

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Adult Social Care and Public Health
Date:	21 March 2014
Title:	Personal Planning and Direct Payments Service
Reference:	5709
Report From:	Director of Adult Services

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1. Executive Summary

- 1.1. The purpose of this paper is to seek permission to include Personal Planning and Direct Payments Services for children eligible for care services within the approved 20 December 2013 (Reference 5103) Adult Services report whereby permission was given to go out to tender for a Strategic Partner to provide a fully managed Personal Planning and Direct Payments Service for adults eligible for care services across Hampshire.
- 1.2. 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 to include adults and children would need to increase by £160,000 to be up to a total of £1,302,100 (currently approved value £1,142,100).
- 1.3. This paper seeks to
 - Summarise the approved Personal Planning and Direct Payments Service for adults
 - Explain the context and background for the need for a similar service for children
 - Outline the potential opportunities and risks of jointly commissioning the Personal Planning and Direct Payments Service
 - Outline a revised procurement timeframe

2. Contextual information

Approved Personal Planning and Direct Payments Service (Adults)

- 2.1. The service will support Hampshire County Council to meet the requirements of the Care Bill, particularly around the provision of information, advice and enhanced support and Personal Budgets, will fit

within the national policy document “Putting People First” and within the local social care vision informed by the findings of the Hampshire Commission on Personalisation (2008) to enable people eligible for care service can exercise choice and control to maximise their quality of life and well being.

- 2.2. A Personal Plan can be created by an individual to show what support they need to live the life they wish in the community of their choice. It will contain information and be in a format that is personal to the individual who develops it. For those people eligible to receive social care funding, the Personal Plan will show how the individual intends to use their Personal Budget to meet their assessed eligible needs. This will need to be agreed with, and signed off by, Hampshire County Council.
- 2.3. A Direct Payment is an alternative payment mechanism of some or all of an assessed eligible person’s social care funding (Personal Budget). It is paid directly to them, or a willing and appropriate ‘suitable’ person on their behalf, in order that they are able to make their own direct arrangements to meet their eligible assessed needs instead of using services arranged and provided by Adult Services.
- 2.4. It can be difficult for people to prepare their support plan themselves and to be able to use and manage their Direct Payment without receiving effective information, advice and support on how to do it on using a Direct Payment, and how to purchase services. This Service will provide this, enabling a person to develop a Personal Plan to show how they choose to meet their eligible needs and will support that person, if they wish, to take control over the purchasing of their care to meet those eligible needs as set out in their support plan through a Direct Payment. The service specification will also have an emphasis on enabling users to become more independent in managing for themselves over time.
- 2.5. 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. However through learning from these experiences and looking at alternative models being used by other Local Authorities, it has been agreed to tender for a Strategic Partner, who would work closely with Hampshire County Council. The strengths of this type of 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
- 2.6. 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.
- 2.7. The service specification has an emphasis on enabling users to become more independent in managing for themselves over time.
- 2.8. In addition 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.
- 2.9. 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.

The context and background for the need for a similar service for children

- 2.10. Families with children with disabilities, who receive social care services, can already choose to receive their service in the form of a Direct Payment. However the Children and Families Bill, which will be implemented during 2014, creates the right for families to request their service via a Personal Budget, which is likely to increase the number of families receiving Direct Payments from Hampshire County Council. Personal Budgets will also require the creation of a support plan to ensure all potential resources to support the desired outcomes for the child are harnessed.
- 2.11. The Children and Families Bill also requires Hampshire to have a Local Offer in place with information about health, education, social care and other relevant services, so families can navigate their way through eligibility for services and find out what they can access. The Local Offer will include basic information about what a Direct Payment and Personal Budget is, and who might be eligible for these, but is not intended to provide the detailed individualised support about Direct Payments and personal support planning, and is not going to be funded to provide this.
- 2.12. Childrens Services do not offer an equivalent Personal Planning and Direct Payments services although have offered Direct Payment support to families with disabled children. Initially this was included in a support service purchased by Adult Services until the contract was terminated

about two years ago. Children's Services current arrangements in respect of Direct Payment support services are due to expire in July 2014.

- 2.13. Childrens Services will therefore need to purchase a service to support Direct Payments users in some format after July 2014. They would also need to either spend additional monies on personal support planning, or ask social workers in Disabled Childrens Teams to do this alongside their other roles. The social workers would need a training programme purchased for them and there may be reduced benefits when combining the assessment and funding role with the support planning role.

