatory requirement for the Council to advertise such services by means of an OJEU contract notice or a prior information notice in accordance with the provisions of Regulation 75(1). Further, when seeking to award a contract for such services the Council is required to adopt a procedure which ensures compliance with the principles of transparency and equal treatment of economic operators (Regulation 76(2)). Legal Services are instructed that this is how the Directorate intends to proceed.

Detailed legal advice should be obtained throughout the procurement process with regard to i) the drafting of all the relevant procurement documentation (including the draft terms and conditions of contract) and ii) the procurement process in general. It is understood that the Directorate intends to proceed on this basis. The indicative timetable is, however, tight, in that the tender documentation, the agreed evaluation criteria, the draft contract terms and conditions will be required before issue of the OJEU notice).

TUPE

It is noted that currently the services being provided by an external provider. Accordingly TUPE may apply to the award of the new contract should the incumbent provider bid unsuccessfully. Legal advice should be sought in

connection with the proposed terms and conditions of the contract, in particular to ensure that the Council's standard TUPE clauses are contained in the same.

The second recommendation in the report is to delegate authority to the Director of Social Services in consultation with Cabinet Members for Finance and Health, Housing and Wellbeing, the Council's Section 151 Officer and the Director of Governance and Legal Services, to determine all aspects of the procurement process (including determining the pre qualification criteria and the evaluation criteria to be used, and authorising the award of the contracts) and all ancillary matters pertaining to the procurement. This is a relatively complex and substantial procurement exercise. The purpose of the delegation means that the substantive issues relating to the procurement, including determining the evaluation criteria will be made by the Director of Social Services.

Equality duty

In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a). Age, (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation (i) Religion or belief – including lack of belief.

The report identifies that an Equality Impact Assessment has been carried out and is appended at Appendix C. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty. The decision maker must have due regard to the Equality Impact Assessment in making its decision.

The decision maker should also have regard when making its decision to the Council's wider obligations under the Social Services and Wellbeing (Wales) Act 2014 and The Wellbeing of Future Generations (Wales) Act 2015. In brief both acts make provision with regards promoting/improving wellbeing.

Financial Implications:

The report seeks approval for the procurement of a revised model for the direct payments support service. An existing direct payment management and support service is currently commissioned from an external provider at an annual cost of circa £700,000 per annum. A savings proposal of £200,000 was included in the 2016/17 budget in relation to the proposed review of this service. The revised timetable for the review has been acknowledged and is reflected in the current year's monitoring position. Whilst, the outcome of any procurement process

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cannot be predicted in advance, it is important that the process is conducted within a timescale that provides the earliest opportunity for the realization of savings. It is noted that the revised model assumes an enhanced Council role, including a dedicated direct payments team. Any additional resource requirements relating to this team will have to be met from within existing budgets.

Human Resources Implications:

The proposal will involve an enhanced service provided by the Council. Any employee requirements for this service will follow corporately agreed processes and there will be trade union consultation on any changes or additions to the current service.

The procurement process could involve Transfer of Undertakings (Protection of Employment) Regulations between the outgoing and incoming provider, therefore HR will provide advice as part of the procurement process on this matter.

RECOMMENDATIONS

39. The Cabinet is recommended to:
- a) Approve the proposed model for the provision of direct payments support services for service users as set out in the body of the report;
 - b) Authorise the proposed procurement process; If the proposed recommendation is approved, all stages of the procurement process to be delegated authority to the Director of Social Services in consultation with Cabinet Members for Finance and Health, Housing and Wellbeing, the Council's Section 151 Officer and the Director of Governance and Legal Services, to determine all aspects of the procurement process up to and including the award of contracts and all ancillary matters pertaining to the procurement.

Tony Young

**Director of Social Services.
8th December 2016**

The following Appendix is attached:

- Appendix A - Options Appraisal Paper
- Appendix B – Consultation Findings
- Appendix C – Equality Impact Assessment

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Appendix D - A letter from the Chair, Councillor McGarry, of Direct Payments at Community & Adult Services Scrutiny Committee.

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Direct Payments

OPTIONS APPRAISAL

Monday 14th November 2016

Version 1.0 – Options Appraisal Working Group

Appendix A



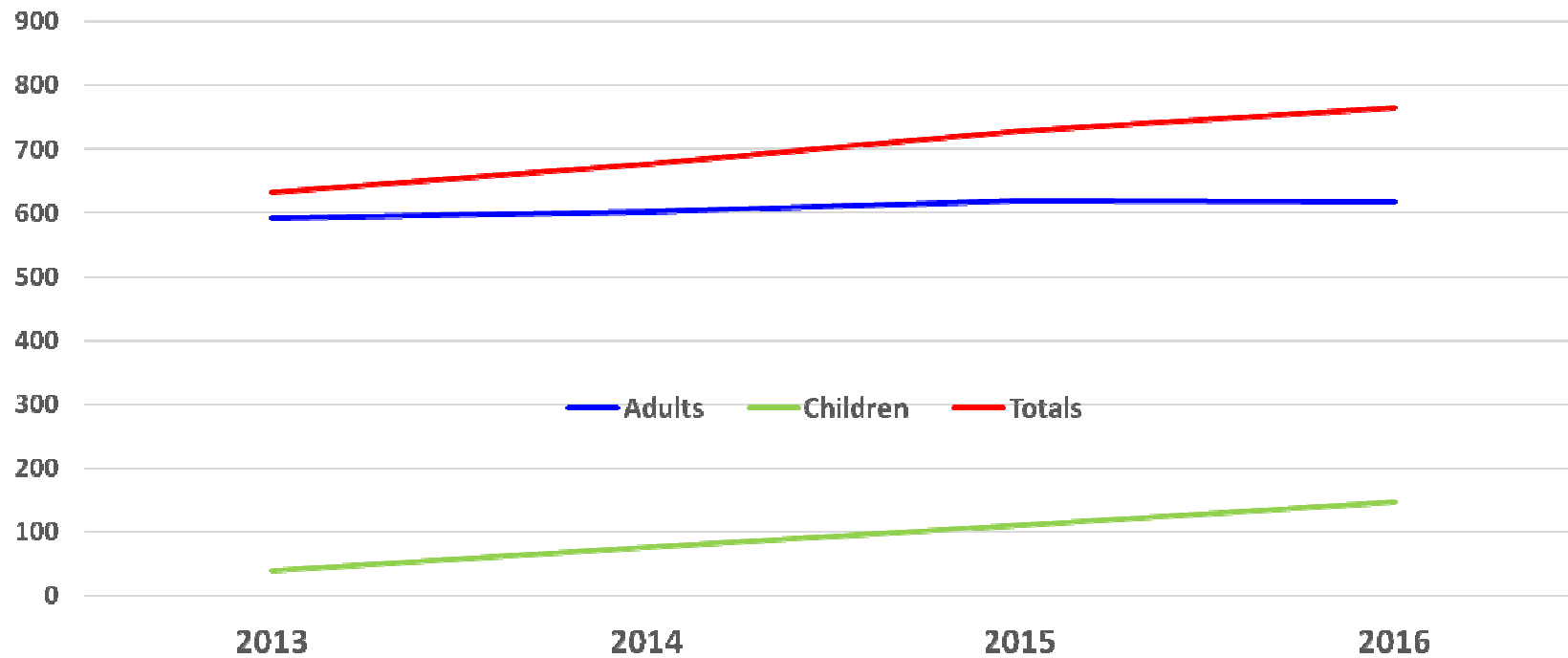


What are Direct Payments?

- **Direct Payments are payments from the Local Authority which are available to citizens whose needs have been assessed as substantial and critical and requiring a Social Services care and support package.**
- **In line with the Social Services & Wellbeing Act Wales (2014) it is a statutory duty to support an citizen through a Direct Payments service. Part 4 of the Code of Practice outlines the Local Authority duties with respect of Direct Payments.**
- **This method of managing care is designed to promote independence, decrease social inclusion and enhance self – esteem by enabling people to continue live in their own homes while taking an active role in their community.**
- **Cardiff Council has been operating a Direct Payments service since 1996; the service allows for the provision of Domiciliary care services either through a Personal Assistant (PA) or a Registered Domiciliary Care Agency (Agency).**
- **It is the Council’s intention to widen access to Direct Payments to the eligible citizens of Cardiff by increasing uptake of the service and by improving the processes contained within the scheme.**

