



## Report to Scrutiny

Item Number:

Contains Confidential Or  
Exempt Information

No

- Subject of Report:** Social Care and Community Choice
- Meeting:** Health and Adult Social Services Standing Scrutiny Panel  
19 March 2024
- Service report author:** Avtar Maan, Head of Integrated Commissioning
- Scrutiny officer:** Anna-Marie Rattray, Scrutiny Review Officer  
[rattraya@ealing.gov.uk](mailto:rattraya@ealing.gov.uk) 020 8825 8227
- Cabinet Responsibility:** Cllr Josh Blacker, Healthy Lives  
Cllr Kamaljit Kaur Nagpal, Fairer Start
- Director Responsibility:** Kerry Stevens, Strategic Director Adults & Public Health
- Brief:** This report provides an update of the review undertaken to promote the Council plan priority under Healthy Lives: for people to have control over how money is used to meet their social care needs.
- Recommendations:** The Panel is asked to consider the report and make recommendations as appropriate.

## **Social Care and Community Choice**

### **1. Background: Review of choice and control for social care**

- 1.1. In response to the Council plan priority for greater choice and control, the Integrated Commissioning Team committed to undertake a review of how to increase direct payments across Adult Social Care. This report consolidates the findings from the review, including feedback from the stakeholder engagement, audit of internal processes and benchmarking good practice.
- 1.2. The report challenges departments across the council to work together to promote community-led development as a means of enhancing choice and control, health and wellbeing, and the service offer for our residents. Increasing take up of Direct Payments will generate improved outcomes for residents with care and support needs as well as offer better value for the council and local economy.

### **2. Direct Payments Overview**

- 2.1. Direct Payments devolve control of social care funding over to people for them to buy (micro-commission) their care support. In Ealing, in March 2023, 463 people had a Direct Payment. This included 334 adults, 20 family carers, and 109 parents of children with additional needs.
- 2.2. Direct Payments give people choice and control over how their needs are met. They can employ their own staff or buy services from another organisation. They can be creative and have the flexibility to design how their needs are met so long as the support achieves the outcomes agreed with social care. They are more likely to remain in their home and to use services in the borough.
- 2.3. Ealing has a lower rate of take up of Direct Payments compared to other places. For example, in 2021-22, in Ealing 300 adults had a Direct Payment compared to a mean average across all London boroughs of 489 adults (NHS Digital).
- 2.4. When people are assessed as having social care needs that must be met by their local authority, traditionally they have been offered a service arranged by the council, typically this fits people into existing services, often building based services such as care homes and day centres owned by organisations based outside the borough. 36% of commissioned homecare and 47% of care home is provided by organisations based outside the borough. Despite over 20 years of transformation, this is still the kind of service experienced by many people today.

#### Feedback from stakeholder engagement

- 2.5. Engagement with key stakeholders took place October 2022 to March 2023 and included:
  - Focus group meetings held with people who use social care services.
  - A survey of people who have a Direct Payment that had a 26% response rate.
  - One to one in-depth meetings with 12 people who have a Direct Payment.

- Consultative meetings with relevant staff and the voluntary and community sector.

2.6. Feedback from the engagement highlighted the following:

- Most people with a direct payment feel more in control of their social care. People would like more flexibility in how they can use their direct payment.
- People would like to feel that the Council trusts them to manage their direct payment.
- Additional staffing in Ealing Direct could help more people to take up a direct payment.
- Direct payments can be hard to manage, and the Council is improving the support it provides for this.
- There are not enough options in services for different ways to use a direct payment and it is hard to find information about different options in the Ealing area.
- Some people with a direct payment have difficulties with staff recruitment and retention – the Council’s introduction of the Real Living Wage to direct payments should help.

2.7. The engagement found that there is a strong case to increase the take up of Direct Payments but that this is best achieved in coordination with the council’s wider infrastructure and initiatives to strengthen our communities.

#### Findings from the audit internal processes

2.8. Between August and December 2023, a review of internal processes (Ealing Direct) took place to consider resourcing and opportunities to extend peer support among people who have a direct payment. Key lines of enquiry, or KLOE, was designed to order the evidence gathered over the course of the review. The KLOE drew upon three recent national reports that considered different ways that local authorities could improve the operation of direct payments, as well as the feedback gathered from the stakeholder engagement.

2.9. Evidence was collected from a range of sources including:

- Council documents, forms, and website
- Observing staff as they went about their work and asking questions, including at case meetings with people and their carers.
- Following new referrals and reviews of existing cases to observe the effectiveness of processes.
- Meeting with different groups of staff
- Talking to staff at other local authorities and researching their websites
- Researching good practice

2.10. The review found that in Ealing Direct, the Council has a solid foundation from which to extend the take up of direct payments; but would benefit from investment into services to streamline processes and create a diverse market.

