
Direct Payments Review – Committee Briefing

Purpose of the Report

1. To provide the Committee with an opportunity to feed into the service area's review of Direct Payments prior to the review, being taken to Cabinet for authorisation and an agreed way forward in 2023.
2. At the November meeting of the Community & Adult Services Scrutiny Committee, Members will be briefed on the plans and the current stage of the review as outlined in the presentation attached at **Appendix A**.

Scope of Scrutiny

3. This agenda item will enable the Committee to be made aware of the service area's review of Direct Payments and provide Members with the opportunity to input their views into its development.
4. At the meeting Councillor Norma Mackie (Cabinet Member for Adult Services) and Jane Thomas (Director, Adults, Housing & Communities) will be in attendance to answer any questions Members may wish to ask.
5. Committee Members are requested to reflect on the information attached to this report and to feedback their comments to the Council's executive to aid the review.

Background – Direct Payments

6. Direct payments can be provided to individuals with an eligible need for care and support, or to carers who have been assessed as requiring support services from the local authority.
7. Direct Payments are payments that local authorities can make to individuals so that they can organise their own services to meet their social care needs and offer an alternative to the local authority arranging social care services on the individual's behalf.
8. The individual with care and support needs then uses this money to arrange their own services to meet their identified needs. Committee Members are reminded that should an individual not wish to arrange their own care, then the standard model of the local authority arranging care services would be adapted. Furthermore, direct payments can be utilised for all, or part, of a person's care and support needs.
9. Some of the benefits of Direct Payments have been recognised as offering the individual:
 - Greater choice
 - Flexibility
 - Autonomy.
10. Welsh Government guidance states that:

“Where eligible care and support needs are identified ...direct payments must be made available in all cases where they enable personal outcomes to be achieved. A local authority must be innovative and creative when working in partnership with recipients or their representatives to explore ways a direct payment can be used to secure the personal outcomes. Direct payments must only be refused where it is clear after extensive exploration that a direct payment would not secure the outcomes required”.

Furthermore, “individuals must not be refused a direct payment purely because they are unable to manage the payment, or apprehensive about managing one. A local authority, in partnership with the person, must explore all options for supporting the individual to manage a direct payment. Where areas of difficulty are identified, local authorities must ensure the correct level of support to overcome such barriers is available¹”.

Background – Direct Payments Review

11. The [Adults, Housing & Communities Directorate Deliver Plan 2022/23](#) details a key priority for the service area during 2022/23 will be to increase the voice and control of citizens by improving access to advocacy and direct payments.

12. The Directorate Delivery Plan details that to achieve this, the service area will:

- Work to increase the supply of well-trained personal assistants by reviewing support for direct payments.
- Create marketing campaigns for Personal Assistant roles, building on existing Cardiff Cares Academy publicity, and updating relevant websites/social media accounts/job matching applications.
- Meet with local authorities who use micro-enterprises for Personal Assistant roles.
- Organise a schedule of dedicated local recruitment events for Personal Assistant roles across the city.

Legal Implications

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

¹ Social Services and Well-being (Wales) Act 2014: Part 4 Code of Practice (Meeting Needs), Welsh Government [Accessed 3rd Nov, 2022]

Cabinet 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

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 will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- I. Consider the contents of the report, appendices and information provided at the meeting and report any comments, observations and recommendations to the Cabinet.

DAVINA FIORE
Director of Governance and Legal Services

8 November 2022