

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Executive Member for Adult Social Care and Public Health
<b>Date:</b>	20 December 2013
<b>Title:</b>	Personal Planning and Direct Payments Service
<b>Reference:</b>	5103
<b>Report From:</b>	Director of Adult Services

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#### 1. Executive Summary

- 1.1. The purpose of this paper is to seek permission to go out to tender for a Strategic Partner to provide a fully managed Personal Planning and Direct Payments Service to people eligible for care services across Hampshire.
- 1.2. This Strategic Partner would initially be expected to deliver the Personal Planning and Direct Payments Service, and then to engage and work in partnership with other local user led organisations and other agencies, to develop a sustainable and more diverse market for delivering this service in the longer term. The proposed contract term for a Strategic Partner is 3 years with the option for a further 2 years (1+1 basis). The contract value over the 5 year period would be up to a total of £1,142,100.
- 1.3. This paper will;
  - Present the background to the development of the personal planning and direct payments service
  - Highlight the main options that have been considered
  - Outline the procurement timeframes

#### 2. Contextual information

- 2.1. *“Putting People First”* sets out a vision where all people in receipt of social care support and their carers should be in control of their own lives, using personal budgets to direct the funding available to them to meet their needs in the way that suits them best.” Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care: 2010.
- 2.2. The department’s vision for Self Directed Support (SDS), informed by the findings of the Hampshire Commission on Personalisation in 2008 is;

*Hampshire will be a place where, supported by responsive services and inclusive communities, people eligible for care service can exercise choice and control to maximise their quality of life and well being. People will;*

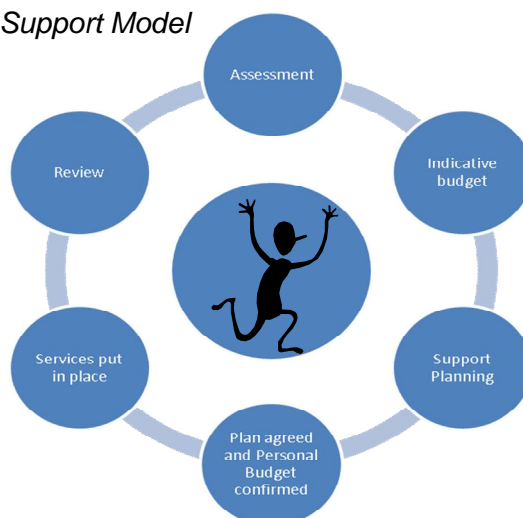
- *Have information about services available to them*
- *Have control of the money allocated to them*
- *Have a support plan of how to spend it to meet their needs*
- *Be able to choose the traditional services or other forms of community support that they want*
- *Make choices about how they want to live their life and the social care they want to help them to do that*
- *Be able to take reasonable risks*

2.3. Two of the main elements to implementing the vision in 2.2, are:

- Providing someone with a personal plan that enables them to clearly see what has been identified as their need, what they would like to achieve, and how this would be met
- Providing an alternative method of receiving social care, a direct payment, in lieu of service which gives someone more control over how their money is being spent rather than services being commissioned by the council.

2.4. The SDS model promotes personal planning and reinforces the use of direct payments to receive social care money to enable people to have more choice and control;

*Self Directed Support Model*



2.5. This model introduced a way of focusing on the individual in a more personalised way, being more outcome focussed, and drawing on local and community support.

- 2.6. Learning from implementing such a model has been that people in receipt of a direct payment, have more control over how the money is being spent and are able to choose how and when to use it. Direct payments can however, only be used by the person to meet their needs as set out in their support plan agreed with the Council. It is difficult for people to prepare their support plan themselves and to deal with the direct payment without receiving effective information and advice on using a direct payment, and how to purchase services.
- 2.7. With the importance of personal budgets being confirmed in the Care Bill, which is currently going through Parliament, there will be more emphasis on promoting direct payments and providing a sound level of information and advice to Hampshire service users, on how they can use their personal budget and manage a direct payment
- 2.8. Direct payments as part of Personalisation, are critical to the transformation of Adult Services as they promote and enable independence, use of resources other than local authority funding as people can use their own networks and support,. This is in line with key objectives of making people independent and achieving best value for money.
- 2.9. Changes set out in the Care Bill include reinforcing the need to ensure that people who are eligible for services are in receipt of a personal budget and that they are able to have real choice and control over how their services are provided. The Bill also includes new duties for local authorities to meet the eligible needs of carers and to offer information, advice and enhanced support to self funders (for example, brokerage services, for which a charge could be made). The relationship with a Strategic Partner would need to be sufficiently flexible to raise awareness in the market as the impact of the significant legislative changes which will be taking place over the next two to three years.

