

Direct Payments – Children's Social Care

Review of current systems and processes
including feedback from parent carers

August/September 2014



Introduction

The Bedford Borough Parent Carer Forum

A parent carer forum is a group of parents and carers of disabled children who work with local authorities, education, health and other providers to make sure the services they plan and deliver meet the needs of disabled children and families

The Bedford Borough Parent Carer Forum was formally launched in February 2014 but has functioned with a steering committee since May 2013. We have approximately 100 members covering all areas of SEND.

Our objectives are:

- to be the strategic, consultative and collaborative body within Bedford Borough representing families of children with special educational needs and disabilities, providing a liaison point for Statutory and Voluntary Agencies within Bedford Borough;
- to work co-operatively with local service providers and commissioners to enhance and develop the range and quality of services provided for all children in Bedford Borough with special educational needs and disabilities;
- to consult with, inform and train our membership in order to be an independent, parent carer-led body that determines and acts upon the priorities of its members.

Our review of Children's Social Care Direct Payments

Our report on social care for children with disabilities published in February 2014 highlighted a number of parental concerns with regards to the direct payments policies and procedures. Bedford Borough Council shared these concerns and commissioned BBPCF to jointly review current systems and processes to identify possible areas for improvement. The terms of reference agreed for the review can be found in Appendix 1.

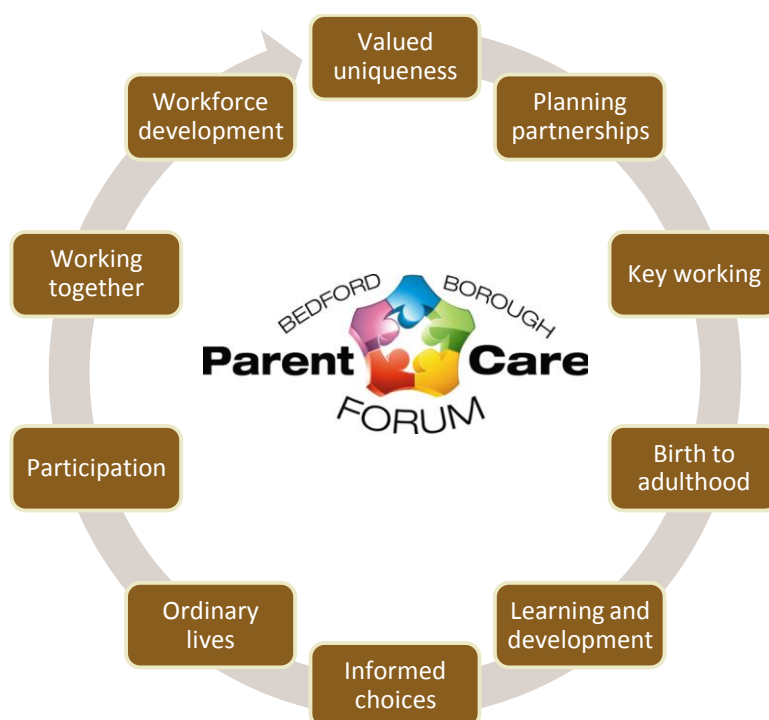
In performing this review we have referenced a number of sources including:

- Direct parental feedback gathered at meetings on 17th January 2014, 27th February 2014 and 24th March 2014.
- Current legislation, notably the Children and Families Act 2014, Health & Social Care Act 2001 and Children Act 1989.
- Examples of best practise, including: OPM (2012) 'Making It Personal – How to commission for personalisation – guidance for commissioners and others in children's services', Think Local Act Personal (2012) 'Best Practice in Direct Payments Support' and In Control & SQW (2013) 'Support & Aspiration - Introducing Personal Budgets'.

Our methodology

Our vision is that all services provided for children with SEN and disabilities are child, young person and family centred. We believe that service providers should aspire for excellence and that all services provided are underpinned by the Early Support 10 principles.

