

11 December 2017

Agenda Item: 12

REPORT OF SERVICE DIRECTOR FOR STRATEGIC COMMISSIONING, ADULT ACCESS AND SAFEGUARDING

PUBLIC CONSULTATIONS TO INFORM FUTURE COMMISSIONING ACTIVITY IN RELATION TO DIRECT PAYMENTS AND DAY SERVICES

Purpose of Report

1. To seek approval to consult with existing users of Direct Payments on their expectations and experience of using Direct Payment Support Services to inform future shaping of these services.
2. To seek approval to consult with existing users of Day Services on how current day service provision is meeting their needs and any gaps in that provision, to inform future market development.
3. Committee is also asked to agree to receive further reports on the results of the consultations, how this has informed future commissioning of the relevant services and to seek approval for tendering activity to be undertaken.

Information and Advice

General approach to consultation and engagement

4. As part of an on-going approach to engagement with users and carers, Strategic Commissioning is seeking to include the views of service users and carers more frequently and meaningfully within routine commissioning activity.
5. During 2018 current contracting arrangements for both Direct Payment Support Services and for Day Services will be reviewed in order to ensure the services are appropriately meeting need and offering best value.
6. As part of this review, Strategic Commissioning wish to seek the opinions of service users at an early stage about their current services and whether they are appropriately meeting need. This will be done initially through a questionnaire which will be available in paper format and on-line. This will give service users and carers an opportunity to let commissioners know of anything they value about existing services and anything they think could improve the services.
7. As part of this initial questionnaire, service users will also be asked if they would like to be further engaged in developing services, either around the identified service area or about

wider service provision. This will feed into work to around developing a network of users and carers whom Adult Social Care can more easily engage in specific pieces of work as they arise throughout the commissioning cycle.

Direct Payments

8. As at the end of October 2017 there were 3,221 people using a Direct Payment of which approximately 35% were using some kind of Direct Payment Support Service.
9. Direct Payment Support Services (DPSS) are currently largely provided by four accredited providers. Service users are, however, not obliged to use these accredited providers and can find alternative providers should they wish to do so. The service user contracts with the DPSS provider directly and pays them for the services they provide. Services provided include:
 - a) Third Party Managed Accounts (TPMA) – where the DPSS acts as a nominated person and supports the individual with all aspects of their Direct Payment funding, paying providers or Personal Assistants (PAs) and HMRC where applicable, on behalf of the service user.
 - b) Payroll services – where they calculate the pay for a PA, what tax is due to HMRC and produce payslips. The individual may then undertake the payments themselves or use a TPMA.
 - c) Employment support – everything from helping with recruitment adverts and interviews and employment contracts, to advising on updated employment rights, supporting with disciplinary issues and supporting in the event of redundancy or dismissal.
 - d) Start up support – helping the person to put everything in place to enable them to manage their Direct Payment themselves going forward.
 - e) On-going advice and support to individuals managing their own direct payment but who may occasionally need some input.
10. The proposal is to send a questionnaire out to all service users who have a Direct Payment, whether or not they currently use a Direct Payment Support Service. This is to give a better understanding around not only which elements of the DPSS are important to the people who use them but also to ensure that all Direct Payment recipients are aware of the support they can receive and can suggest any service which would make it easier for them to manage their Direct Payment in future.

Day Services

11. As well as 10 in-house services who provide services for 1,196 people, there are currently 33 providers on the accredited list of external day service providers who provide services for 599 people, offering a variety of opportunities throughout the County at four standard costs. These costs are called 'matrix rates' as they seek to balance the need of the individual with the associated cost of supporting them. Some parts of the County are better served than others and there are gaps in some areas for certain groups of people.
12. Service users wanting a managed service are free to choose a day service from any accredited provider, subject to transport arrangements being cost effective (e.g. if a service user was entitled to transport from the Council, if there were services which could meet their needs locally but they chose to go further afield, they may have to provide their own

transport). Direct Payments are limited to matrix rates, except where an individual's needs could not be met by any service on the accredited list or in-house, or the combination of service cost plus travel costs made the Direct Payment overall more cost effective.

13. Some market gaps are met through Direct Payments, and are typically more costly services. This is because the service is providing something very specialist which cannot be provided within matrix rates.
14. The accreditation process is due to be reviewed in 2018/19 and therefore this is an opportunity to undertake some market development so that providers contracting directly with the Council can offer a wider range of services for those who would prefer not to have a Direct Payment or do not have capacity to do so. In order to ensure current market knowledge is robust, Strategic Commissioning will proactively seek the views of service users and carers so that providers can be informed of what people are looking for in a good day service and what kind of activities they want on offer.
15. The consultation will ask existing users of day services what they like about current services, including in-house services, and what they feel could be done to improve services. It will also ask if they feel there is sufficient choice of services which can meet their needs. There will also be the opportunity for people to get more involved in the future, should they wish to be engaged in the commissioning of services.
16. As part of the consultation expectations will be managed by explaining that where service users want to do specific activities with their day service providers which may have an additional cost (e.g. horse riding or attending swimming baths) then this will not be funded by the Council as part of their day service offer and would be payable by the service user. While this is what happens now for those who do undertake specific activities within accredited or in-house services, when asking about what new things people would like to be on offer, it is important to reiterate this message to avoid any confusion.

Other Options Considered

17. An immediate face to face engagement event could be undertaken. However, a similar consultation regarding the use of pre-payment cards last year only attracted 5 people. It was felt that wider range of views would be more actively engaged through an initial survey and then hopefully be able undertake some more detailed work with a smaller group of interested people with whom some specific pre-event engagement can be undertaken to ensure the engagement provides the most relevant information for shaping the market going forward.

Reason/s for Recommendation/s

18. The Care Act 2014 states that 'authorities should engage with local people about their needs and aspirations'. This will ensure that services are meeting the needs of local people in the most effective way. This engagement is at an early stage of the process to ensure future commissioning decisions are appropriately informed.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

20. There are no immediate financial implications identified in this report. Future reports recommending specific tender routes and contract terms will be brought to Committee.

Implications for Service Users

21. Service users will have the opportunity to have their views heard and to influence the commissioning practices of the Council.

Public Sector Equality Duty implications

22. Questionnaires will be sent to existing users of day services and or their carers/representatives. Carers may also wish to complete the questionnaire in their own right as beneficiaries of a day service as a carer break service. The questionnaire will be made as accessible as possible through easy read and use of signs and symbols as a large proportion of the service users will be people with a learning disability.
23. The Direct Payment questionnaire will be sent to those in receipt of a Direct Payment. It is expected that where the person has an authorised or nominated representative, they will complete the questionnaire with or on behalf of the service user. The questionnaire will be in Plain English.

RECOMMENDATION/S

That Committee:

- 1) gives approval to consult with existing users of Direct Payments on their expectations and experience of using Direct Payment Support Services to inform future shaping of these services
- 2) gives approval to consult with existing users of Day Services on how current provision is meeting their needs, and any gaps in that provision, to inform future market development
- 3) agrees to receive further reports on the results of the consultations, how this has informed future commissioning of the relevant services and to seek approval for tendering activity to be undertaken.

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Constitutional Comments (SMG 29/11/17)

24. The proposals outlined in this report fall within the remit of this Committee.

Financial Comments (DG 24/11/17)

25. The financial implications are included in paragraph 20 of this report.

Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

All.

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