

Report of Group Manager Assessment and  
Safeguarding Adults

## **Update Report on Changes to Direct Payments**

### **Summary**

1. This report is to update Members in respect of concerns raised regarding the Direct Payments and Terms and Conditions raised by members of York Independent Living Network (YILN) and Lives Unlimited and following the verbal update given by the Director at the meeting, on 21 July 2015. Members requested an update of progress from Officers of addressing the concerns following meetings with YILN and Lives Unlimited.

### **Background**

2. Members asked at previous Health & Adult Social Care Police & Scrutiny Committee meeting for an update on progress in addressing the issues raised by YILN and Lives Unlimited and meetings with Officers to be reported to this meeting.

### **Consultation**

3. The Group Manager Health and Wellbeing - Adults has met with members of YILN and Lives Unlimited for advice and support on two occasions to look at the issues that have been raised, and to revisit the Direct Payments Policy and Terms and Conditions, to address these concerns. There were plans to meet four times before this Committee meeting but diaries have meant that this has not been possible. However, significant progress has been made and the key points of concern have been agreed and those concerns resolved in a way that meets the needs of the Council and its customers. The key issues addressed were:-

- Acceptable terminology, taking into account an acceptable approach and clarification in the Terms and Conditions and Guidance Notes.
  - Management of Budgets during hospital admissions.
  - Health and joint funded Direct Payments.
  - Choice available of using own Bank Account as option to the Cashplus accounts.
  - Where payments for Redundancy, Sickness and Maternity Pay are held.
  - The amount held within the Customers Direct Payment Account being up to 8 weeks with agreement with customer for holding funds, and customers' responsibility in advising of amounts exceeding this agreement.
  - The recovery of funds over the agreed limit by the Council agreed with the customer, only being reclaimed when this agreement has taken place.
  - Understanding Reviews of budgets and linking this to holistic review process
  - Clarification of exceptional circumstances where a family carer can be paid.
  - Issues relating to Power of Attorney.
  - Safeguarding issues and management of budgets
4. Members of YILN and Lives Unlimited have also requested a revisit of the Guidance Notes for Direct Payments and that some key notes are added into our existing Guidance Notes. This will need to take place to be consistent with the rewritten Policy and Procedures. This will be done in the next 4 weeks.
5. YILN have also asked for this to be shared in Draft with wider members of YILN and Lives Unlimited, and they would expect to have this done by the end of October 2015. A Draft of the Policy to date is attached at Annex A.

## **Council Plan**

6. The proposal supports the protect vulnerable people element of the Council Plan.

## **Implications**

7. **Financial** - Direct payments are a high risk area in terms of the financial integrity of the systems and processes in place to manage them. This has been highlighted through recent audit reports and continues to be monitored.

**Human Resources (HR)** - There are no implications

**Equalities** - Offers greater choice and control and supports the equalities agenda. There is a need to undertake an updated Impact Assessment when new Terms and Conditions and Guidance have been agreed.

**Legal** – To be in compliance with the Care Act 2014

**Crime and Disorder** – There are no implications

**Information Technology (IT)** – There are no Implications

**Property** – There are no implications

## **Risk Management**

8. The annual audit reports for Personalisation, Direct Payments and Individual Budgets have raised concerns about the effective monitoring of direct payments. The last report stated there was 'no effective monitoring of the use of direct payments'. The introduction of the Cash Plus solution raised the audit opinion to 'limited assurance' with an improved direction of travel. The customer should be provided with a choice, however there needs to be a balance between the financial integrity of the process, the Council's limited resource and the ability to support all direct payment requests. This risk remains high and will require adequate controls and monitoring to be in place.

## **Recommendations**

9. Members to note the progress made of consultation with YILN and Lives Unlimited, and agreement to receive final Terms and Conditions and Guidance notes.

Reason: To inform the Committee on the changes to Direct Payments

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**Report  
Approved**

**Date** 19/08/2015

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Annexes**

**Annex A** – Draft Terms and Conditions for Direct Payments