Numbers of Direct Payments

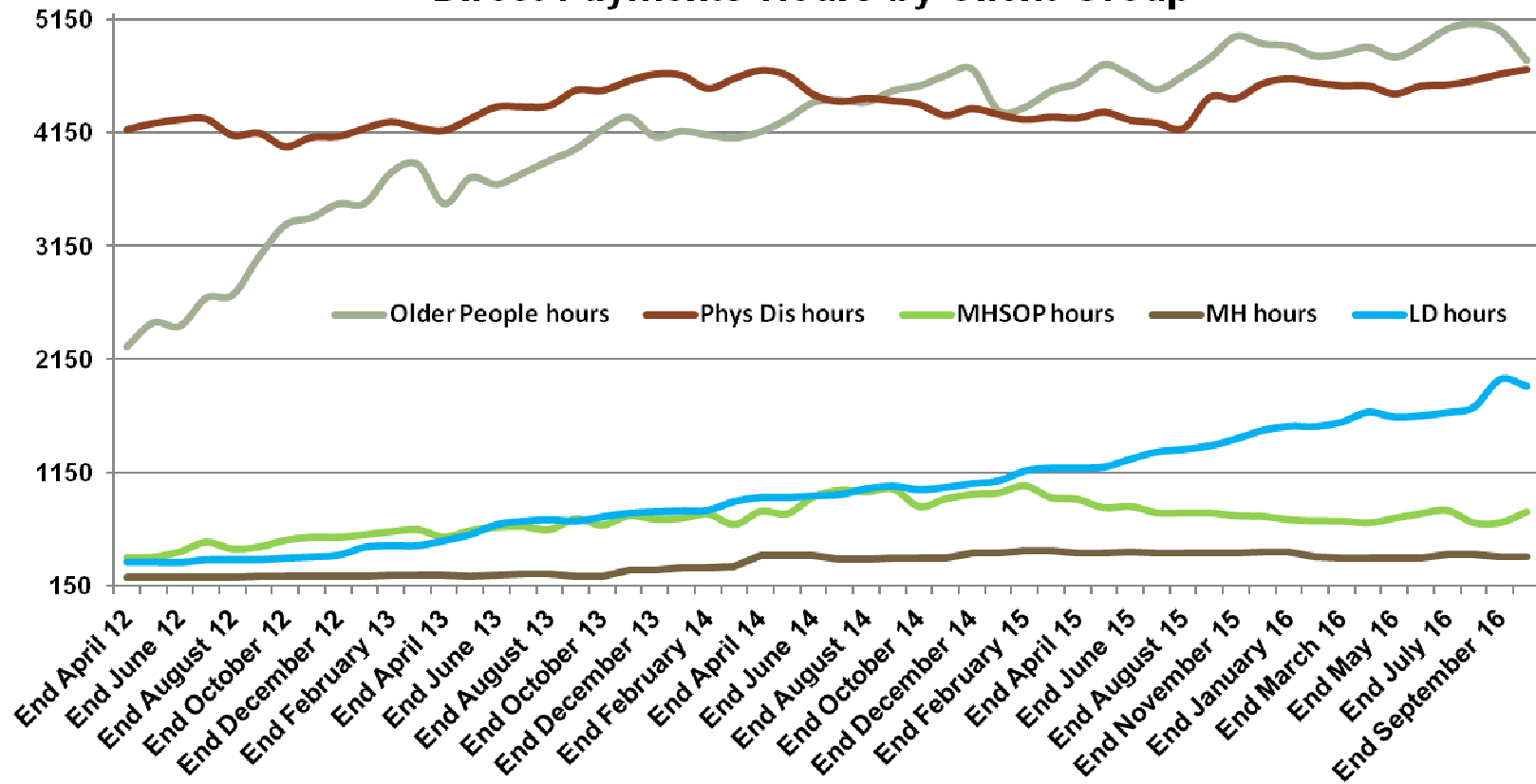
Direct Payment Service Users (2013 - 2016)



Which groups of citizens are using Direct Payments?



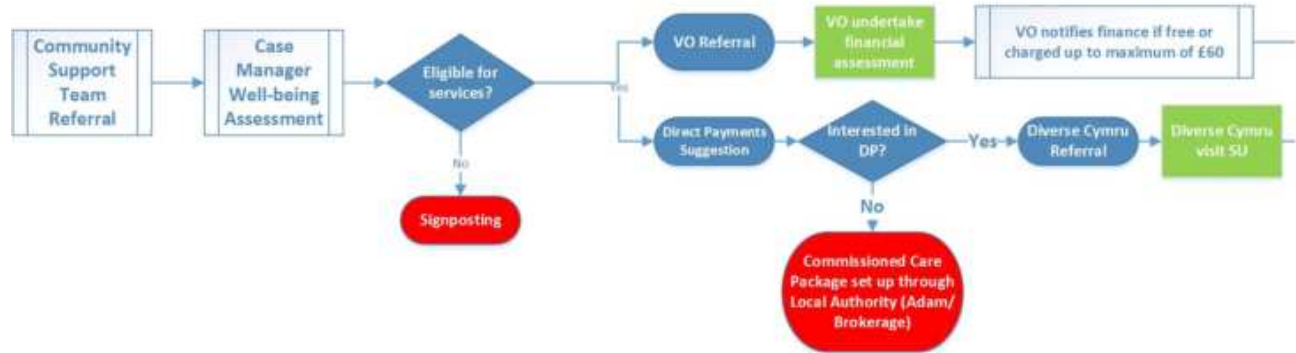
Direct Payments Hours by Client Group



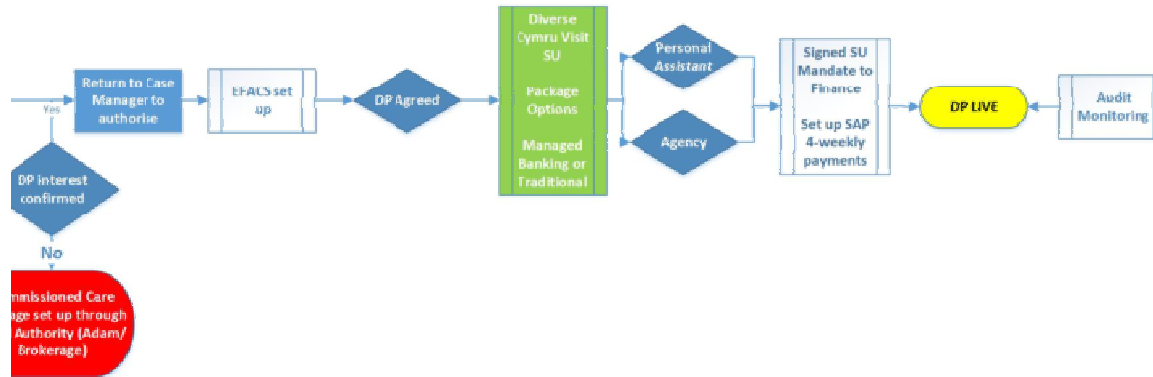
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Service User Journey

'As-is' Process (Slide 1)



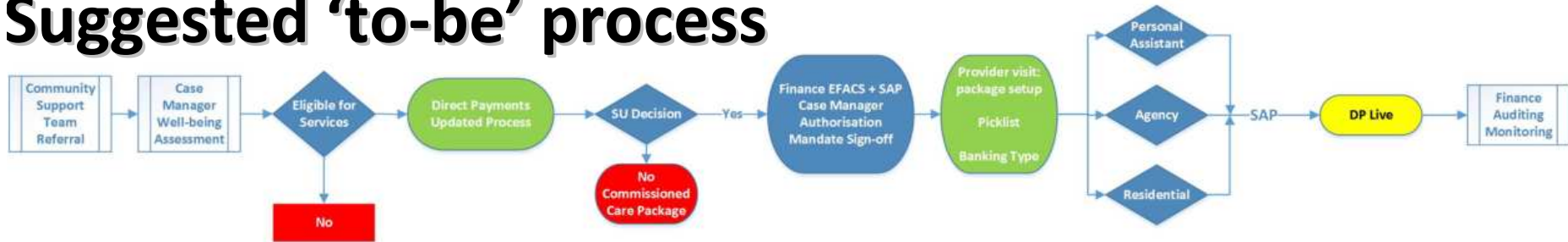
Community Support Team Referral	Case Manager Assessment	Eligibility	Direct Payments Suggestion	Independent Living Visit - Finance
<p>Referrals come into CST from:</p> <ul style="list-style-type: none"> • C2C • GP • Intake & Assessment • MASH <p>Learning Disability & Mental Health referrals go straight to the relevant teams.</p>	<p>Internal Social Services process</p>	<p>If not entitled to LA assistance, applicants are signposted to other services/third sector partners</p>	<p>Case Manager provides information:</p> <ul style="list-style-type: none"> • Script • List • Information Pack • Policy • Guidance • Default Positions <p>Not Interested Follow LA brokerage system through Adam</p>	<p>Assesses available income of potential service user to establish if services will be free of charge or chargeable up to £60</p>



Diverse Cymru Referral	Diverse Cymru Visit <i>Terms & conditions confirm to Case Manager</i>	T&Cs SAP	Direct Payment Active
<p><i>Diverse Cymru/Case Manager visit Service and provide initial information:</i></p> <ul style="list-style-type: none"> • Checklist • DP info pack • HR support eg. recruitment • managed or traditional banking • 3 routes • Employment Law 	<p><i>Case Manager confirms that SU is interested and initiates ASWP to finance DC visit SU to set up final package options</i></p> <ol style="list-style-type: none"> 1. Domiciliary - Personal Assistant <i>SU chooses to independently recruit a PA to cover their care</i> 2. Domiciliary – Agency <i>SU contacts a domiciliary care agency to arrange cover for their care</i> 3. Residential <i>SU also has the option of using a DP to pay for residential care, but this option has not yet been used</i> <p>Managed Banking terms and conditions signed in person by SU</p> <p>Banking Type</p> <ul style="list-style-type: none"> • Recruitment • Interviewing • Advertising • Legal • Specific ongoing support requirements • Pensions/Insurance 	<p><i>Banking terms and conditions returned</i></p> <p><i>Start date agreed between Case Manager, provider and SU</i></p> <p><i>Finance sets up 4-weekly payments in SAP after start date has been sent to brokerage</i></p>	<p><i>Monitoring and auditing</i></p> <ul style="list-style-type: none"> • Case Manager • Visiting Officers • Finance • Brokerage

'As-is' Process (Slide 2)

Suggested 'to-be' process



Referral (Council)	Wellbeing Assessment (Council)	Introduction to Direct Payments Eligibility	Direct Payments Suggestion & Visit UPDATED PROCESS	Service User Decision	Finance & Case Manager Authorisation UPDATED PROCESS	Package Setup Visit UPDATED PROCESS	3 Routes SAP	Direct Payment Active UPDATED PROCESS
<p>Referrals come from Community Support Team members: C2C, MASH, GP, Intake & Assessment</p> <p>Working ability, Mental health and Children's Services referrals go to relevant teams.</p>	<p>Internal Social Services process</p>	<p>A detailed explanation of Direct Payments is provided to SU/family and if interested then they are assessed for eligibility</p> <ul style="list-style-type: none"> New script New DP policy <p>If not entitled to LA assistance, applicants are signposted to other services/third sector partners</p>	<p>Case Manager visits to suggest DP and provide comprehensive overview of DP process:</p> <ul style="list-style-type: none"> New information pack Support information Banking terms & conditions Recruitment advice including adverts/JDs/interviewing Appointment advice including HMRC/employment law/pensions/insurance Managed banking T&Cs banking advice payroll hmrc. Information sharing protocol PA/Agency/Residential options Local Authority required forms <p>VOs attend SU at the same time to conduct financial referral</p>	<p>If DP not requested, then traditional care package put in place through Children's Services brokerage process and Adam</p>	<p>Case Manager confirms that SU/family is interested and initiates ASWB and other finance processes</p> <p>Case Manager refers to Managed Banking provider</p>	<p>Provider visit SU/family to set up final package options using a picklist:</p> <ul style="list-style-type: none"> Specific package requirements Banking type Which route Sign banking documents Sign T&Cs <p>Mandate signed and delivered back to finance</p>	<p>Start date agreed between SU/Case Manager/provider</p> <p>Start date submitted to brokerage</p> <p>Finance sets up 4-weekly payments in SAP</p>	<p>Monitoring and auditing done through a single Direct Payments team based within the Council</p>



Why are we reviewing the process?