Potential opportunities of jointly commissioning the service

- 2.14. Support to develop and write a Personal Plan and on using and managing a Direct Payment is required by both eligible adults and eligible families with disabled children and for both groups of people Hampshire County Council has a duty to provide it. Whilst there may need to be a slight variation in the language and way the service is delivered, the legislation, advice, guidance and support requirements and processes are sufficiently similar to be delivered through a single specification.
- 2.15. Both Adults and Children Services have forthcoming legislation that will increase the need for this type of support to be offered, but the demand and nature of this increase is difficult to predict accurately. The contract can incorporate a developmental nature aspect to the service that will support both Adults Services and Childrens Services.
- 2.16. There is a clear benefit to young disabled people in transition from Children's to Adult services, who would not need to receive support from a different provider just because they reach their 18th birthday. This could help ease some of the challenges expressed by families about the transition stage.
- 2.17. The use of sub-contractors is an integral part of the contract, which gives a great deal of scope for smaller cohorts of people with specific needs to have choice. Rather than duplicating services to these hard to reach groups, a single organisations could develop and build skills in dealing with those specific groups, and use these across adults or families from that minority ethnic group.
- 2.18. There are likely to be economies of scale that could be provided through the Strategic Partner developing a single web site, a single set of publications, a single marketing approach and a single set of staff training and knowledge processes. A joint contract may also enable economies of scale through combined management and monitoring of the contract by the Strategic Partner.
- 2.19. Consistency of approach across Adults and Childrens Services and the opportunity to work together will not only save time and resource in the procurement, monitoring and management of the contract but will also strengthen the commissioning links between Adults and Childrens Services.

Potential risks of jointly commissioning the service

- 2.20. By combining with Adult Services it may mean that the emphasis on children's social care is stronger than on education and/or health elements. However the facility to use 'sub-contractors' gives scope for some organisations to become more expert in these areas as Hampshire reaches more clarity about how these aspects of Childrens Personal Budgets will work. The increasing future need for children's personal support planning to include education and/or health elements as well as social care elements has been covered in the service specification.
- 2.21. A lack of uptake by Adults or families with disabled children could mean that the proportion of service provision may be disproportionate to the levels of funding being provided by Adults Services and Childrens Services. This will be reviewed on an annual basis through the collection of monitoring information from the Strategic Partner with any appropriate actions then taken.
- 2.22. A contract is awarded that does not meet the needs of children, although this risk is being addressed by joint working and on-going communication between Adult and Childrens Services commissioners on the content of the specification and tender process. There are not anticipated to be any issues that arise that would prevent a flexible specification and tender that is equally appropriate for adults and children using the service.
- 2.23. Due to the need to make a relatively quick decision due to Adult Services timescales, there has not been as much consultation with service users and other appropriate groups. Although this is disappointing the specification has been written to ensure that each service user is provided with individualised and personalised advice, guidance and support. In addition the outcome based approach of the specification enables flexibility in the service provision and expected outcomes for each person using the service. It is intended for User representatives to be involved in the tender evaluation process.
- 2.24. Through collaborative and joint working meetings between Adult and Children's Services commissioners that have been held, the documentation is well on the way to being finalised ready to publish in the first week of April. The revised timeline, including approval requirements shown below indicates that it is possible to jointly commission the service for a mid November start.

3. Finance issues

- 3.1. It has been approved for Adult Services to spend a total of £1,142,000 over the full 5 years of its proposed Personal Planning and Direct Payments contract.
- 3.2. It has been approved by the Children and Families Management Team for Childrens Services to spend up to £32,000 per annum for up to five years, a total of £160,000, and to include services for families with disabled children in the Direct Payment and Personal Planning Service being tendered by Adult Services.

- 3.3. The total combined expenditure on a jointly commissioned Personal Planning and Direct Payments service would therefore be up to £1,302,100 over the full 5 years of the proposed joint Adults and Childrens Services Personal Planning and Direct Payments contract.

4. Legal issues

- 4.1. 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.
- 4.2. 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.

5. Performance issues

- 5.1. Personalisation and the uptake of Direct Payments is a key part of the Performance agenda for both Adults and Childrens Services. To achieve this uptake there is a need to not only provide the right type of support to adult and families with disabled children but also to ensure that Adult and Children's Services staff prioritise Direct Payments. Having a robust service delivered by a partner working strategically and operationally with Adults and Childrens Services will support this.