### **3. Background Information**

- 3.1. Since the implementation of Personalisation, there has been more of a focus on offering a direct payment in order to provide a person with an alternative way of being able to have greater choice and control over the Adult Social Care support for which they are eligible.
- 3.2. Hampshire County Council has provided services offering advice and support to people who take a direct payment through a variety of ways over the last five to six years. The proposal to tender for a Strategic Partner takes learning from those experiences, and through looking at alternative models, looks to provide a new way in Hampshire of delivering support to use direct payments to buy services or employ appropriate support.
- 3.3. A further part of the vision and on-going work around personalisation is about the individual being able to identify and to create a personal plan for achieving the outcomes associated with their assessed eligible needs in a coherent and effective manner. Therefore, alongside supporting people with

using direct payments, it has been recognised that more work is needed to support service users, and practitioners, with personal planning in a variety of formats, depending on what is felt to be suitable.

- 3.4. Research and discussions undertaken have shown that a number of providers/agencies could deliver direct payment advice or personal planning services. Having an independent provider delivering both services has been identified as being able to provide a person with two key complimentary functions of personalisation.
- 3.5. An options appraisal was carried out, with the three main options to procure for;
  - One contracted provider
  - Preferred providers list
  - Strategic Partner/lead provider
- 3.6. The decision to tender for a Strategic Partner, who would work in partnership with Hampshire County Council, was based on some key considerations that outweighed the other options considered (in 3.5). The strengths of a strategic partnering arrangement include:
  - One main contact for monitoring the delivery of the service
  - One contact for providing support to practitioners
  - Consistent approach to the delivery of the service
  - Being the lead provider on ensuring training is given to any sub providers, contributing to the quality of the service delivery
  - Quality monitoring the sub providers delivery of the service
  - The potential to develop the service responding to anticipated changes in adult social care legislation
- 3.7. It is also proposed that a commissioning lead within the department is the key link to the Strategic Partner.
- 3.8. The Strategic Partner will receive referrals directly from practitioners across Hampshire County. The referrals will be for people identified as meeting eligibility criteria. The Strategic Partner will offer a service that will identify the level of information and advice required for both direct payments and personal planning. This would initially be by telephone followed by a visit.
- 3.9. The Strategic Partner may sub contract to providers, including voluntary organisations and user led organisations where the direct payments and/or planning service can be offered that may be preferred by the person. The Strategic Partner would then become the quality assurance of those providers to ensure that the delivery of service is what is expected within the specification.
- 3.10. The specification that the Strategic Partner would work to would provide detailed requirements for the delivery of a Personal Planning and Direct Payments Service across Hampshire. The service will focus on delivering a

bespoke and personalised service aimed at providing information, advice and support to people:

- When developing their personal plan to enable them to maximise their choice, independence and control, over their assessed eligible Adult Social Care support.
- When receiving a direct payment to buy non-commissioned services or to employ the appropriate support, as agreed within the personal plan.

3.11. The Strategic Partner will be expected to engage and work in partnership with local user led organisations and other agencies to deliver the service to ensure that a varied but effective market for the provision of a Personal Planning and Direct Payment Service is developed. This will include, in partnership with Hampshire County Council, providing support and training in respect of delivery of the service and the monitoring of the quality of provision by these organisations.

3.12. This is a developmental service, as it is recognised that the service provided may change during the life of the contract as the service establishes and develops itself and develops working arrangements with other organisations delivering the service. The service will also need to respond to changes that may arise in new legislation, particularly the Care Bill. The commissioning organisation and Strategic Partner will need to work collaboratively over time and to understand, respect and respond to the needs of those who will benefit from the services.

#### **4. Social Values**

4.1. We have considered the Social Value for Personal Planning and Direct Payment Services.

4.2. The service specification will ensure that there are strong local relationships within voluntary sector and local statutory organisations and encourage the Strategic Partner to further develop them across a wide range of groups.

4.3. There will be a requirement to work with volunteers and service user led organisations within Hampshire which will have a social impact on the contract as providing a network of these organisations will enable the service to reach minority groups and wider communities.

4.4. Due to the diverse groups of service users that will require this service the Strategic Partner will need to demonstrate how they bridge the diverse and generational gaps through their staffing and recruitment policies.

4.5. The Strategic Partner will be encouraged to consider their energy carbon foot print and how it can be reduced including reducing mileage where possible.

## 5. Procurement process

- 5.1. In order to engage a Strategic Partner the department will need to undertake a procurement process inline with Official Journal of the European Union (OJEU) regulations. An outline of the timetable is provided below with an anticipated completion date of 1 November 2014.