We have adopted the Early Support principles as our charter and all services are assessed against the criteria outlined herein.



For more information see <http://www.ncb.org.uk/early-support/about-early-support/10-principles>

We have given each area highlighted by our members a red amber green rating:

Red: This is a critical failing that prevents the service in question meeting the requirements of families and young people. We recommend it is addressed urgently.

Amber: An area that causes concern or issue for parent-carers. Whilst this does not prevent the service delivering value to parents, these problems render a service inefficient or ineffective in some ways.

Green: No significant issues raised or positive feedback received from parent carers.

Summary findings and recommendations

Commissioning

1. **We need to better understand the landscape and needs of the children with disabilities community in Bedford Borough. Currently we are commissioning services without a detailed analysis of needs and this means that there are gaps in provision and resources are not being effectively deployed.**
2. **Put in place better review procedures to ensure that commissioned services are meeting identified needs. Reviews need to ensure that the money we are spending is actually making the intended difference to families.**

Personalisation

3. **Tiered pay rates for carers should be introduced. Currently, children with the most complex medical and social needs are offered the same hourly rate as those that need “enhanced babysitting” despite the fact that carers need to be a great deal more experienced and skilled.**
4. **Enable families to use personal budgets in a more innovative, flexible ways that meet the particular needs of their young people and family circumstances.**
5. **More training / workforce development around personalisation and person centred planning and outcomes.**

Processes

6. **Simplify the direct payments processing. The current system is bureaucratic, duplicative and expensive. It also offers very little financial control.**
7. **Align children’s and adult’s direct payments policies and processes. Review processes and policy in light of broader changes and legislation – social care budgets, personal health budgets, joint commissioning as outlined in the SEND reforms – and create one unified process for all ages.**
8. **Review the role of panels and see where bureaucracy and delay can be reduced. More transparency needed around decision making and more feedback to parents / carers around the basis of decisions.**
9. **Ensure social workers and other professionals have a consistent and accurate understanding of policies and procedures. Training need.**

Support

10. **Allow / enable families to purchase extra support using direct payments to help them manage the bureaucracy that comes with living with disability.**
11. **Access the wider support community to source well trained personal assistants and carers (e.g. schools, charities) to create a pool of trained and experienced personal assistants / care workers.**
12. **Develop key working scheme as a part of the SEND reforms.**

Appendix: Detailed review versus our charter

Principle	Definition	Findings	RAG Rating
Valued Uniqueness	The uniqueness of children, young people and families is valued and provided for	<p><u>Commissioning:</u></p> <p>The regulations for Direct Payments state that they should be “at such a rate as the authority estimate to be equivalent to the reasonable cost of securing the provision of the service concerned”.¹ However, the only viable ‘equivalent’ service locally for children with SEN and disabilities is provided by care agencies which show a huge disparity between pay rates. Once Direct Payments have been agreed and provided, there appears to be very little follow up in terms of whether the care package is working or not. Many families currently receiving Direct Payments have surplus funds because they cannot find personal assistants (see key working), suitably skilled personal assistants (see workforce development) or are restricted from using the payments in a way that best suits the family (see below).</p> <p>Recommendation:</p> <p>Put in place better review procedures to ensure that commissioned services are meeting identified needs. Reviews need to ensure that the money we are spending is actually making the intended difference to families.</p> <p><u>Personalisation:</u></p> <p>Although families value the flexibility that Direct Payments offer the current system does not fully support individualisation. Direct payments resources are only directed at the care of the child and do not include support for the wider family. Parent carers are restricted from using the payments in ways that may achieve better outcomes for the whole family. It does not appear that families are assessed and care packages developed based on need or outcomes because:</p> <ul style="list-style-type: none"> Regardless of the needs of the children there is a ‘standard’ rate that all direct payment recipients receive. Some families with children with very complex needs struggle to find (and keep) appropriately skilled, trained and experienced personal assistants when they can only offer £8.56 per hour. 	Red

¹ Health and Social Care Act 2001. Sec 57, 4 (a).