6. HR Issues

- 6.1. There are no anticipated additional HR issues to those highlighted in the previous Executive Member Report (20 December 2013 reference 5103) that are likely to arise due to the joint commissioning of this Personal Planning and Direct Payments service

7. Information issues

- 7.1. The specification will set out clear guidelines and requirements for the Strategic Partner in respect of their role and responsibility with regard to handling personal information for either adults or families with disabled children and for setting clear standards for compliance with the Data Protection Act 1998.
- 7.2. Users of existing Direct Payments services commissioned by either Adults or Childrens Services will be informed of the change of provider. Work will be undertaken by both Adult and Childrens Services to ensure relevant consents are in place for the transfer of personal information where required.

8. Equalities Impact Assessment

- 8.1. An Equalities Impact Assessment has been undertaken jointly between Adult Services and Children's Services for the proposed Personal Planning and Direct Payment Service. This has been summarised below.
- 8.2. 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.
- 8.3. Feedback from people who are in receipt of a Direct Payment find that they have improved control and choice and greater wellbeing. However, they also said 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.
- 8.4. Through this contract the Strategic Partner (lead provider) will ensure that clear information and advice is given in an accessible formats and that time is allowed to service users to discuss what is involved in the process at all the different stages. In addition the Strategic Partner will also work with and support other organisations / agencies to deliver the service to a wider group of people in Hampshire enabling the service to reach minority groups and wider communities.

9. Social Values

- 9.1. The service as specified will enable both Adult and Children Services to ensure through careful monitoring of the contract that there are social value improvements from the delivery of the service as specified. It is anticipated that strong local relationships with voluntary sector and local statutory organisations will be developed by the Strategic Partner. They will be tasked with working with volunteers and service user led organisations within Hampshire and to reach minority groups and wider communities.
- 9.2. The Strategic Partner will be encouraged to consider their energy carbon footprint and how it can be reduced including reducing mileage where possible.

10. Future direction

- 10.1. It was anticipated that Adult Services would commence the approved tender for the Personal Planning and Direct Payments Service in January 2014. Due to the proposed intention to combine the Adult and Children Services commissioning of the service it is not likely that the tender will start now until March 2014, however it is anticipated that the service will still be able to be tendered in order that the service can start from 17 November as opposed to the 1 November as originally intended.
- 10.2. The revised approval / tender timetable is now:

Activity	Target date
Receive advert wording	25 February 2014
Receive Final Spec - agreed by Performance Team and Legal	28 February 2014
Official Journal of the EU (OJEU) Publication	1 March 2014
Press Advert publication	2 April 2014
Publish Invitation to Tender (ITT)	30 May 2014
Provider Event	10 June 2014
ITT Return Date	14 July 2014
ITT Evaluation	Completion by 4 August 2014
Successful Tender Establishment	5 August 2014
Standstill completed	15 August 2014
Contract award	18 August 2014
Contract start	17 November 2014

11. Recommendation

- 11.1. 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 the basis of a contract for 3 years with the option for a further 2 years (on a 1+1 basis) with an increased total contract value of up to £1,302,100. The increased tender value is to enable Children's Services to join the tender.

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

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

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Personal Planning and Direct Payments Service	5103	20/12/2013
Children with Disabilities: Direct Payment and Personal planning support service	(Report CFMT)	11/02/2014
Direct links to specific legislation or Government Directives		
<u>Title</u>	<u>Date</u>	
Health and Social Care Act 2001 S57		
Children Act 1989 S17A		
Carers and Disabled Children Act 2000		
<u>Bills currently going through Parliament</u>		
Children and Families Bill		
Care Bill		

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.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

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- 1.3. Feedback from people who are in receipt of a Direct Payment find that they have improved control and choice and greater wellbeing. However, they also said 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.
- 1.4. Through this contract the Strategic Partner (lead provider) will ensure that clear information and advice is given in an accessible formats and that time is allowed to service users to discuss what is involved in the process at all the different stages. In addition the Strategic Partner will also work with and support other organisations / agencies to deliver the service to a wider group of people in Hampshire enabling the service to reach minority groups and wider communities.

2. Impact on Crime and Disorder:

- 2.1. Although through the provision of timely information and advice about Direct Payments and procuring their own services the safety of people within Hampshire is likely to be improved, it is not felt that this service is likely to have an impact on broader crime and disorder.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- 3.1. In order to provide the service to meet the needs of residents of Hampshire, the service will largely be peripatetic and therefore there may be an increase in our carbon footprint.
- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?
- 3.2. Alternative methods of delivery of the information and advice using technology will be developed to ensure that any impact on our carbon footprint is minimised.