

## **EAST AYRSHIRE COUNCIL**

### **SOCIAL WORK COMMITTEE : 23 MAY 2002**

#### **THE PROVISION OF PERSONAL ASSISTANCE VIA DIRECT PAYMENTS**

##### **Report by the Director of Educational and Social Services**

#### **1. PURPOSE**

- 1.1 To advise Committee of new arrangements to provide personal assistance via direct payments, following the dissolution of the Personal Assistance Support Scheme.

#### **2. BACKGROUND**

- 2.1 The Community Care (Direct Payments) Act 1996 gave local authorities the power to offer a cash payment instead of direct services to people with disabilities between the ages of 18 and 65.
- 2.2 In response to this legislation, the Council established the Personal Assistance Scheme (PAS) in 1997. The scheme was developed to enable adults with physical disabilities to employ their own personal assistants, as opposed to receiving mainstream support services. The PAS scheme is considered to be a third party scheme, as it receives and manages payments from the Council on behalf of service users.

#### **3. THE PAS SCHEME : BACKGROUND**

- 3.1 When initially established, the PAS Scheme was managed by the PAS Management Committee, which was a sub group of the Kilmarnock Forum on Disability.
- 3.2 The scheme employs two staff, including a Personal Assistance Advisor and an Administration Assistant.
- 3.3 The scheme is currently supporting 19 people, who employ a total of 45 personal assistants. On average, each service user receives 44 hours of support per week.
- 3.4 The scheme has developed a positive reputation and is valued by service users.

#### **4. THE PAS SCHEME : CURRENT SITUATION**

- 4.1 In June 2001, members of the PAS Management Committee contacted Social Work for advice/assistance as difficulties had emerged within the Management Committee.
- 4.2 Following discussion and negotiation, the PAS Management Committee dissolved, and it was agreed that Social Work would offer interim support to the two PAS employees. This ensured the continuation of the service and also allowed for more detailed consideration of alternative options.

## **5. FUTURE**

5.1 The Community Care and Health (Scotland) Act 2002 extends the availability of direct payments to include:

- ? 16 and 17 year olds (to enable them to purchase children's services)
- ? disabled parents ( to enable them to purchase children's services)
- ? all community care service user groups, including older people
- ? people who require rehabilitation following an accident or operation
- ? people who are fleeing domestic abuse
- ? people who require support due to drug/alcohol difficulties

The Act also places a duty on local authorities to offer direct payments as an alternative to arranging mainstream services,

By June 2003, Local Authorities will have a duty to offer Direct Payments to people assessed as requiring community care services. By April 2004 other Local Authority support services as listed above.

5.2 This new legislation and guidance seeks to increase choice and to empower people with disabilities. For this reason, future personal assistance arrangements will be made available through making a direct payment to individuals.

5.3 The implementation of direct payments can be supported by a local organisation, Ayrshire Independent Living Network (AILN), which has received lottery funding for this purpose.

5.4 In addition, the Scottish Executive has established Direct Payments Scotland, which has responsibility for advising, guiding and supporting the development of direct payment schemes in Scotland.

5.5 Both PAS employees and the former members of the PAS Management Committee are positive about the transition to direct payments, as it promotes independent living.

## **6. IMPLICATIONS**

6.1 Current service users will continue to be supported as employers of their own personal assistants.

6.2 Service users will receive their payment directly from the local authority. They will be supported by an organisation called the Ayrshire Independent Living Network (AILN).

6.3 Service users who do not wish to continue with personal assistance arrangements may opt to receive mainstream support services.

- 6.4 A Council Officer (Independent Living Services Manager) will also provide support and assistance in the development and monitoring of direct payments.

## **7. TRANSITION ARRANGEMENTS**

- 7.1 An implementation plan has been developed which will ensure that the following takes place:

- ? Individual meetings with all current service users to provide information and to explain the new arrangements.
- ? Develop policy and procedure guidance for the use of direct payments in East Ayrshire, based on research and experience in other areas.
- ? Establish financial support arrangements, including payroll arrangements.
- ? Establish a service level agreement with the support organisation, Ayrshire Independent Living Network (AILN).
- ? Provide information, advice and training to staff.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 At present, the budget is £232,000 and the new arrangements can be managed within this allocation.
- 8.2 As outlined, direct payments are being promoted by the Scottish Executive through new legislation and policy. Given that the use of direct payments is to be extended to a wider range of people, the demand for this option will increase, with implications for Council resources.

## **9. LEGAL/POLICY IMPLICATIONS**

- 9.1 As outlined at Section 5, this approach will assist the Council to respond to the requirements of the new Community Care and Health (Scotland) Act 2002.

## **10. PERSONNEL IMPLICATIONS**

- 10.1 The former PAS Management Scheme employed two staff members: a Personal Assistance Advisor and an Administration Assistant.
- 10.2 Both staff members have been provided with support, and have continued in their roles on an interim basis pending agreement about future arrangements.
- 10.3 The implementation of direct payments through the support of the Ayrshire Independent Living Network (AILN) means that the two PAS posts are no longer required.

## **11. RECOMMENDATIONS**

11.1 It is recommended that Social Work Committee:

- (i) agree the change in the way in which personal assistance will be provided in the future (outlined at Section 5);
- (ii) develop policy which establishes availability of Direct Payments to service users in East Ayrshire;
- (iii) notes the implications of the implementation of the Community Care and Health (Scotland) Act 2002 in respect of direct payments (outlined at Section 5); and
- (iv) notes the likely increase in demand for direct payments, and the requirement to consider additional funding requirements (outlined at section 8).

**John Mulgrew**  
**Director of Educational and Social Services**  
**25 April 2002**

Enc (0)  
ST/JK

### **LIST OF BACKGROUND PAPERS**

1. Community Care and Health (Scotland) Act 2002 : Guidance Notes
2. "Direct What" – A Study of Direct Payments to Mental Health Users (2002)
3. Direct Routes to Independence : A Guide to Local Authority Implementation and Management of Direct payments (1999)
4. "Direct Payments" – The impact on choice and control for disabled people (2000)

**For further information on this report please contact:**  
**Morven Gemmill, Manager Independent Living: 01563 554889.**

**IMPLEMENTATION OFFICER: JACKIE DONNELLY**

**AGENDA**