- Conversely, children with more moderate needs also receive the same hourly rate where the skills and experience of the personal assistant is more aligned to a ‘babysitting’ role.

Recommendation:

Tiered pay rates for carers should be introduced. Currently, children with the most complex medical and social needs are offered the same hourly rate as those that need “enhanced babysitting” despite the fact that carers need to be a great deal more experienced and skilled.

Support:

Currently, the only support offered to parent carer users of Direct Payments is a payroll service offered by Disability Resource Centre (DRC). This service works well and is valued by parents carers, however, DRC do provide a much greater range of ‘Personalisation Services’² which do not appear to be available within Children’s social care. Given the financial pressures many families are under, the costs of self-funding these support services are prohibitive. The lack of support services available to children’s social care could be indicative of the low take up of direct payments in children’s social care, an issue identified by Think Local Act Personal (TLAP)³.

Recommendation:

Allow / enable families to purchase extra support using direct payments to help them manage the bureaucracy that comes with living with disability.

Processes:

Some suggestions from parents that would reduce the administrative burden on families include:

- Streamlining support between DRC and BBC – BBC getting copies of payslips and HMRC payments direct from DRC rather than parent carers acting as middle men
- Realistic audit requirements – if a parent carer has ‘proven’ their competence in managing the direct payment appropriately, there is no need to ‘double check’ every month/3 months.
- On the other hand, if an officer is required to be employed to ‘reconcile’ accounts – why does the parent have to do the same thing – could the parent carers just send in the evidence of spend and the officer reconcile the accounts?
- Using ‘electronic’ paperwork as the norm rather than hard copy

Recommendations:

² <http://www.drcbeds.org.uk/wp-content/uploads/2010/06/Personalisation-Leaflet-0212-final.pdf>

³ Think Local Act Personal ‘Best Practice in Direct Payments Support’ <http://www.thinklocalactpersonal.org.uk/library/BPDPS.pdf>

Simplify the direct payments processing. The current system is bureaucratic, duplicative and expensive. It also offers very little financial control.

Planning Partnerships

An integrated assessment, planning and review process is provided in partnership with children, young people and families

Commissioning:

Bedford Borough does not seem to have accurate data about numbers of all children with SEN and disabilities. The JSNA does not mention children with disabilities or SEN in the 'vulnerable people' section. The current duty on local authorities to "take reasonable steps to identify the extent to which there are children in need in their area"⁴ is extended by the Children & Families Act⁵ to include identification of **all** children with a disability and **all** children with a SEN. Evidence and best practice suggests this detailed understanding of the needs of the population alongside an understanding of the current provision landscape is essential for the cultural change required to work towards true personalisation.⁶

Recommendation:

We need to better understand the landscape and needs of the children with disabilities community in Bedford Borough. Currently we are commissioning services without a detailed analysis of needs and this means that there are gaps in provision and resources are not being effectively deployed.

Personalisation:

The assessment and planning processes seem to be more developed around the likelihood of the resources being agreed rather than on assessed need, many parent carers have been told "panel will not approve that...so we'll ask for this". Very few parent carers had seen the Short Break Statement or the eligibility criteria and it is uncertain how much the eligibility criteria is used in assessment and resource allocation or whether it is just used to identify those eligible for social care support.

Some parents reported being involved in the assessment processes and were given copies of documentation but most do not. When an allocation has been agreed at a panel there is often no feedback to parent carers on discussions and if an allocation was not agreed, parent carers do not get any rationale about why not. There also does not appear to be an appeal process if families do not agree with a decision.

Recommendation:

Red

⁴ Children Act 1989. Sch 2, Part 1 (1)

⁵ Children & Families Act 2014. Sec 22 (a) & (b)

⁶ OPM (2012) Making It Personal – How to commission for personalisation – guidance for commissioners and others in children's services.

