

8th February 2016

Agenda Item: 9

REPORT OF TRANSFORMATION PROGRAMME DIRECTOR DIRECT PAYMENTS IN CARE HOMES TRAILBLAZER

Purpose of the Report

1. The purpose of this report is to:
 - update the Committee on the direct payments in care homes trailblazer in Nottinghamshire and the Government's postponement of the national roll out of direct payments until 2020
 - propose that the Council continues to offer direct payments in residential care in the interim period until 2020.

Information and Advice

Background

2. Nottinghamshire County Council has been a trailblazer for direct payments in residential care since April 2013.
3. The offer of direct payments to people in residential care is included within the Direct Payments Policy approved by the Adult Social Care and Health (ASCH) Committee in June 2015 and Policy Committee in September 2015.
4. Under the Care Act 2014, the Government's intention was to roll-out direct payments in residential care from April 2016. This was the same timescale for Part 2 of the Care Act, which included the financial reforms and independent appeals, but Part 2 of the Care Act was later postponed until 2020.
5. In November 2015, the Government reviewed the decision to roll out direct payments, based on the interim report from the national evaluation (available as a Background Paper). On 6 January 2016, all trailblazer sites were informed that the national roll out of direct payments in care homes would be delayed until 2020 (see **Appendix 1**). The Government proposes that the position for local authority trailblazers remains, which is that under current regulations they must continue to meet an adults needs in residential care with a direct payment, if it is deemed appropriate. However, the Government will remove the local authority from the regulations if the local authority can demonstrate reasonable grounds not to continue to offer direct payments in residential care.

6. Nottinghamshire County Council requested an extension to the deadline so that the decision can be considered by ASCH Committee. The revised deadline has been granted. The implications of this is that if the Council decides to withdraw, Nottinghamshire would need to be removed from the regulations and this could not be heard by Parliament until May or June 2016.

Current Position

7. Nottinghamshire was the leading local authority during the trailblazer, with 15 people on a direct payment in residential care, making up 50% of the national numbers. Under the Direct Payments Policy, direct payments should be offered to all people moving into, or living in residential care.
8. A direct payment in residential care has many benefits, for both service users and their families and care homes. This is demonstrated in the film “How direct payments can work in a care home” and the case study below. The film can be viewed by following this link notts.cc/care-act-films (scroll down to the last film).

Nessie's story

9. Last year one of the residents at Five Gables in Kirkby-in-Ashfield was offered the opportunity to be part of the Nottinghamshire County Council's direct payments trailblazer. Nessie has an interest in politics and she has a modern mind. She liked the idea of being part of something new and being part of the big changes that are on the horizon in social care. With the help of her daughter-in-law (Wendy), Nessie decided she would accept a direct payment to purchase her care directly.
10. Nessie has resided at Five Gables since 2005. The process began with a review of Nessie's needs with Nessie, and key people in her life including her daughter-in-law, Wendy, the manager of Five Gables, Alison, and a social care worker. The focus of the support plan was to find out what was important to Nessie, and what her outcomes were. The next step was to ask Five Gables how they would support Nessie to meet her outcomes. The care home fed back that this new style of review paved the way for good, personalised support planning, with Nessie telling the social worker about several things she'd like to do or have help with, that she has never told the care home or her daughter-in-law.
11. From the review, Alison, Nessie and Wendy agreed some plans. In the main, Nessie wanted little things, such as carers to help her use her telephone. Nessie also wanted to have someone different to talk to. Wendy and Alison worked together to look at local groups that might come in and a volunteer to have one to one time with Nessie. Amber now comes in at the weekends to spend some time with Nessie; they talk about all manner of things, she paints Nessie's nails and Nessie enjoys her company.

“We have always had a good working relationship with Nessie and her family, but the direct payment has enhanced this as we now deal directly with Nessie and Wendy to ensure we are delivering the services that really matter to Nessie, the little things that make a difference.” Alison, Five Gables.

12. More information on the people in Nottinghamshire having a direct payment, further case studies and quotes are available as a Background Paper.

13. The benefits and implications for the Council in continuing to offer direct payments in residential care are listed below:

Benefits:

Quality – Improve Personalisation

- The offer of a direct payment in a care home is being used as a mechanism to promote a person's independence and achieve more personalised outcomes. This varies depending on the level of needs of the person, but it is about ensuring care homes are supporting people to do as much as they can for themselves, and not fostering dependency within the care home setting. This project is working with Portland College, a younger adult care home, to consider how a direct payment can be used to assist younger adults to gain greater independence and control within a care home, with a view to them moving out of care and into supported living or their own home.
- Direct payments pave the way for good support planning because they focus on how outcomes can best be met within the available budget allocation. A good support plan is the catalyst for personalised outcomes. The project has worked with a small number of care homes to ensure they contribute to the support plan by telling us how they will meet the outcomes.
- The option of a direct payment encourages self-management where appropriate. Rather than doing things for people by organising and managing the care home placement, social care staff are supporting people by providing information and support to enable them to make their own choices and take control of the care home placement within the agreed personal budget.
- The project is working with care homes to ensure they are able to meet a person's outcomes in a more personalised way, rather than the person being expected to 'fit in' to the service offer. This means the care home needs to review what they offer and consider what they can do differently or improve upon. One example is to be more outward looking in how they support people to meet outcomes, by looking at what is available in the community.
- This work aims to promote a high quality care home market which provides better outcomes for people.
- In the longer term, the aim is to work with Health to integrate a pathway for personal budgets and personal health budgets, to ensure one pathway for people in receipt of continuing healthcare and social care funding when living in a care home.