- Legislative requirements of the Social Services & Wellbeing (Wales) Act 2014 have changed:
 - Provide greater choice and control over care
 - Increased the range of services that can be paid for by Direct Payments
- The Council has been working with an external provider for Direct Payments since 2007 and the current contractual arrangements come to an end in March 2017.
- Concerns have been raised about consistency of service we currently receive, and benchmarking in line with other Local Authorities indicates that improvements can be made to the services we provide to Direct Payment recipients. These improvements will be designed to provide a better, more efficient service and deliver increased value for money.
- It is felt that the model could be more flexible in meeting the needs of people by offering a 'pick-list' containing a range of choice within the service provided.
- A more flexible service would give greater control over their people's lives and allow them to live more independently.
- An opportunity exists to stimulate the market for Personal Assistants/Domiciliary Carers by linking into the Council's Into Work Advice/Adult & Community Learning services.

Consultation Results



- *Roughly 30% of overall DP service users replied (187)*
- 90% believed that Direct Payments were able to meet their care needs
- Over 70% of respondents believed that the Direct Payment service satisfied or exceeded expectations
- Only 14% of respondents believed that the service only met some or none of their needs
- 74% chose to use Managed Accounts service for the first time, compared to 77% who would set it up if they started again
- 93% believe their banking choice provided enough support to manage their DP service
- Less than 20% of Service Users responded that they used all of the 'pick-list' services, and when asked which services would be used in future, the figure was less than 10%
- 66% of service users would prefer to have contact with their support worker 'As & When' rather than on a regular basis
- 93% of respondents felt their Social Worker was helpful during the process

Response at assessment

April – Nov 2016

- Of the candidates who declined, 65% of those declined because they were satisfied with their current care arrangements
- When declining, service users gave the following reasons:
 - *Would prefer to stay with existing Agency – happy with standard of care provided*
 - *Residential/nursing home placement arrangements in place*
 - *Service user does not feel able to manage own care*
 - *Service user/family requires care in place immediately*
- 30% of candidates offered Direct Payments agreed either to take them up now or to work towards them in future
- 40% of the overall cohort that were assessed or reviewed during this time were not offered Direct Payments for reasons of capability or eligibility

Investigating the way that social workers assess for and recommend Direct Payments is an important part of the recommissioning process. Currently, there are over 50 different reasons recorded in CareFirst for why DP has either been refused or not offered, and this needs to be better monitored in order to improve future processes.

What legislation will guide the new model?



The Social Services and Wellbeing (Wales) Act 2014 (The Act) repeals previous legislation concerning entitlements to direct payments. The Care and Support (Direct Payments) (Wales) Regulations 2015, set the circumstances when local authorities are either required or allowed to make direct payments under Part 4 of the Social Services and Wellbeing Act 2014 as a way of meeting a person's needs for care and support.

Prior to the implementation of the Act, a local authority was required to provide a Direct payment if:

- It was requested by the person
- The Authority is satisfied that the care and support needs of the individual or a carer can be met through the provision of a direct payment
- The person is capable of managing the payment (either with or without support).
- If a person does not have the mental capacity to consent; the payment could be made to the 'suitable individual' to manage on the person's behalf.

The Act and associated regulations do not change the previous legislation and guidance but add to it by extending the range and the scope of use of Direct Payments. This Includes:

- Enabling individuals with a drug or alcohol dependency to request a direct payment (with suitable safeguards)
- Prohibiting local authorities from stipulating that the direct payment must be used in a particular way
- Allowing an individual to purchase care and support for the 'authority which made the payment'
- Authorising the use of direct payments to purchase care and support or help managing the payments from a relative living in the same household if appropriate for promoting the person's wellbeing
- People who wish to use their direct payments to cover long term residential care
- Requiring the first review of the direct payment arrangement at 6 months (previously 12 months)
- The use of direct payments for meeting a child's care and support needs for meeting a carer's support needs

It is to be noted that it remains a statutory duty of the local authority to meet the assessed individual needs of each service user.

What other elements must the model contain?

Assurance of Supply	<ul style="list-style-type: none"> • Citizens should be able to exercise choice in how their assessed needs are met • Providers should attempt to provide as much choice as possible in how those assessed needs are addressed • They should be confident that their support will be provided in a timely manner • The new model must work to ensure that the market can handle
Quality	<ul style="list-style-type: none"> • Specialist expertise of the provider(s) • If PAs are recommended to citizens, they are qualified to the industry-recommended standards • Recommended PAs have the ability to administer medication as and when required
Service	<ul style="list-style-type: none"> • Services are tailored to meet the needs of individuals. • Support scheme ensures that appropriate advice, information and support is available to all citizens • Supports users in complexities of using direct payments to meet their support needs legally and efficiently • Ensuring access to services that are delivered in a community setting
Cost	<ul style="list-style-type: none"> • Council only paying for necessary services that address established needs • Need to dis-incentivise 'up-selling' of services and support
Innovation	<ul style="list-style-type: none"> • Added value and innovation in service delivery – only provide services suitable to needs • Encourage utilisation of community resources and services • Signposting those citizens with lower level needs

Options under consideration

1. Internal Provider

Legal advice has been sought on whether the managed banking aspect of the service can be delivered in-house and it would appear that this proposal falls outside of the current legislation, including the Social Services & Well-being Act (Wales) 2014 and other guidance governing Direct Payment arrangements.

2. Hybrid

Support function provided by the Council with a managed accounts function to be provided externally.

3. External Provider

An external provider that offers both a support and managed accounts service. A discrete Direct Payments team based in Social Services will monitor the contract and direct payment activity.

Requirements of model



Enhanced role of the Council

A Council team will ensure promote and encourage the Direct Payment option from the first time a Service User comes into contact with the Council, or when their care arrangements are reviewed.

Assessing eligibility for Direct Payments and then ensuring a simple referral pathway into setting them up

Setting up a dedicated Direct Payments team to manage referrals and relationship with provider(s)

Encouraging the use of Direct Payments by explaining and signposting Service Users to relevant information and processes

Providing support to prospective Personal Assistants to enter the market

Working in partnership with the appointed provider(s)

This team will also bring together the monitoring and auditing function.

Monitoring the Direct Payment accounts to ensure that money is spent appropriately and balances are topped up

Holding provider(s) to account for key performance indicators

Guarantee and monitor contingency funds



Activity of Support Services

Delivered through a single provider

Providing support to set up and manage a Direct Payment provider that is appropriate to the person and covers their care requirements

- Managing active/eligible Direct Payment cases
- Advice on safety and best practices at home
- Support on planning to use PA/Agency or Residential
- Recruitment including adverts/job descriptions/interviews
- Advice on becoming an employer
- Setting up employment systems
- Legal advice relating to HR/Employment
- Advice in relation to training/qualifications/DBS
- Financial advice including pensions/insurance and payroll
- Ongoing advice around employment and Direct Payments
- Securing cover and emergency arrangements with PAs
- Establishing contingency arrangements with Service Users



Activity of Managed Account service

Delivered through a single provider

Setting up a Managed Account arrangement with the service user and providing ongoing support to keep the arrangement in place. Liaising with the Social Services with respect of payments.

- Setting up and monitoring the dedicated account
- Arrange & pay all agreed outgoings (PA wages, care agency fees, insurance etc)
- Pay all amounts due to HMRC and keep pensions/insurance covered
- Record income and payments
- Provide statements of all transactions

Key Objectives

Delivered within each model



- Assessing eligibility for Direct Payments and then ensuring a simple referral pathway into setting them up
- Providing a one-stop shop for enquiries, advice, support and complaints
- Encouraging the use of Direct Payments
- Providing support to prospective Personal Assistants to enter the market
- Monitoring the Direct Payment accounts to ensure that money is spent appropriately and balances are topped up
- Holding provider(s) to account for key performance indicators
- Guarantee and monitor contingency funds

Features of a hybrid service

- Council is able to directly manage quality and evolution of the service.
- Opportunity to deliver an effective model which takes into account the service user feedback supporting a single organisation as a point of contact, and the success of the ‘one-stop shop’ element of the current model.
- Offering a list of individual chargeable options could guarantee better choice for the Service User and deliver increased value, which has been suggested by feedback from consultation.
- When asked which options would be selected in future, Service Users again responded that they would select only a few options, and not the entire list, demonstrating that a list of individual chargeable options could better serve their purpose and deliver increased value.
- By administering the support service the Council could forge direct links between service users and a number of different services, both internal and community based.
- Council is well placed to provide a ‘one-stop-shop’ point of contact, as it has significant experience in providing a service of this kind.
- Stronger links between the team providing the wellbeing assessments and the support provider could produce a significantly more efficient process for the service user and limit ‘hand-offs’.
- Managed accounts service will be delivered through a competitive tender.