Review the role of panels and see where bureaucracy and delay can be reduced. More transparency needed around decision making and more feedback to parents / carers around the basis of decisions.			
Key Working	Service delivery is holistic, co-ordinated, seamless and supported by key working.	<p><u>Processes:</u></p> <p>Information, advice or support for families to manage the direct payment processes is not included within the commissioning of the care package. The families Social Worker is seen as the source of support and information but many families have found that their social worker has little understanding of the Direct Payments processes with different families being given different advice about what Direct Payments can be used for (e.g.: to pay for holiday playchemes). Providing a family with key working support can reduce the co-ordination burden on a family and provide them with additional time for the care of their child.</p> <p>Recommendation:</p> <p>Ensure social workers and other professionals have a consistent and accurate understanding of policies and procedures. Training need.</p> <p><u>Support:</u></p> <p>Parent carers generally have little support with managing their direct payments. The biggest issue is recruitment, consequently, only parent carers who already have an identified carer will chose direct payments as an option. If that one paid carer leaves the family, it can cause a crisis. The only source of information on the realities of using direct payments is other parents and currently this information is often negative. Some families may need additional support at times when managing their Direct Payments, for example:</p> <ul style="list-style-type: none"> • If a personal assistant leaves • In times of crisis • When their child's care needs intensify <p>Recommendation:</p> <p>Develop key working scheme as a part of the SEND reforms.</p>	Amber
Birth to Adulthood	Continuity of care is maintained through different stages of a child's life and through	<p><u>Commissioning:</u></p> <p>The change from children's direct payments to adult direct payments is not seamless; some parent carers report that they have to reduce the hourly payment to their direct payment carer once they are within adult services because of the different pay rates, despite the level of care being the same. (BBC Adult Direct Payment Policy states £7.36 personal assistant rate – 2013)</p>	Amber

	preparation for adulthood	<p><u>Processes:</u></p> <p>There are significant differences between the Adult Direct Payment system and the Children's. Many areas of legislation are moving towards greater integration of services and with a new joint Children & Adults Services it would make sense to align both systems. The paperwork required for direct payment for adults differs to that of children's direct payments.</p> <p>Recommendation:</p> <p>Align children's and adult's direct payments policies and processes. Review processes and policy in light of broader changes and legislation – social care budgets, personal health budgets, joint commissioning as outlined in the SEND reforms – and create one unified process for all ages.</p>	Amber
Learning & Development	Children and young people's learning and development is monitored and promoted	<p>There is no formal training for families wishing to use direct payments but who may need some support until they become proficient. These families are seen as 'not suitable' for direct payments. Many parent carers report being told initially that there would be 'help and support' to manage their direct payment and/or the audit requirements of BBC but this support has not been received, even if requested.</p> <p>The financial and day to day pressures of caring for a child with SEN or a disability are well documented ⁷ but Direct Payments do not appear to be available to help parent carers who <i>need</i> to work or wish to return to work or study.</p> <p>Recommendation:</p> <p>See recommendations 4 and 10</p>	
Informed Choices	Children, young people and families are able to make informed choices	<p>Many families view Direct Payments as a way of the council saving money rather than providing more choice and control. This is perhaps due to the lack of transparency around resource allocation. The SEN and disability community is fairly small and parent carers often know one another and share information. There seems to be some confusion about how different families get different amounts of care allocations, even when the needs of the family are broadly similar. It is seen as more about the available resources rather than meeting assessed needs or outcomes.</p> <p>Parent carers also report being asked what they 'want' rather than being helped to identify the outcomes they wish to achieve and what is 'needed' to meet those outcomes. There seems to be a perception that unless the family can articulate their needs well, the needs will go unrecognised. The lack of transparency of the resource allocation panels compounds this view as parent carers feel that the 'success' or 'failure' of a request for</p>	

⁷ Contact a Family 'Counting the Costs' http://www.cafamily.org.uk/media/381221/counting_the_costs_2012_full_report.pdf, EDCM 'Breaking down barriers: making work pay for families with disabled children' <http://www.edcm.org.uk/media/8068/breakingdownbarriers.pdf>

support is largely dependent on the assertiveness of the practitioner tasked with ‘presenting’ their case. Often requests for changes in care packages, particularly increases in times of crisis, are delayed because of incomplete or poorly evidenced needs.