Activity	Target date
Receive Final Spec - agreed by Performance Team and Legal	1 January 2014
Provider Event	By end of January 2014
Receive advert wording	16 January 2014
Official Journal of the EU (OJEU) Publication	2 February 2014
Press Advert publication	3 February 2014
Publish Invitation to Tender (ITT)	22 April
ITT Return Date	3 June 2014
ITT Evaluation	Completion 13 June 2014
Successful Tender Establishment	16 June to 20 June 2014
Standstill completed	11 July 2014
Contract award	1 August 2014
Contract start	1 November 2014

## 6. Performance

- 6.1. Personalisation and the uptake of direct payments is a key part of the Performance agenda. Nationally the uptake of direct payments is monitored using the Adult Social Care Outcomes Framework (ASCOF) 1C Part 2, the percentage of clients with a personal budget using a direct payment.
- 6.2. Direct payment numbers have shown an increase year on year without changes to the current process and provision of information and advice available to clients. It will be difficult for the department to be able to increase the uptake of direct payments to a level matching other Local Authorities without a drive to prioritise direct payments and to provide the necessary support for direct payments users.
- 6.3. In addition to increasing activity, the development of the personalisation practitioner toolkit (new assessment, personal plan and risk assessment) and improvements to information for service users, will also provide an opportunity to monitor the quality of practice and the outcomes direct payments and personalisation can provide.
- 6.4. Specific performance targets, detailed in the specification, will be applied to ensure that the expected outcomes are achieved as well as the delivery of the service.

## **7. Finance Implications**

- 7.1. A financial modelling exercise has been undertaken, which has looked at the uptake of direct payments over the last 3 years, and the potential for the personal planning service.
- 7.2. With the current arrangement in place for support with direct payments, for 2012/2013, the number of referrals made to the providers totalled 55, with 24 of those for managed accounts, and 31 for information and advice.
- 7.3. To consider the potential for the personal planning service, it is necessary to look at the current client numbers for those receiving a domiciliary care package and direct payment. Over the 10 months to June 2013, 1,543 non-residential care packages were authorised at panel for new clients to Adult Social Care, including 1,227 for domiciliary care, 144 for day care and 61 for direct payments.
- 7.4. Considering the current level of uptake for direct payments and the number of packages authorised in the last year for new clients, it is difficult to ascertain clearly what the future take up would be for personal planning, as personal planning can be offered to any person wishing to consider planning their support, not necessarily in receipt of a direct payment.
- 7.5. Calculations are based on an assumption of 500 eligible service users being supported by the service in some way per year. This has been based on the;
  - growth rate of direct payments over the last 3 years
  - number of referrals being made by practitioners
  - growth of support packages
  - personalisation review to provide practitioners with the toolkit to promote direct payments
- 7.6. Currently with the uptake of direct payments being low, there is little indication of any shift between the domiciliary care and direct payments budgets. If the numbers referred to the provider exceeded 500, the contract would need to be reviewed alongside the domiciliary care and direct payments budget as this should support any potential contract development.
- 7.7. As this is a development service, it is anticipated that the first year will be an incremental development year of the service with the provider being at full capacity within year 2.
- 7.8. The contract will be funded from the existing direct payments purchasing budget (Exempt Item 3).

## **8. HR Implications**

- 8.1. It will be key to support and work closely with the Strategic Partner and it is proposed to reshape the current two direct payment officer's roles. It would

be proposed to reduce the two existing posts (F Grade) to one post (G Grade) within the department.

## **9. Legal Implications**

- 9.1. In making a direct payment to a service user the Council discharges its duty to make provision to meet eligible needs. It is open to the recipient of the direct payment to contract with an agency to provide the care or to employ a personal assistant. In the latter case the recipient takes on full responsibility as an employer.
- 9.2. In exercising its functions an authority must have due regard to the need to: Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equalities Act and advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **10. Key Risks**

- 10.1. Ramifications of not providing sufficient amount of support to both staff and service users could potentially increase the workload and cost to the department.
- 10.2. Insufficient advice and support has the potential risk of increasing the number of complaints and with regard to direct payments, service users not meeting their basic legal responsibilities in being an employer.

## **11. Information Implications**

- 11.1. The service specification will be key to ensuring that the Strategic Partner is clear about their roles and responsibilities with regard to handling personal information and for setting clear standards for compliance with the Data Protection Act 1998. These include fair and lawful processing; ensuring appropriate technical and security measures and appropriate registration with the Information Commissioner's Office are in place.
- 11.2. Users of the direct payments service would be informed of the change of provider and Adult Services will ensure relevant consents are in place for the transfer of personal information where required.

## **12. Equality Impact Assessment**

- 12.1 The equality impact assessment carried out identified that the proposed changes are likely to have a positive impact on the following protected characteristics age, disability, sexual orientation, race, religion or belief, gender reassignment and sex.
- 12.2 A number of consultation exercises have been carried out with service users about personal planning and direct payments services including; service

user survey, attendance at service user and carer groups, practitioner feedback and direct payments reviews.