Concerns with operating a hybrid service



- In providing the Support element of the service, the Council will become responsible for delivering legal and employment service to a cohort of up to 700 clients, with the potential for that number to expand as increased uptake of Direct Payments is encouraged.
- The Council or provider may not immediately possess the experience or capacity to operate all elements of the Support service, and as such additional expertise would need to be called upon or possibly commissioned, for instance in payroll.
- With the possibility of services split up between the Council or provider and another additional provider for managed accounts, a number of 'hand-offs' may enter the process which could detract from continuity of the service user experience.
- The 'one-stop shop' approach that has been praised through consultation might be compromised if the service is divided up into different areas.
- There is a risk that, with the volume of the service needing to be provided, the Council or provider may need to expend significant resource in reaching the standard required.
- Existing staff providing support service will incur TUPE concerns

REQUIREMENTS OF AN EXTERNAL service



- › There are a number of experienced providers in the Direct Payments market that could provide a valuable and effective service to citizens of Cardiff, and this could be accessed through a combined tender.
- › Opportunity to deliver an effective model which takes into account the service user feedback supporting a single organisation as a point of contact, and the success of the 'one-stop shop' element of the current model.
- › Offering a list of individual chargeable options could guarantee better choice for the service user and deliver increased value, which has been suggested by feedback from consultation.
- › In order to ensure that personal assistants engage with a support provider, the most effective incentive could be a provider that operates both support and the managed accounts payroll.
- › The new model will encourage greater uptake of Direct Payments, this will result in a higher volume of DP cases needing support from a provider, by designing an external contract, this can be written into the requirements and adequately planned for.
- › In order to ensure the new contract is able to handle the volume required, it is possible to consider additional ways to deliver the service, including dividing contracts based on geography or volume
- › The level of responsibility involved with providing legal and financial advice on this scale may represented a risk for the Council, which is allayed by tendering the service externally.
- › The costs of delivering an external service can be mapped based on existing external provision in other Local Authorities, including analysis of volume and service charges.
- › The entire service will be presented to the market and tendered competitively.

Concerns with operating a fully external service

- There is a risk that with a service tendered at this volume the successful provider could begin a process of monopolisation.
 - *Note: this is addressed by tendering a one-service contract split into smaller contracts*
- Consistent contract monitoring for a tender of this volume would represent a significant resource drain on the Council.
- There would be limited scope for innovation within the service once a contract has commenced.
- Significant TUPE concerns will apply with a change of provider.
- The significant volumes involved with this tender could limit the engagement of potential bidders, especially considering the inherent focus on expanding uptake of Direct Payments.
 - *Note: by allowing the market the possibility to bid for smaller 'contracts' providing the entire service then this could be addressed*

Opportunities available through new model



Citizens will be able to select from a 'pick-list' of services

- This will ensure that the service provided will meet the agreed needs, and not provide anything that is not useful to the user
- This will ensure legislative compliance in that the SU is granted maximum choice during the process

New arrangements will build directly on lessons learned

- This will give the Council an opportunity to build a sustainable system that can work for longer
- The Council will be able to analyse and determine an accurate picture of what resources are needed to adequately manage a Direct Payments service

The Council will be in a better position to encourage take-up of Direct Payments and promote Independent Living



Issues encountered with current arrangement

ISSUE	ACTION
<p>Personal Assistant/Domiciliary Care Market has insufficient capacity</p>	<ul style="list-style-type: none"> • Carer awareness activities and building stronger links with PA/Carer market • Setting up a route into PA work through Into Work Advice Service & Adult/Community Learning • Within the specification for the service, these measures to work with the market, the Council and other partners will be included as performance indicators
<p>Service Users have experienced difficulties arranging cover/contacting support agency</p>	<ul style="list-style-type: none"> • Detailed specification from which performance can be measured • Regular reporting, performance measurement and testing of compliance from provider(s) • Comprehensive vetting during tender process
<p>The Council currently pays one rate to a provider to facilitate Direct Payments to citizens. This rate is regardless of the level of support received.</p>	<ul style="list-style-type: none"> • Service Users will be able to select from a pick-list of services that they wish to receive • This selection will be appropriate for their assessed needs, and not provide unnecessary assistance • The Council can then pay provider(s) based on actual services provided, rather than a flat rate
<p>Current DP rate is not in line with the established market rate for the service.</p>	<ul style="list-style-type: none"> • Review DP rate in line with current inflation uplifts and market analysis • The DP market in Cardiff will be reviewed

Further activity required from Project Group

ISSUE	ACTION
Market sounding exercise to be conducted	<ul style="list-style-type: none"> • Prior Information Notice to be prepared and published by C&P
Confirm desired recruitment model	<ul style="list-style-type: none"> • Creating a new domiciliary care agency has been ruled out owing to cost to the Council • Using a managing agency has been considered and will be scoped out further • Serious consideration has been given to the concept of setting up a PA Pool to join together the market with Council services
Confirm desired setup for new provider	<ul style="list-style-type: none"> • Framework of providers to be investigated • Market sounding exercises to be conducted
Pick-list prices to be established	<ul style="list-style-type: none"> • Finance/Procurement to research and establish baseline prices for services • Appropriate DP rate to be further examined
Direct Payments Team to be scoped	<ul style="list-style-type: none"> • Staffing and resource requirements to be established
Documents and policies to be refreshed	<ul style="list-style-type: none"> • All aspects of Direct Payment documents/policies to be refreshed

A decision relating to the recommended model and Direct Payment rate will be consulted upon and then presented prior to the Informal Cabinet.

Project/Tender Process & Timescale



<input type="checkbox"/> SU/Social Services Consultation	-	November 2016
<input type="checkbox"/> CASSC Scrutiny Submission	-	30 th November 2016
<input type="checkbox"/> CASSC Scrutiny Committee	-	7 th December 2016
<input type="checkbox"/> Detailed costing exercise	-	December 2016
<input type="checkbox"/> C&P Prior Information Notice (PIN)	-	December 2016
<input type="checkbox"/> CASSC Scrutiny Committee (Pre-Decision)	-	18 th January 2017
<input type="checkbox"/> Cabinet	-	19 th January 2017
<input type="checkbox"/> Provider Consultation	-	January 2017
<input type="checkbox"/> OJEU Contract Notice	-	January 2017
<input type="checkbox"/> ITT Stage	-	January/February 2017
<input type="checkbox"/> Tender Evaluation	-	March 2017
<input type="checkbox"/> Contract Award	-	March 2017
<input type="checkbox"/> Contract Commence	-	April 2017

Interim Contract Arrangements in place until March 2017

Next steps to implement preferred model

- *Seek authorisation from Cabinet to secure service and implement revised model*
- *Seek delegation to Director of Social Services for all procurement/tender*
- *Project Group to complete actions:*
 - *Draft new service specifications*
 - *Refresh Direct Payments Policy*
 - *Update Information Pack*
 - *Compile tender documentation*
 - *Scope and implement transition arrangements*
 - *Conduct further stakeholder consultation*
 - *Establish pricing schedule and rate*
 - Council to consider a new rate for Direct Payment provision (growth bid)*
- *Council will need to recruit and appoint a dedicated team to manage service, monitor arrangements and liaise with providers*

Appendix B

DIRECT PAYMENTS Consultation Results



During November 2016, the City of Cardiff Council Social Services team conducted a consultation with Service Users and Case Managers regarding the current Direct Payments system.

As part of this consultation, citizens were asked how they felt about their current service and if they had any recommendations for how the service would look. In addition, they were asked which options for support they have been using already, or would use in future if asked again. Opportunities were provided to give detailed comments on their experience.

The overall consensus from Service User feedback is that in most cases, Direct Payments are an effective way to meet their care needs, and have been delivered successfully. The more detailed comments have shown that there are a number of specific instances where their experience has been negative, and that often revolves around the incumbent provider.

Response rate

- 187 total service user questionnaires received
- Roughly 30% of overall service users
- 14 Adult Services Case Manager questionnaires received
- 5 Children's Services Case Manager questionnaires received
- 100% of Children's Services Case Managers approve of the proposed 'pick-list' based model
- 60% of Adult's Services Case Managers approve of the proposed 'pick-list' based model

Response at assessment

April – Nov 2016



- **Of the candidates who declined, 65% of those declined because they were satisfied with their current care arrangements**
- **When declining, service users gave the following reasons:**
 - *Would prefer to stay with existing Agency – happy with standard of care provided*
 - *Residential/nursing home placement arrangements in place*
 - *Service user does not feel able to manage own care*
 - *Service user/family requires care in place immediately*
- **30% of candidates offered Direct Payments agreed either to take them up now or to work towards them in future**
- **40% of the overall cohort that were assessed or reviewed during this time were not offered Direct Payments for reasons of capability or eligibility**

Investigating the way that social workers assess for and recommend Direct Payments is an important part of the recommissioning process. Currently, there are over 50 different reasons recorded in CareFirst for why DP has either been refused or not offered, and this needs to be better monitored in order to improve future processes.



Initial thoughts

- 93% of respondents felt their Social Worker was helpful during the process
- 90% believed that Direct Payments were able to meet their care needs
- 93% believe their banking choice provided enough support to manage their DP service
- 74% chose to use Managed Accounts service for the first time, compared to 77% who would set it up if they started again



Meeting needs

- 66% of service users would prefer to have contact with their support worker 'As & When' rather than on a regular basis
- Over 70% of respondents believed that the Direct Payment service satisfied or exceeded expectations
- Only 14% of respondents believed that the service only met some or none of their needs

Detailed feedback



Which services, if any, would you expect to have received in addition?

- *13/24 (over 50%) of comments on this question indicated that Service Users would have expected improved support on elements included within the proposed pick-list, or additional support with different areas. Some of these comments also mentioned improved information and better communication from the provider, which are integral elements to the proposed model*
- *This compares to 5/24 (20%) of comments on this question that indicated they would not expect any more support than was provided.*

How well do you think the Direct Payments service met your needs?

- *12/21 (60%) comments under this question described their service positively, but these comments are often in relation to a named Personal Assistant*
- *8/21 (40%) comments in this section described their service negatively, information or payments*

What suggestions would you make to improve the service?

- *In this section, 12/18 (67%) of comments indicated that the service requires significant improvement. Key factors listed here include:*
 - *Dissatisfaction with payroll runs and payments*
 - *High staff turnover contributing to poor communication*
 - *Low quality of information from the incumbent provider*
- *Just over a quarter of comments(4/18) indicated that they were satisfied with the system and did not wish to see any changes*



Points of interest

- 80% of surveys were filled in by someone else, with over 50% of those being a family member
- From all the additional comments provided, 32% make specific aspects to elements of continuity of service from the incumbent provider.