Parent carers feel the use of resource allocation panels is “ineffective and inefficient”. A transparent and open allocation system would provide the equity and transparency parent carers would like and would help move towards the change in culture required for effective personalisation. Personalisation means that “rather than panels of professionals determining the services a family receives, parent carers and young people together with professionals make those decisions”.⁸ Evidence and best practice points to Resource Allocation Systems⁹ as well as a ‘Common Delivery Model’ which can “provide a transparent and participative approach”.¹⁰

Recommendation:

More training / workforce development around personalisation and person centred planning and outcomes.

Also see recommendation 8

<p>Ordinary Lives</p>	<p>Children, young people and families are able to live ‘ordinary lives’.</p>	<p><u>Personalisation:</u></p> <p>Many parent carers report being informed of restrictions on what they can use the Direct Payment for, rather than having the flexibility to use the Direct Payment to meet the needs of the whole family. There is also considerable variation on the information given to different families, particularly by Social Workers. An example currently restricted is where a parent carer would prefer to provide the direct care themselves but would need additional help with daily household tasks and would prefer to employ a cleaner rather than a personal assistant to provide the care. Personalisation and Direct Payments should be flexible and outcome focussed rather than rigid and restrictive.</p> <p>Parent carers frequently report that the package of care they receive only allows them to undertake normal everyday activities and does not allow for either a break from caring or participating in activities that benefit the whole family. An example would be of a parent who uses a direct payment carer every day to wait with her disabled child for her school bus whilst she takes her other children to school. Occasionally parent carers report being allocated some direct payments for themselves as a carer but this minimal and does not appear to be the norm. Personalisation should also be about building a families resilience and capacity to maintain their</p>
------------------------------	---	--

Amber

⁸ OPM (2012) Making It Personal – How to commission for personalisation – guidance for commissioners and others in children’s services. <http://www.opm.co.uk/wp-content/uploads/2014/01/MIP-word-doc-of-pdf-final-Oct-2012.pdf>

⁹ In Control (2013) Understanding the Resource Allocation System (RAS), http://www.in-control.org.uk/media/137728/understanding_the_ras.pdf

¹⁰ In Control & SQW (2013) Support & Aspiration - Introducing Personal Budgets <http://www.in-control.org.uk/media/161498/support%20and%20aspiration%20personal%20budgets%20oct13.pdf>

		<p>caring role in addition to providing day-to-day care but the lack of support and restrictions placed on their use can prevent families from using direct payments in ways that benefit the whole family.</p> <p>Recommendation:</p> <p>Enable families to use personal budgets in a more innovative, flexible ways that meet the particular needs of their young people and family circumstances.</p>	
Participation	Children, young people and families are involved in shaping, developing and evaluating the services they use	<p><u>Processes</u></p> <p>The current processes and systems appear to have been developed without the full participation of the users of the system. Many parent carers report not having seen the ‘care plan’ that their care package was based upon. In addition, other social care commissioning does not seem to include user evaluation of whether the service is meeting the needs it was commissioned for. There is growing evidence to show that “active participation or co-production leads to improved service provision and better outcomes for children and families”¹¹.</p> <p>At a strategic level, there has not been parent carer participation in the development of the policy, processes and systems around direct payments. However, this review of Direct Payments by BBPCF was commissioned by and has been undertaken in partnership with BBC and clearly shows a commitment to increasing parent participation. Unfortunately, there is more work to be done in order for parent carers to feel fully involved in decisions about their child’s care as many parent carer are often told what they can expect to be ‘allowed’ rather than agreeing outcomes and needs jointly with practitioners.</p> <p>Recommendation:</p> <p>See recommendation 5 and 9.</p>	Green
Working Together	Multi-agency working practices and systems are integrated	<p><u>Processes</u></p> <p>Whilst conducting a literature review of evidence based and best practice information regarding Direct Payments– it became clear that a review of Children’s Social Care Direct Payments in isolation was not going to achieve effective results. The wider national context of adult social care personalisation, personal health budgets and SEND reforms, as well as the local impact of moving towards an integrated Children’s and Adult’s services suggests that any review of systems and processes must create one unified process for all ages to have any benefit.</p> <p>Recommendation:</p>	Green

