

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 27 JANUARY 2005

DIRECT PAYMENTS

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To update committee on the implementation of Direct Payments in East Ayrshire.
- 1.2 To seek approval for an uplift in the hourly payment rate for Direct Payments.

2. BACKGROUND

- 2.1 The Community Care (Direct Payments) Act 1996 gave local authorities the power to offer people a cash payment instead of direct services to meet their needs
- 2.2 The Community Care and Health (Scotland) Act 2002 placed a **duty** on local authorities to offer Direct Payments to an extended group of disabled people who require community care services in the broadest sense, including children and older people affected by disability.
- 2.3 The Community Care (Direct Payments) Scotland Regulations 2003 specified conditions attached to the use of Direct Payments. This includes the fact that a close relative cannot be employed to provide supports using a Direct Payment. In addition, all support packages require to be reviewed and updated to reflect changes in peoples needs. Local Authorities are also reminded that they are required to operate within the principles of long term best value. The protection of vulnerable people and the use of the public pound are scrutinised within this process.
- 2.4 Reports were presented to committee on 22 May 2002, 23 May 2003 and 11 September 2003 advising of national and local developments in relation to Direct Payments.

3. CURRENT SITUATION

- 3.1 The option of receiving Direct Payments to purchase services is discussed with everyone who is subject to a community care assessment in line with guidelines issued by the Scottish Executive.
- 3.2 Guidance and training for all staff is in place to enable them to support individuals access Direct Payments should they wish to do so.
- 3.3 Accessible public information about Direct Payments is being developed and should be available by April 2005.
- 3.4 There have been 33 people accessing Direct Payments over the past year. Out of this number 3 are children and 2 are young adults.
- 3.5 There are 3 people currently undergoing assessment for Direct Payments.

4. PROTECTION OF VULNERABLE PEOPLE

- 4.1 There has been no clear guidance from the Scottish Executive in relation to the requirement for Personal Carers employed through Direct Payment to undergo a Disclosure Scotland check.
- 4.2 In East Ayrshire, in recognition of the potential risks to vulnerable people where there are no safeguards in place, it is proposed we act to reduce this by incorporating into our advice to service users that all Personal Carers funded through East Ayrshire resources are subject to Enhanced Disclosure Scotland checks
- 4.3 This condition affords people receiving supports through Direct Payments similar protection to those who receive services directly or through a contracted agency.
- 4.4 Service users will be supported by local voluntary organisations to obtain the Disclosure reports. This arrangement retains the independence of the service user and the Council in relation to employer responsibilities.

5. FINANCIAL IMPLICATIONS

- 5.1 It is proposed, the standard hourly rate for Direct Payments be increased from £8.85 to £9.10. This facilitates a salary increase in line with the recently confirmed settlement for local authority employees. In line with current practice this rate may be varied by exception, where it is evidenced that specific services to meet identified need require additional funding.
- 5.2 Where service users choose to have their supports provided by someone other than the Council, monies will require to move from existing service provision to a Direct Payments budget.

6. LEGAL/POLICY IMPLICATIONS

- 6.1 Recommendations within this report support the Council's duties under Direct Payment regulations.

7. RECOMMENDATIONS

- 7.1 It is recommended that Social Work Committee:
- (i) approve the hourly rate be increased from £8.85 to £9.10 for Direct Payments with immediate effect.
 - (ii) agree to update advice to service users (para4) that all Personal Carers employed through East Ayrshire funding are subject to Enhanced Disclosure Checks; and
 - (iii) otherwise note the contents of this report.

John Mulgrew
Executive Director of Educational and Social Services
5 January 2005
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LIST OF BACKGROUND PAPERS

1. Community Care (Direct Payments) Act 1996
2. Community Care & Health (Scotland) Act 2003
3. The Community Care (Direct Payments) Scotland Regulations 2003

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