Conclusions

The feedback from surveys indicated that most social workers and service users agree that Direct Payments is usually an excellent way to meet care needs. There is also consensus that the degree of flexibility within DP can improve independent living and quality of life.

It is clear from the more detailed comments in the surveys however that there are a number of areas within the Direct Payments process that need to be tightened up, and that there are some alarming discontinuities within the service provided by the incumbent provider.

In addition, the feedback from social workers would seem to imply that the current system can be cumbersome to implement, and therefore that any changes to the system must be made with a view to ensuring that Direct Payments are easier to access and manage.

It is reasonable to infer from the responses that Direct Payments have made a positive impact on the lives of people in Cardiff, and that with an effective and functional system in place, this impact could be built upon. Furthermore, the drive to increase uptake of Direct Payments is likely to be successful if the issues described by the respondents can be addressed, and these main points are:

- *Communication with provider organisation e.g.. quality of information/single staff point of contact*
- *Accurate managing of accounts, payroll and payments*
- *Effective recruitment within the PA market, and engagement of PAs with providers*
- *Regular and effective contact with service users*
- *A more understanding and informed approach to complex needs*

Equality Impact Assessment
Corporate Assessment Template

Policy/Strategy/Project/Procedure/Service/Function Title: Direct Payments Support Service

New/Existing/Updating/Amending: New

Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function?

Name: Tony Young Job Title: Director Social Services

Service Area: Social Services

Assessment Date: 08/09/2016 updated 9/12/2016

1. What are the objectives of the Policy/Strategy/Project/ Procedure/ Service/ Function?

There is a need to improve efficiency and effectiveness of the Direct Payment service in meeting the social care of the population served and to ensure the direct payment service is in line with implementation of the Social Service & Wellbeing (Wales) Act 2014. The Direct Payments service has been reviewed and revised to develop a model offering the citizen more choice and control for their direct payment. The Directorate will consider how it secure the highest quality and best value contract for Direct Payments support, considering that the number of people receiving Direct Payments is anticipated to grow in future years.

A re-tendering process will focus on quality and competitive pricing for the service and will be completed to maintain existing service user support to those receiving Direct Payments.

Although the service delivery model would be different, the proposal would adhere to the principles and actions described in Section 2 below. It would not impact adversely on the protected characteristics of individuals. The Direct Payment service will serve children and adults that are eligible for support and care.

A communication plan would be put in place to ensure there is information sharing and engagement with recipients of direct payments about the proposed changes and clear transitional arrangements would be put in place to support service users/ families.

1. Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]

The current contractual arrangements have been awarded a Direct Award until 31st March 2017. A project team has been established a review of the provision and collate an options appraisal to seek the most beneficial direction for the Council.

CARDIFF COUNCIL

**Equality Impact Assessment
Corporate Assessment Template**

There are approximately 755 adults & children (Adults 605/Children 150) (figures as of 1.8.2016) service users accessing Direct Payments.

A revised policy has been updated in line with the Social Services & Wellbeing (Wales) Act 2014

The Community Support Team will conduct a wellbeing assessment and offer a direct payment to support those identified as having eligible needs. Their role is to assess individuals and to develop Care and Support Plans which meet the outcomes desired by the service user and to enable the option of a direct payment service.

3 Assess Impact on the Protected Characteristics

3.1 Age

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

	Yes	No	N/A
Up to 18 years		x	
18 - 65 years		x	
Over 65 years		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

To ensure that regardless of a person's age they would have choice and control over their care and support through a Direct Payment.

What action(s) can you take to address the differential impact?

To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of age.

3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment		X	
Physical Impairment		X	
Visual Impairment		X	
Learning Disability		X	
Long-Standing Illness or Health Condition		X	
Mental Health		X	
Substance Misuse		X	
Other			

CARDIFF COUNCIL

**Equality Impact Assessment
Corporate Assessment Template**

Please give details/consequences of the differential impact, and provide supporting evidence, if any.
There will be no differential impact, regardless of disability.
What action(s) can you take to address the differential impact?
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.

3.3 Gender Reassignment

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

	Yes	No	N/A
Transgender People (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)		X	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.
Transgendered service users will not be affected any differently from other groups by virtue of their gender reassignment.
What action(s) can you take to address the differential impact?
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.

3.4. Marriage and Civil Partnership

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

	Yes	No	N/A
Marriage		X	
Civil Partnership		X	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.
Married service users or those people in civil partnerships will not be affected any differently from other groups by virtue of their marriage or civil partnership
What action(s) can you take to address the differential impact?
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.

3.5 Pregnancy and Maternity

CARDIFF COUNCIL

**Equality Impact Assessment
Corporate Assessment Template**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

	Yes	No	N/A
Pregnancy		x	
Maternity		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

There will be no impact on pregnant service users

What action(s) can you take to address the differential impact?

To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.

3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
White	X		
Mixed / Multiple Ethnic Groups	X		
Asian / Asian British	X		
Black / African / Caribbean / Black British	X		
Other Ethnic Groups	X		

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Service users from BME communities will not be affected any differently from other groups by virtue of their race.

What action(s) can you take to address the differential impact?

To continue with Corporate and Social Services objectives to increase take-up of Direct Payments using specific access methods.

3.7 Religion, Belief or Non-Belief

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist	X		
Christian	X		
Hindu	X		
Humanist	X		
Jewish	X		
Muslim	X		

CARDIFF COUNCIL

**Equality Impact Assessment
Corporate Assessment Template**

Sikh	X		
Other	X		
Please give details/consequences of the differential impact, and provide supporting evidence, if any.			
Service users will not be affected any differently from other groups by virtue of their religion, belief or non-belief			
What action(s) can you take to address the differential impact?			
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments using specific access methods.			

3.8 Sex

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

	Yes	No	N/A
Men		x	
Women		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.			
Service users will not be affected any differently from other groups by virtue of their sex			
What action(s) can you take to address the differential impact?			
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.			

3.9 Sexual Orientation

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
Bisexual		x	
Gay Men		x	
Gay Women/Lesbians		x	
Heterosexual/Straight		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.			
Service users will not be affected any differently from other groups by virtue of their sexual orientation			
What action(s) can you take to address the differential impact?			
To continue with Corporate and Social Services objectives to increase take-up of Direct Payments.			

3.10 Welsh Language

CARDIFF COUNCIL

**Equality Impact Assessment
Corporate Assessment Template**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on Welsh Language?

	Yes	No	N/A
Welsh Language		x	

Please give details/consequences of the differential impact, and provide supporting evidence, if any.

Service users will not be affected any differently from other groups by virtue of their language

What action(s) can you take to address the differential impact?

To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, ensuring that information, communications and direct support provision is available through the medium of Welsh.

4. Consultation and Engagement

What arrangements have been made to consult/engage with the various Equalities Groups?

Consultation on the service model and expectations of the contracted organisation are taking place the project team and Social Services Programme Board.

5. Summary of Actions [Listed in the Sections above]

Groups	Actions
Age	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of age.
Disability	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of disability.
Gender Reassignment	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of gender reassignment.
Marriage & Civil Partnership	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of marriage and civil partnership.
Pregnancy & Maternity	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of pregnancy and maternity.
Race	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments using specific access methods.
Religion/Belief	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments using specific access methods.

CARDIFF COUNCIL

Equality Impact Assessment Corporate Assessment Template

Sex	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of sex.
Sexual Orientation	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, regardless of sexual orientation...
Welsh Language	To continue with Corporate and Social Services objectives to increase take-up of Direct Payments, ensuring that information, communications and direct support provision is available through the medium of Welsh.
Generic Over-Arching [applicable to all the above groups]	

6. Further Action

Any recommendations for action that you plan to take as a result of this Equality Impact Assessment (listed in Summary of Actions) should be included as part of your Service Area's Business Plan to be monitored on a regular basis.

None

7. Authorisation

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

Completed By : Denise Moriarty	Date: 09/12/2016
Designation: Strategic Lead Planning Officer	
Approved By: Amanda Philips	
Designation: Assistant Director	
Service Area: Adult Social Services	

- 7.1 On completion of this Assessment, please ensure that the Form is posted on your Directorate's Page on CIS - *Council Wide/Management Systems/Equality Impact Assessments* - so that there is a record of all assessments undertaken in the Council.

For further information or assistance, please contact the Citizen Focus Team on 029 2087 3059 or email citizenfocus@cardiff.gov.uk

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My Ref: Scrutiny/Correspondence/Cllr McGarry

9 December 2016

Councillor Susan Elsmore
Cabinet Member
c/o Room 520
County Hall
Cardiff
CF10 4UW



Dear Susan

Community & Adult Services Scrutiny Committee – 7 December 2016

On behalf of the Members of the Community & Adult Services Scrutiny Committee, I would like to thank you and officers for attending for Agenda Item 4, Direct Payments.

Members were interested to learn more about the work to review arrangements and develop options for the future. Members note the objectives of improving arrangements for those using Direct Payments by simplifying the referral pathway and increasing choices. Members also note the aim of achieving value for money for the Council whilst ensuring quality of provision. Underpinning these is the need to increase the numbers of personal assistants available to provide care and support. Members support these goals, which will help us to meet our legal duties.

Members have re-arranged our work programme to accommodate pre-decision scrutiny of the Cabinet report on Direct Payments. The 18th January 2017 committee meeting will include this and an item on Adult Safeguarding. Our 8th March 2017 committee meeting will include scrutiny of the draft Housing Revenue Account Business Plan and Regional Partnership Board.

As part of our pre-decision scrutiny of Direct Payments, Members would like to receive more information about what the arrangements will look like in practice. In particular, Members would like more information on:

- The respective roles of Social Services and Preventative Services in the new pathway;
- The monitoring requirements built into the specification;
- The evaluation criteria and weighting;
- The transition arrangements, to ensure continuity and no detriment to service users.