Delivery

- Currently there are fifteen people living in a care home using a direct payment to purchase the cost of the care home. The Council has evidenced, through the fifteen case examples that direct payments in care homes can work well and deliver better outcomes within the same financial envelope as a managed personal budget.

Lead time

- **Back office systems** - an extensive amount of work has been undertaken to ensure there are the back office systems in place to make direct payments work.
- **Cultural change with social care staff** - the project is requiring and challenging staff to work differently in a care home setting. One of the main challenges of the project has been the cultural change required to engage social care staff to offer direct payments to all people entering a care home.
- **Cultural change with care homes** - it has been a challenge to engage care homes in the project. As with social care staff, we have worked hard to engage care homes in how the direct payment can be used as a mechanism to improve personalisation. The film made by the Council is a good example of how the project has worked positively with a care home.

Implications and Mitigation:

There are some *potential* risks to continuing with the project and these are listed below with mitigating actions.

Cost: that the cost of care homes increases, to enable flexibility to meet outcomes

Mitigation: The information and guidance to service users, families, social care staff and care homes sets out that the budget allocation is within the current cost envelope. This means that the amount paid to the care home is the same as that paid for a managed service, and there is no increase in costs to the Authority.

Policy: offering personal budgets in all care settings raises policy questions, such as, the right to choose a care home and to use a direct payment to make that choice.

Mitigation:

- 1) Seeking on-going advice and support from the Department of Health
- 2) Updating staff guidance to ensure there is a clear framework about how and when a direct payment can be used, in line with the Care Act and Adult Social Care Strategy.

Resources: that resources are required to continue to manage the project

Mitigation:

It is proposed that this project becomes business as usual and resources will be met within existing resources. This can be met within existing resources, because the system and process is established and financial services report that direct payments have been straightforward to process. There has been a low uptake of the offer, and it is anticipated numbers will continue to be small in the future.

Other Options Considered

14. Nottinghamshire County Council no longer offers direct payments in care homes and provides the Department of Health with “reasonable grounds” to amend the regulations, by removing the Council from the schedule. However, this would mean that the time and cost

would have to be expended twice to reinstate the structures and culture change required in 2020.

Reason/s for Recommendation/s

15. It is recommended that the Council continues to offer direct payments in residential care, in line with the Direct Payments Policy and the Adult Social Care Strategy, for the reasons stated in **paragraph 13**. Nottinghamshire has committed to this project and in doing so has completed the preparatory work required to deliver direct payments in residential care settings. The project has shown how a direct payment can be used positively in a care home setting, and the Council is committed to improving personalisation for people living in care. Achieving the cultural change required has been the most difficult aspect of this project and to cease the offer may confirm views that increasing personalisation in care homes via the use of direct payments is too difficult.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, 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, sustainability and the environment and ways of working 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

17. This is covered in **paragraph 13** on resource implications. In summary, the amount paid to the care home for a direct payment is the same as that paid for a managed service so there is no increase in costs to the Authority. It is proposed that this project becomes business as usual and no additional resources are required.

Human Resources Implications

18. This is covered in **paragraph 13** on resource implications.

Implications for Service Users

19. This project has evidenced better outcomes for service users within the budget allocation, as it promotes good person-centred support planning. By using a direct payment to purchase the care directly from the care home, service users and carers are put in the driving seat. Within the project, service users and their families have been engaged to provide their views and be involved. This feedback has ensured the successful delivery of the project.

Implications for Sustainability and the Environment

20. This project has evidenced better outcomes for service users within the budget allocation.

RECOMMENDATION/S

That:

- 1) the update on the direct payments in care homes trailblazer in Nottinghamshire and the Government's postponement of the national roll out of direct payments until 2020 be noted
- 2) the Council continues to offer direct payments in residential care in the interim period until 2020, in line with the Direct Payments Policy and the Adult Social Care Strategy.

Jane North
Transformation Programme Director

For any enquiries about this report please contact:

Debbie Draper
Commissioning Officer
T: 0115 977 3386
E: Debbie.draper@nottsc.gov.uk

Constitutional Comments (SLB 25/01/16)

21. Adult Social Care and Health Committee is the appropriate body to consider the content of this report.

Financial Comments (KAS 26/01/16)

22. The financial implications are contained within paragraphs 13 and 17 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Direct Payments Policy - report to Adult Social Care and Health Committee on 1st June 2015
<http://ws43-0029.nottsc.gov.uk/dmsadmin/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3306/Committee/480/Default.aspx>

Direct Payments Policy – report to Policy Committee on 9th September 2015
<http://ws43-0029.nottsc.gov.uk/dmsadmin/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/3718/Committee/475/Default.aspx>

Direct Payments Policy
<http://intranet.nottsc.gov.uk/policiesperformance/policy/policy-library/?entryid100=539195&q=0%7edirect+payments%7e11026968%7ePolicy%7e>

Evaluation of Direct Payments in Residential Care Trailblazers second interim report
<http://www.piru.ac.uk/assets/files/DP%20Trailblazer%20Second%20Interim%20Report.pdf>

Electoral Division(s) and Member(s) Affected

All.

ASCH371