¹¹ Contact a Family Strengthening Parent Carer Participation. The National Picture - April 2012 to March 2013.
http://www.cafamily.org.uk/media/775085/final_strengthening_parent_carer_participation_2_july.pdf

See recommendation 7.			
Workforce Development	Children, young people and families can be confident the people working with them have appropriate training, skills, knowledge and experience	<p><u>Support:</u></p> <p>Many children with SEN and disabilities require personal assistants with additional skills and experience, for example: tube feeding, epilepsy management, alternative communication (sign language, electronic communication devices), behaviour management etc.</p> <p>However, the training for personal assistants is ad hoc and generally falls to the parent carer. Training can be provided by professionals, for example, the Community Nursing Team (provided by SEPT) but some parent carers have been asked to pay for this training. If a personal assistant is trained by a parent carer it is simply in the care of their particular child and the personal assistant has no evidence of this additional skill or training in terms of their professional development. Training provided by professionals would be accredited but currently there is no training element given within a Direct Payment so a family would have to use payments intended for direct care of their child but again, restrictions on what Direct Payments can be used for would prevent this. The Disability Resource Centre does provide general training for Personal Assistants but currently this does not include training specific to children and young people¹², however, there are voluntary organisations within Bedford Borough (for example: Autism Beds, MENCAP and BDCPS) and the special schools, who currently provide specific training for the needs of children with SEN & disabilities to their own staff/volunteers. Training for personal assistants could be provided by existing services opening their 'in-house' training to include outreach/extended services to Direct Payment recipients.</p> <p>Recommendations:</p> <p>Access the wider support community to source well trained personal assistants and carers (e.g. schools, charities) to create a pool of trained and experienced personal assistants / care workers.</p>	Amber

¹² Disability Resource Centre PA Academy <http://www.drcbeds.org.uk/wp-content/uploads/2014/01/SCHEDULE-OF-WORKSHOPS-Marketing.pdf>

Appendix 1

Review of Children's Direct Payments Process

Review brief:

- To review the current process of Direct Payments to Children to ensure that there is compliance with current National legislation and Policy
- To engage with Bedford Borough Parents and Carers Forum (BBPCF) to inform the review
- To consider the Direct Payment process in Adult Services to ensure there is consistency with approach.
- To examine whether the current system of payment standardisation is appropriate, equitable and needs led.
- To make proposals about changes to the current system if appropriate.

Methodology:

- Led by Mandy Hyson supported by Lynn Hoppenbrouwers and Karen Russell from BBPCF, Lucy Wainwright, Head of Resource Allocation Adult Services, and (Rhian Bevan) from Finance will allocate a colleague. Tara Geere, Head of Service for LAC provision will oversee the review.
- Desk top exercise, looking at all current legislation, financial regulations, local and National policy and best practice.
- Consultation with BBPCF

Timescales:

- Consultation of draft proposal for discussion at BBPCF on 10th June 2014.
- Director approval (6th August 2014)
- Legal and Finance approval
- SLT Children's Adults' (20th August 2014)
- Management Group (28th August 2014)
- Portfolio Holders sign off (1st September)
- Mayoral sign off by 2nd September 2014.
- Implementation 1st October 2014.

Resource:

- Agreed that the work would be no more than 12 days in total
- Payment will be offered to BBPCF to enable direct participation in review.
- Costs will be coded against Children's Services Transformation budget

Marcellina Taylor

1.5.14