Members accept the offer to receive comparator information on Direct Payments rates. Please send this to Scrutiny Services for inclusion in our committee papers in January 2017.

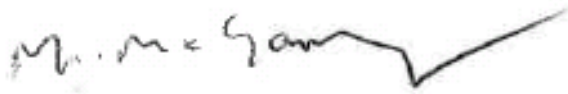
Members recognise that there is a real opportunity to make a difference for service users and carers by ensuring the direct payment system works for them. Members also

recognise the need to ensure value for money for the Council. However, Members are concerned about the tight timescales outlined at the meeting. Members recognise that officers are working hard to deliver to these timescales. However, Members would like assurance that more time will be taken if it is needed to ensure that the best possible scheme is developed.

Finally, Members noted the consultation finding that '93% of respondents felt that their social worker was helpful during the process.' Members ask that you pass on our commendations and thanks to social workers for their hard work assisting clients positively. Their efforts are recognised and appreciated.

Once again, thank you for bringing progress in this area to our attention. This letter has requested information be supplied in time to go out with our committee papers for 18 January 2017 meeting. However, other than that information, it does not require a response.

Yours sincerely,



COUNTY COUNCILLOR MARY M^cGARRY

Chairperson - Community & Adult Services Scrutiny Committee

Cc:	Sarah McGill	Director of Communities, Housing and Customer Services		
	Tony Young	Director of Social Services		
	Amanda Phillips	Assistant Director of Social Services - Adults		
	Denise Moriarty	Strategic Lead Planning Officer – Learning Disabilities		
	Liz Patterson	Personal Assistant	Matt Swindell	Cabinet Office

**SWYDDFA CYMORTH Y CABINET
CABINET SUPPORT OFFICE**



Fy Nghyf / My Ref: CM36639
Eich Cyf / Your ref: Scrutiny/Correspondence/
Cllr McGarry

Dyddiad / Date: 10 January 2017

Annwyl / Dear Mary

Community and Adult Scrutiny Committee meeting – 7th December 2016

Thank you for your letter of 9th December 2016 in relation to Direct Payments for Vulnerable People.

As part of pre-decision scrutiny of Direct Payments, members have requested the following information and I intend to address each point individually:

The respective roles of Social Services and Preventative Services in the new pathway

The Social Service Directorate will remain responsible for assessing a person's needs and determining if they are eligible for direct payments. Within the new model of the direct payment service, when a person has been assessed as eligible they will receive comprehensive information on direct payments and the full range of independent living services.

The Social Services Directorate will work closely with First Point of Contact/ Independent Living Services who will offer advice regarding holistic approaches for preventative services such as home adaptation, occupational therapy input/Joint Equipment Service, home safety, benefit entitlement and housing support.

The monitoring requirements built into the specification

The monitoring will encompass:

- Social Services & Wellbeing (Wales) Act 2014: Outcome Measures Framework
- Key Performance Indicators against the Service Specification
- Monitoring Measures against the Contract Terms & Conditions, and
- Customer satisfaction

ATEBWCH I / PLEASE REPLY TO: Swyddfa Cymorth Y Cabinet / Cabinet Support Office,
Ystafell / Room 514, Neuadd y Sir / County Hall,
Glanfa'r Iwerydd / Atlantic Wharf, Caerdydd / Cardiff,
CF10 4UW Ffon / Tel (029) 2087 2479

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

The monitoring will be analysed along with quarterly, bi-annual and annual contract review meetings.

The Provider and the Council will meet on a monthly basis to discuss and resolve any issues and review performance. The Provider's Contract Representative and the Council's Contract Manager will attend the operational meeting.

Formal quarterly review meetings will be held with senior managers and any ongoing issues with performance will be escalated to this meeting. Depending on the level and severity, the Council may issue a default notice but this will be in accordance with the provisions of the contract terms and conditions.

The evaluation criteria and weighting:

The evaluation is based on an overall quality/price ratio. Submissions will be evaluated on the 'most economically advantageous tender' (known as MEAT) using the quality and price criteria. The overall evaluation weighting will be a 50% on quality and 50% on price. This will be developed with a clear understanding of the price/value elements.

The indicative criteria for evaluating the quality of the tender will cover:

- Service Delivery
- Person Centred Outcomes
- Safeguarding
- Performance Management
- Quality Assurance
- Presentation on delivering Person Centred Outcomes.

The criteria weightings are yet to be finalised.

The Transition arrangements to ensure continuity and no detriment to service users.

Social Service officers will continue to work closely with the incumbent provider to ensure continuity of planning and service delivery. All stakeholders will ensure that disruption to individuals is minimised. A consideration remains any potential change from the incumbent provider, as the organisation may not be successful in the tender. The Transfer of Undertakings (Protection of Employment) Regulations may apply between the current and awarded provider for those staff working in the service.

Tight timescale – assurance should be approved

The Direct Payment Project is following the Project Quality Assurance process to ensure planning, risk assessment and mitigation actions to manage the project. While the Directorate recognises it is working to a tight timescale, transition and contingency arrangements are in place and will be administered by Social Services for a period leading up to the new contract. All parties involved in the project have been briefed and are ready to respond as and when necessary.

Comparative Data

In addition, please see attached the comparator information on Direct Payment rates.

I appreciate your comments and your commendations have been passed onto the social workers. Meanwhile, I hope that the above responses address the further information requested, but please don't hesitate to contact me if I can be of any further assistance.

Yn gwyir,
Yours sincerely,



Y Cynghorydd / Councillor Susan Elsmore
Aelod Cabinet Dros Iechyd, Tai a Lles
Cabinet Member for Health, Housing & Wellbeing

Enclosures

Cc Members of the Community and Adult Scrutiny Committee

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Notional Breakdown of Direct Payments Rate 2017/18

	NLW	Living Wage' (Living Wage Foundation)
	£7.50	£8.45
	from 1/4/17	Current Rate
	£	£
Basic hourly pay rate	7.50	8.45
Holiday cover (28 days)	0.80	0.91
Sick cover (5 days)	0.14	0.16
Staff meetings/supervision (4 days)	0.11	0.13
Training (5 days)	0.14	0.16
Sub Total	8.70	9.81
Employer National Insurance	0.59	0.66
Employer Pension Contribution	0.26	0.29
Total Direct Employee Costs	9.55	10.76
Indirect Costs		
Liability Insurance	0.06	0.06
Administration	0.06	0.06
Contingency	0.62	0.70
Total Unit Cost	10.30	11.58

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Appendix 1

PA and Domiciliary Agency Care hourly rates across Wales:

Cardiff Council's Current Rate:

Name of Authority	PA hourly rate 2016	Cost per hour to authority	DP Dom care rate
Cardiff Council	£7.20 - £8.50	£10.02	£11.96

A provisional pressure bid of £300,000, for a review of DP rates, has been submitted as part of the initial budget proposals for 2017/18.

The 2017/18 budget is still in preparation and any proposals will be subject to Council's approval of the overall budget in February 2017.

If, however, the pressure bid is approved, it would equate to a 4.6% increase in DP rates if applied uniformly.

Name of Authority	PA hourly rate 2017	Cost per hour to authority	DP Dom care rate
Cardiff Council		£10.48	£12.51

1.4.2017 National Living Wage & Living Wage has been predicted by the finance directorate to be:

NLW £10.20 & LW £11.58

(For full breakdown please see Appendix 2)

Formula for Direct Payment Rate 2015/16

Salary (based on 30 hours 52weeks)

Holiday Cover (includes Bank Holiday) - 28days

Sick Cover - 5days

Staff meetings / Supervision - 4days

Training - 5days

Total Salary

National Insurance

Employer Pension Contribution (1% - increasing to 2% 2017 & 3% 2018)

Total Employment

Liability Insurance

Administration (1.5%)

Contingency 6.5%

Total Spend

Unit Cost

Figures as of September 2016, all Local Authorities advised they would be increasing these financial figures.

Name of Authority	PA hourly rate (what PA gets paid)	Cost per hour to authority	DP Dom care rate
Cardiff Council	£7.20 - £8.50	£10.02	£11.96
Swansea	£7.22	£8.20	£14.50
Anglesey	£8.50	£10.50	£15.50
Bridgend	£8.00	£10.89	£14.50
Blaenau Gwent	£9.52	£10.83	Variable
Carmarthenshire	variable	£11	£11
Monmouthshire	£7.66 weekdays £9.21 W/E & BH	£9.19 £11.05	£13.50
Newport	£7.65 weekdays £8.00 weekends Overnight: £7.20	Approximately £10.00	Hourly rates vary from £13.30 to £14.50
Neath Port Talbot	£8.10 Night Rate £7.20	£10.00	£13.50
Conwy	£9.50	£10.52	£11.72
Vale of Glamorgan	Variable	£10.43 weekday £11.30 weekend	Same as PA rate. However we will be looking at a different agency rate.

Wrexham	£8.00 - £8.50 (dependent on hours of individual) £10.41 per Hour (Waking Night) £40.94 (Sleep In Per night)	£10.30	£13.06 Non Rural £14.11 Rural
Torfaen	£7.20, £8.15, £10.19	£	£14.50
Denbighshire	variable	Approx. £10.40	variable
Powys	variable	£10.80 (£150 set up)	variable
Merthyr	variable	£10.18	variable
Flintshire	variable	£11.02	variable
Caerphilly	£9.28	£	£14.18
RCT	Varies. Service User pays different rates	£10.30 an hour	£10.30 per hour
Ceredigion			£10.60 p/h for personal care support. £34 for individual social sessions. £520pw for one week respite package.
Pembrokeshire	No set PA rate	£10.55	£
Gwynedd		£11.55	

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County Hall
Cardiff,
CF10 4UW
Tel: (029) 2087 2087

Neuadd y Sir
Caerdydd,
CF10 4UW
Ffôn: (029) 2087 2088

Date 11 January 2017

My Ref SS/CYP/MJH
Your Ref:

Councillor Sue Lent
Deputy Leader and Cabinet Member for Families, Children and Early Years
County Hall
Atlantic Wharf
CARDIFF
CF10 4UW

Dear Sue

On behalf of the Committee, I would like to thank you, Tony Young, Director of Social Services, and Denis Moriarty for attending the Children and Young People Scrutiny Committee on 10 January to present the **Draft Cabinet report on Direct Payments for Vulnerable People**. During the way forward section of the meeting the Members considered the information in the report, together with answers to their questions, and agreed to provide you with the following recommendations for consideration prior to Cabinet approving the report.