- 12.3 The main feedback from these include that people who are in receipt of a direct payment find that they have improved control and choice and greater wellbeing. However, the majority of feedback centred on the fact that people find that there is a lack of awareness of what a direct payment is, where information can be accessed including on-going information and advice, and a lack of understanding on how it fits with Self Directed Support and Personalisation.
- 12.4 Practitioners have said that there is not enough information to promote direct payments and that it is unclear as to what level of information and advice is expected to be given. Whilst practitioners are not expected to provide detailed information and advice, a practitioner is a service user's main point of contact and this creates further work for the practitioner. This pressure of lack of time creates a barrier for service users to find out about the process, resulting in a low uptake of the service, as practitioners rarely have enough time or detailed knowledge to have an in depth conversation with the service user about an often complex area.
- 12.5 The feedback received has been used to inform the proposed specification. Specifically that the Strategic Partner (lead provider) will work with other organisations/agencies to sub contract the service, acting as the quality assurance of what is being delivered. This promotes the service to a wider group of people in Hampshire and will enable the service to reach minority groups and wider communities. For example by one of the sub contracted services linking in with groups specifically for one of the minority groups like a sensory group or black and ethnic minority group.
- 12.6 The main improvements that is aimed to be achieved are:
- ensuring that clear information and advice is given in an accessible format and that time is allowed to service users to discuss what is involved in the process at all the different stages
  - to have an independent point of contact for the service user support to the person through the whole direct payments process. For example, support with how to handle the rights and responsibilities involved with employing people
  - that this service will be reaching minority groups and wider communities through a subcontract model who already have links with these communities or will have dedicated focus on getting these communities to have access to the service
  - that more time is given to work closely with the person to ensure their circumstances are taken in to an account when planning their care.
- 12.7 As part of the monitoring, it is proposed that there are regular reviews with the Strategic Partner and also with the people receiving the service, to ensure these expectations are being met. This will done by monitoring against the specification which the Strategic Partner will be contracted to

work to, questionnaires, and reviews of feedback received from service users.

### **13. Future direction**

- 13.1. Subject to Executive Member approval, the tender for the Personal Planning and Direct Payments Service will go out in January 2014. The earliest service start date would be November 2014 which follows on from the changes being made from the development project in the Personalisation Programme, being implemented from April 2014 to August 2014.
- 13.2. Direct payments would become more integral to the department, with the introduction of a target, which would require the contract to be reviewed at timely stages to ensure that expectations are being met.

### **14. Recommendation**

- 14.1 It is recommended that the Executive Member for Adult Social Care and Public Health give approval to go out to tender to appoint a Strategic Partner to provide a Personal Planning and Direct Payments Service on basis of a contract for 3 years with the option for a further 2 years (on a 1+1 basis), with total contract value of up to £1,142,100.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

## **IMPACT ASSESSMENTS:**

### **1. Equalities Impact Assessment:**

- 1.1 The purpose of this service is to provide support for personal planning and information and advice for direct payments. The service forms part of Hampshire's personalisation vision for people to have control of the social care money allocated to them and to have a personal plan of how to spend the money to meet their needs.
- 1.2 Currently this service is provided by practitioners or referred to one of two providers for direct payments information and advice. With the lack of information material and the potential level of complexity in the information and advice required including the on-going support, this has impacted to the lack of promotion of direct payments, therefore the option not being given to people who may want it.
- 1.3 The service will be delivered by a Strategic Partner (lead provider) with the first year of the contract being developmental. It is expected that the Strategic Partner will work with other organisations/agencies to subcontract the service, acting as the quality assurance of what is being delivered. This promotes the service to people in Hampshire, provides independent support for people, and enables the service to reach minority groups and wider communities.
- 1.4 The funding for this service will be from the existing direct payments purchasing budget.
- 1.5 It has been identified that the proposed changes are likely to have a positive impact on the following protected characteristics age, disability, sexual orientation, race, religion or belief, gender reassignment and sex.
- 1.6 A number of consultation exercises have been carried out with service users about personal planning and direct payments services including; Service User Survey, attendance at service user and carer groups, practitioner feedback and direct payments reviews.
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  - that more time is given to work closely with the person to ensure their circumstances are taken in to an account when planning their care.
- 1.11 As part of the monitoring, it is proposed that there are regular reviews with the Strategic Partner and also with the people receiving the service, to ensure these expectations are being met. This will done by monitoring against the specification which the Strategic Partner will be contracted to work to, questionnaires, and reviews of feedback received from service users.

## **2. Impact on Crime and Disorder:**

2.1 Not applicable

## **3. Climate Change:**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

Not applicable

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Not applicable