### 3. Risk considerations in increasing the uptake of Direct Payments

Risks	Mitigations
Council loses oversight and control of the social care market.	<ul style="list-style-type: none"> <li>• Council's role evolves to be facilitator of innovation and of expanded role for community-based businesses.</li> <li>• Build closer relationship with community and voluntary sector.</li> </ul>
Gap in quality assurance due to transfer from the use of providers registered by the Care Quality Commission to people employing their staff directly.	<ul style="list-style-type: none"> <li>• Annual reviews, including home visits.</li> <li>• Promoting staff training opportunities and promoting personal assistant jobs.</li> <li>• Promote good practice as an employer to people who have a Direct Payment.</li> </ul>
Safeguarding risks to individuals, including abuse and neglect.	<ul style="list-style-type: none"> <li>• Regular audits of DP expenditure and use.</li> <li>• Risk awareness information, advice, guidance and training.</li> <li>• Strengthened families, neighbours, locality-based communities, and communities of experience as the eyes and ears.</li> <li>• Promote peer support.</li> </ul>
Fraudulent misuse of public funding.	<ul style="list-style-type: none"> <li>• Communicate expectations/ obligations, audit spend, profile risk, automate processes.</li> <li>• Community "ownership" of the impact of fraud.</li> <li>• Quality assurance and audit at regular intervals.</li> </ul>
Cost of implementation.	<ul style="list-style-type: none"> <li>• Development of business case, including anticipated costs and savings. Additional project capacity may be required.</li> </ul>

### 4. Value for Money

- 4.1. Reduced transaction costs - people with a Direct Payment either manage the budget themselves or they use an agency that will have highly automated processes to provide a "managed account." This partly explains the variation from the RAS benchmark referred to above.
- 4.2. When a person who has a Direct Payment uses a care agency they can be treated as a self-funder and be charged a higher rate by the agency than the council would pay. The Council is commissioning a new Dynamic Purchasing

System (DPS) for home care and day activity, the specification will include a requirement for direct payments users to have the same level of parity as council commissioned services.

4.3. The council recoups unspent money from Direct Payment users – currently £1.2M.

4.4. Improved outcomes for residents:

- There is typically improved performance in achieving outcomes.
- Higher satisfaction rates are reported.
- Direct Payments are invariably used by people living in their own or their family home – they save money by preventing or deferring the need for a person to move into a care home.

4.5. Increasing choice and control:

- When people are enabled to find ways to make their Direct Payment stretch further, this can motivate them into finding their own solutions for challenges in other aspects of their life.
- Some people, when they see the amount of money spent on their care, feel motivated to find more cost-effective ways of doing things.
- Money is mostly spent on employing people who live locally or using locally based agencies, ensuring that it stays in our local economy.

## **5. Options to increase the take up of direct payments**

Options were discussed with the Senior Leadership Team and Political Cabinet and the Adults Senior Management Team during November and December 2023.

5.1. To take forward the agenda for increase choice and control the Council will need:

- Increased investment in Ealing Direct, the team that manages Direct Payments – this would increase proportionately in line with increasing numbers of direct payment users.
- Targeted development with the local voluntary and community sector, other council departments and partner organisations.
- Potential to expand to other areas of council function, for example housing, children's and leisure.
- Social work focused activity to promote Direct Payments and community-based services.

5.2. Further actions from the internal review identified the need to

- Strengthen the direct payments user group to a Coproduction Panel
- Enhancements to Mosaic for more timely processes
- Updating documents, forms and communications materials relating to DPs to ensure they are attractive, accessible, and compliant.
- Concerted action to enhance the market options that people can choose from,

- Creation of a DP market development/ engagement officer

We are currently exploring funding and resources to support the transformation of our DP offer and extend community choice are being in line with these recommendations.

## **6. Legal Implications**

Powers for local authorities to provide Direct Payments for adult social care were introduced in the Community Care (Direct Payments) Act 1996 and extended to carers and children under the Carers and Disabled Children Act 2000. In 2003 local authorities were mandated to provide Direct Payments to people with eligible care needs who asked for one. These duties were codified under the Care Act 2014 and the Children and Families Act 2014 which also set out related duties to promote personalisation and manage the market of care services.

## **7. Financial Implications**

There are no direct financial implications from this briefing report. The business cases for further stages of work will evaluate financial implications.

Promotion of the DP agenda is key delivering the demand management and MTFS targets for Adults Social Care.

## **8. Other Implications**

No other implications are identified at this stage.

**Pre-publication sign-off**

Name	Department/Title	Date sent	Date response received	Comments appear in report paragraph:
Kerry Stevens	Strategic Director Adults and Public Health	31.01.2024	02.02.2024	
Adenike Tilleray	Assistant Director Commissioning and Use of Resources	31.01.24	31.01.24	
Gordon Crighton	Head of Market Management			

***Report History***

<b>Decision type:</b>	<b>a. Urgency item?</b>		
Non-key decision	No		
Authorised by Cabinet member:	Date report drafted:	Report deadline:	Date report sent:
Not applicable			
Report no.:			