The Committee welcomed the opportunity to review the Draft Cabinet report prior to its consideration at Cabinet on 19 January 2017. The Members were pleased to hear that almost 200 children are being supported through the Direct Payments system.

The Members did however express some concern around the governance and dispute resolution processes within the current system and recommended that the new contract must set out clearly the governance and responsibility arrangements for all parties as well as including a comprehensive dispute resolution process.

The Committee also expressed concern that the current contract currently offers two separate hourly rates, which did not meet the current Foundation living wage. The Committee therefore recommended that the Cabinet must be provided with the option to ensure that all people employed through the Direct Payments system received the Foundation living wages of £8.45 per hour, as set out in Council Policy.

Finally, the Committee requested that a progress report on the implementation of the contract and operation of the new direct payments support service for Children & Young people be provided to the committee one year after the contract has been signed.

I hope that these comments, advice and requests for information will be of use and support in improving outcomes for vulnerable children. The Committee looks forward to receiving a response to this letter before the cabinet meeting on 19 January 2017.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Cook', with a long horizontal flourish underneath.

COUNTY COUNCILLOR RICHARD COOK
Chairperson – Children and Young People Scrutiny Committee

CC: Tony Young, Director of Children's Services
Melanie Jackson - Personal Assistant to Deputy Leader
Denise Moriarty, Strategic Planning Lead Manager

CITY & COUNTY OF CARDIFF

DINAS A SIR CAERDYDD

COMMUNITY AND ADULT SERVICES SCRUTINY COMMITTEE

18 JANUARY 2017

COMMITTEE BUSINESS REPORT

Background

1. At the Committee meeting on 7 September 2016 Members agreed to continue to receive an overarching Committee Business report, which combines items such as correspondence reports and work programme reports where appropriate.
2. This report includes the correspondence schedule attached at **Appendix A** and an update from the Committee's Performance & Budget Monitoring Panel.

Correspondence Update

3. Following most Committee meetings, the Chair writes a letter to the relevant Cabinet Member or officer, summing up the Committee's comments, observations and recommendations regarding the issues considered during that meeting. At the Committee meeting on 7 December 2016 Members received a report detailing the Committee-related correspondence sent and received by the Committee following Committee meetings held on 7 September 2016, 5 October 2016 and 2 November 2016.
4. The correspondence schedule attached as **Appendix A** provides an update since 7 December 2016 Committee meeting, with the following information:

- i. Date the letters were sent;
 - ii. To whom the letter was addressed;
 - iii. The key recommendations set out in the Chair's letters;
 - iv. Date the response was received; and
 - v. The response of the Cabinet Member(s) to those recommendations.

5. The schedule attached at **Appendix A** shows:
 - i. *Response Received* – from Councillor Elsmore to the Chair's letter, sent 9 November 2016, following scrutiny of Domiciliary Care in Cardiff at the Committee meeting on 2 November 2016.
 - ii. *Response Received* – from Councillor Derbyshire to the Chair's letter, sent 9 December 2016, following scrutiny of progress in meeting the Council's commitments with regards to private sector housing in Cardiff at the Committee meeting on 7 December 2016
 - iii. *Response Received* - from Councillor Elsmore to the Chair's letter, sent 9 December 2016, following scrutiny of Direct Payments in Cardiff at the Committee meeting on 7 December 2016.

6. Copies of the Chair's letters and any responses received can be found on the Council's website page for the relevant Committee meeting, with a hyperlink provided at the top of the page, entitled '*correspondence following the committee meeting*'.

Update from Committee's Performance Panel

7. The Committee's Performance Panel met on 5 December 2016, to continue their deep dive into Disabled Adaptations. Members examined information provided by Communities & Housing officers, which included: performance and financial information; process maps and a timeline, including targets set for different stages of the timeline; case studies demonstrating lessons learnt that are applied thereafter; and a presentation taking Members through the main elements of Disabled Adaptations.

8. Members scrutinised the following areas: access routes into Disabled Adaptations; low cost adaptations and Disabled Facilities Grants; the linkage with other preventative services; and the linkage with tackling Delayed Transfers of Care. Members discussed with officers the work underway to tackle performance issues and the work with the Welsh Government to improve performance measures in this area and move towards a new Welsh Government funding regime, known as 'Enable Funding'. Members also discussed resources for undertaking work and noted a growth bid for 2017/18 has been submitted for two additional Occupational Therapists. Finally, Members examined comparator performance information, provided by Scrutiny Services, which showed that Cardiff Council processes significantly more Disabled Adaptations than other councils in Wales.

9. Overall, Panel Members were content that the information presented by officers from Communities & Housing and from Scrutiny Services had answered their queries. Panel Members were satisfied that the managers had a clear grasp of the performance issues to resolve, a clear plan to achieve this and that performance was improving. Members therefore decided that there was no need to look more deeply into this area at the moment. Members agreed to recommend to a future scrutiny committee that they look again at performance to see whether the planned management actions had resulted in improved performance.

10. The Panel also met on 12 December 2016 to hear from the Director of Social Services regarding Adult Services Month 6 Budget Monitoring report and the approach to budget planning, referenced in the Quarter 2 Corporate Performance Report. The Director of Social Services also provided a copy of his recent report to Audit Committee, 29 November 2016, and a briefing from the WLGA¹ regarding Adult Social Care funding, dated November 2016.

¹ WLGA stands for Welsh Local Government Association

11. Members explored issues with unachieved savings, both from this year and historically. Members also asked for more information about cost and demographic modelling and the proposed five-year financial plan.
12. The Director of Social Services explained that he had inherited a position where some of the Adult Services savings put forward in 2014/15 were not robust. All unachieved savings have been reviewed to see whether or not they are achievable over a longer term. The Director of Social Services has put forward £872,000 savings from Adults Services and Children's Services to be written off as unachievable savings. More savings may be put forward for write off, depending on the outcome of the reviews currently underway into each of the savings. The decision on write offs will form part of the overall budget report in February 2017.
13. The Director of Social Services explained that some other savings are felt to be achievable but require a longer time frame – for example learning disabilities and some mental health day services require capital works which will take longer than anticipated. However, once these are completed, service provision will be better for service users and there will be savings.
14. Members noted that there are some areas of underspend, particularly in relation to mental health services. The Director of Social Services offered to come back with information regarding out of county placements. With regard to Deprivation of Liberty cases (DoLs), the Director of Social Services believed that there had been fewer of these processed than anticipated, due to difficulties in recruiting assessors.
15. With regard to cost and demographic modelling, the Director of Social Services stressed that much work had taken place to make these processes more robust. Therefore, whilst it is complex to predict demand and costs in these areas, he felt officers were looking at the right issues.

16. The Director of Social Services explained that he is working on mechanisms to enable a longer term look at financial planning. The aim is to bring closer alignment between strategic intention, service planning and financial planning. Members can make policy decisions about which service options to pursue with the longer term financial implications information available at the same time. An initial discussion paper was taken to informal Cabinet in December 2016 and a further discussion paper is being taken to informal Cabinet in January 2017.

17. Panel Members agreed to thank the Director of Social Services for the information provided and ask for: a copy of the discussion paper taken to Cabinet; a list of the unachievable savings proposed for write off; and further information regarding the reasons for the underspend in mental health services.

18. Finally, as reported at the last meeting, Councillor McGarry recently wrote to Councillor Graham Hinchey detailing Panel Members' concerns about the performance information available to the Panel. Councillor Hinchey responded on 12 December 2016, stating that it has been agreed with the Director of Social Services that a supplementary report will be developed to report Adult Social Services performance to the Panel and that Communities will continue to supply supplementary information, adapting it to be analogous to the approach to be used for Adult Social Services.

Way Forward

19. During their meeting, Members may wish to reflect on the correspondence schedule, attached at **Appendix A**. Members will also have the opportunity to consider the information provided regarding the recent Performance Panel meeting.

Legal Implications

20. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

21. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- I. Note the content of the correspondence schedule attached at **Appendix A** and consider any further correspondence required; and
- II. Note the feedback from the Performance and Budget Monitoring Panel.

Davina Fiore
Director of Governance and Legal Services
12 January 2017

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APPENDIX A – CASSC Correspondence Schedule, as at 10 January 2017

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
9/11/16	Cllr Elsmore	Domiciliary Care	<ul style="list-style-type: none"> Members were pleased to hear that the Regional Partnership Board is working on these issues and therefore Members request that more information on this is supplied with our committee papers for the planned scrutiny of the regional integration work, currently scheduled for consideration at Committee in January 2017. Members note that there is now agreement from all providers to assess the 10% regarding outcomes after 4-6 weeks as part of the review process. Members have some concerns about this and therefore Members request a briefing note on this element that particularly answers the following: if the providers approach to delivering desired outcomes is not assessed until the 4-6 week review, how can the Council be assured that the provider will meet the needs of the client in the first 4-6 weeks? What mechanisms will be in place to ensure the assessment of outcomes? Members would like to know how many clients receive visits that are scheduled to be less than 30 minutes; therefore, 	2/12/16	<p>‘Regional Partnership Board has developed a joint commissioning project to develop this work as part of the whole system redesign’ .. ‘an update can be provided for Committee .. in January 2017.’</p> <p>‘Case Managers and providers will be undertaking a continual assessment of the delivery of the desired outcomes of the care package throughout the initial 4-6 weeks of the commencement of the care package. Case managers monitor the case package very closely at this point in time. Providers can undertake a more meaningful review at the 4-6 week stage as they have more knowledge of the client.’</p> <p>‘The proportion of calls scheduled to be less than 30 minutes is 6% of calls (2573</p>

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
			<p>Members request that this information be provided for 2016/17 thus far, along with the overall number of clients receiving visits.</p> <ul style="list-style-type: none"> • Members note that discussions are underway with providers about whether to amend the <i>adam</i> system to allow providers to make one bid per care package. Members request that they be provided with an update on this if the current system of multiple bids is amended. • Members recommend that parents and carers are brought into the conversation about future models at an early stage to ensure that their views, experiences and expertise can inform the development of an appropriate model for Cardiff. • Members request a copy of the action plan developed to respond to the issues raised by the CSSIW in relation to Cardiff inn their recent Review of Domiciliary Care in Cardiff. 		<p>out of 40,988 calls). Calls of less than 30 minutes are usually scheduled as a part of a much larger care package. For example, a client can receive a number of scheduled calls of different durations each day, which may include a call of less than 30 minutes, as a check call for health and safety reasons or for a commode to be emptied.'</p> <p>'Consultation is still ongoing regarding the implementation of the single bidder process via provider workshops. Legal advice has also been sought regarding the implementation of this process.'</p> <p>'As part of the new arrangements for domiciliary care project, consultation and engagement will be undertaken with all relevant stakeholders, where appropriate, as part of the new commissioning process.'</p> <p>Please find attached action plan (<i>attached as Appendix B for this item</i>)</p>

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
9/12/16	Cllr Derbyshire	Council commitments re Private Rented Sector Housing	<ul style="list-style-type: none"> • Members note that Shared Regulatory Services is responsible for returning empty properties to use. Members note the target is to return 20 empty properties to use in 2016/17. Members accept that this is a realistic target, given that work has taken place for part of the year only. However, Members would expect there to be a more stretching target for 2017/18, given the need to boost available housing. Members look forward to receiving the 'empty properties roadmap for Councillors', which will assist us in our role. • Members note that establishing Shared Regulatory Services resulted in 23% decrease in resources over the three local authorities. Members are therefore concerned that there may be pressure on existing staff, particularly with the addition of empty properties work. Members would appreciate your views on this. • Members note officers' comments that Cardiff Council is an exemplar concerning student engagement. Members wish to understand the percentage of private rented sector properties occupied by students. The papers for this item cited the Census 2011 result for households solely occupied by 	14/12/16	

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
			<p>students (point 7). However, Members would appreciate further information on this.</p> <ul style="list-style-type: none"> Members would be glad to see mechanisms in place to capture the benefits of Rent Smart Wales. Members note the independent evaluation will be repeated in 2 or 3 years' time and compared against the baseline. Members also note that house condition surveys should demonstrate improvements in the private rented sector. In the meantime, Members agree that Shared Regulatory Services should report the number of Category 1 hazards addressed by their actions. Members accept that using tenant complaints as a measure is not straightforward as there may be an increase due to awareness raising. Members thank officers for agreeing to provide answers to the questions posed by Councillor Clark in her submission. Members agree that it would be useful to provide comparator information to place Cardiff's performance in context. 		<p>Answers provided to 3 of the questions put by Cllr Clark:</p> <p>'The list of Rent Smart Lettings Agents is available on the Rent Smart Wales website. Members of the public can search by property address, name of the landlord or agent and reference number. The information available has been specified in legislation.'</p> <p>'We are currently not able to provide the properties included as part of a registration at ward level,</p>

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
					<p>although we will work towards achieving this in due course.'</p> <p>'Marketing activity will continue to make sure that Rent Smart Wales obligations are understood... Rent Smart Wales' enforcement team is working with local authority partners across Wales... on 'seek and find' projects to identify landlords and agents who are not complying with the legislation.'</p>
9/12/16	Cllr Elsmore	Direct Payments	<ul style="list-style-type: none"> Members note the objectives of improving arrangements for those using Direct Payments by simplifying the referral pathway and increasing choices. Members also note the aim of achieving value for money for the Council whilst ensuring quality of provision. Underpinning these is the need to increase the numbers of personal assistants available to provide care and support. Members support these goals, which will help us to meet our legal duties. As part of our pre-decision scrutiny of Direct Payments, Members would like to receive more information about what the arrangements will look like in practice. In particular, Members would like more 	10/01/17	<p>Information requested supplied within the letter, attached as Appendix C to the Direct Payments item, Agenda Item 5 of this meeting.</p>

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
			<p>information on:</p> <ul style="list-style-type: none"> - The respective roles of Social Services and Preventative Services in the new pathway; - The monitoring requirements built into the specification; - The evaluation criteria and weighting; - The transition arrangements, to ensure continuity and no detriment to service users. <ul style="list-style-type: none"> • Members accept the offer to receive comparator information on Direct Payments rates. Please send this to Scrutiny Services for inclusion in our committee papers in January 2017. • Members recognise that there is a real opportunity to make a difference for service users and carers by ensuring the direct payment system works for them. Members also recognise the need to ensure value for money for the Council. However, Members are concerned about the tight timescales outlined at the meeting. Members recognise that officers are working hard to deliver to these timescales. However, Members would like assurance that more time will be taken if it is needed to ensure that the best possible scheme is developed. • Finally, Members noted the consultation finding that <i>'93% of respondents felt that</i> 		<p>Information requested supplied within the letter, attached as Appendix C to the Direct Payments item, Agenda Item 5 of this meeting.</p> <p>Please see the letter, attached as Appendix C to the Direct Payments item, Agenda Item 5 of this meeting.</p>

Date Sent	Sent to	Topic	Comments and Recommendations Made	Date reply received	Response Received
			<p><i>their social worker was helpful during the process.</i> Members ask that you pass on our commendations and thanks to social workers for their hard work assisting clients positively. Their efforts are recognised and appreciated.</p>		

DRAFT

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Adult Services
National review of domiciliary care in Wales
Cardiff Action Plan

Areas for consideration	Tasks	Outcome	Lead (s)	Deadlines
<p>8.1. Providers identified a number of areas which could improve the delivery of care and which the local authority should consider :</p> <ul style="list-style-type: none"> • Lack of continuity in care workers which can result when needs change • The clarity of the original care assessments and the need to avoid misunderstandings • The transfer of unsuccessful care packages and the handover of care packages from the reablement team. 	<ul style="list-style-type: none"> • Caused by lack of capacity in the domiciliary care market. See Carers Campaign 8.2 below • Case managers will be reminded of the importance of accurate care planning to ensure the provider has the necessary information to deliver the service user's outcomes. • Adult Services has been working on establishing a 'Bridging Team' to enhance Community Resource Teams (CRT's) capacity. A successful Intermediate Care Fund (ICF) bid has released grant monies to fund a pilot. Recruitment has commenced to this pilot team. 	<ul style="list-style-type: none"> • See Carers Campaign 8.2 below. • Assessments are authorised by team managers who scrutinise them to ensure they contain clear information for providers • The aims of the pilot are to offer another period of reablement, provide 'holding' packages until commissioned packages become available and to provide a service in cases of a crisis /emergency e.g. services unable to be provided. It will move people on from the Community Resource Teams (CRT's) in a much more timely way, keeping capacity in the CRT's fluid. 	<ul style="list-style-type: none"> • Amanda Phillips • Ceri Gauci • Amanda Phillips • Sue Schelewa • Amanda Phillips • Lisa Wood 	<p>31.03.17</p> <p>Ongoing</p> <p>31.03.17</p>

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<p>8.2 Capacity in the market remains a concern for Cardiff and the local authority will need to continue to look at ways of developing new ways of working to increase capacity. Staff retention and recruitment are critical.</p>	<ul style="list-style-type: none"> Locality Based Working Project Carers Campaign 	<ul style="list-style-type: none"> The project is making progress towards full delivery against all four workstreams including <ul style="list-style-type: none"> Co-ordination of Day Opportunities Locally Based Home Care Health Based Services Future Housing Strategy Project Plan and Communication & Media Activity Programme Plan agreed and finalised for the 'Be a Carer Campaign'. Main objectives : <ul style="list-style-type: none"> To highlight the benefits of being a paid carer egg. flexible working. To raise awareness that carers can help vulnerable adults to live independently. To encourage students to work as paid carers while they study. <p>Social media platform went 'live' on November 14th. Official campaign will be launched in January 2017.</p>	<ul style="list-style-type: none"> Amanda Phillips Carolyne Palmer Hazel Duke Amanda Phillips Ceri Gauci 	<p>31.03.17</p> <p>31.03.17</p>

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	<ul style="list-style-type: none"> Campaign with Private Sector Domiciliary care Agencies 	<ul style="list-style-type: none"> There continues to be general care capacity issues across Cardiff. A number of engagement sessions have taken place inside and outside Cardiff with Care Providers to encourage growth in the Cardiff market; including a domiciliary care workshop in October, facilitated by an organisation that specialises in tendering support and procurement services. The workshop was aimed at providers of domiciliary care services focussing on business development and increasing competitiveness. We have also held a number of successful drop in sessions where Providers come in and are presented with a number of care packages that are awaiting allocation. Planned domiciliary visits are then established with Providers to attract them to take the packages 	<ul style="list-style-type: none"> Amanda Phillips Peter Lawrence 	Ongoing
<p>8.3. In addition, the local authority needs to consider the impact of UK Government initiatives such as the national living wage and the workplace pension scheme on the market to ensure both short and long term</p>	<ul style="list-style-type: none"> Additional resources were set aside in the 2016/17 budget to reflect the possible impact of cost pressures relating to the National Living Wage (NLW) 	<ul style="list-style-type: none"> Specific contract price increases of between 2 and 3 % have been subsequently awarded to reflect the additional cost pressures (where it was considered that the pressure was not already reflected in their contract price). 	<ul style="list-style-type: none"> Amanda Phillips Paul Reynolds 	31.03.17

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<p><i>sustainability within the budget constraints facing the local authority.</i></p>		<ul style="list-style-type: none"> • It is anticipated that additional resources will also be set aside in the 2017/18 budget. However, work on the 17/18 budget is still ongoing. 		31.03.18