



Understanding and Using the Care Act

Peter Gay

PERSONALISATION PARTNERSHIP
Practical expertise in social and health care

Who we are

Kelly Munn and Peter Gay,
Founding partners

Tina Martin,
Advocacy and Social Care consultant

Direct payment peer support

The direct payment peer support group in Hammersmith and Fulham had worked together to produce their own plan of what they liked about peer support and what they wanted to get from it.

- mixed experiences of assessments, reviews and support planning
- these experiences left them confused, frustrated
- did not know what their rights were

They asked for training on the Care Act and what it says.



Our ideas

We said what we like about peer support and what we want from it:

Good to have a group voice

Training on being an employer

Invite speaker to explain the Care Act

Great to have a break for a chat!

SOME IDEAS WE HAVE

Safe space for us to talk about difficult issues

Find out about other services

Help each other with monitoring

Ways to include people who can't get to meetings

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The aim of the training:

To understand what the Care Act is.

To know a bit more about your rights under the Care Act.

To understand how the Care Act can help you during assessments, reviews and re-assessments.

To build your confidence to be able to use the Care Act to help you.

Making the Care Act understandable

I know, from personal and professional experience, that assessments are tough. They cause us anxiety and stress because so much depends on getting them right.

We avoid assessments and reviews or put off dealing with them until the last minute. Our emotional reaction is stress, anger, anxiety, retreat - bury head in sand!

Sometimes we accept less than we are eligible for rather than prolong the process.

There are things you can do to make it less stressful and put you more in control. This is what I want to share with you.

Tina Martin

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Ethos and core purpose

‘Care and support should put people in control of their care, with the support that they need to enhance their wellbeing and improve their connections to family, friends and community.’

(Care and Support statutory guidance, 10.1)

‘The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life.’

(Care and Support statutory guidance, 1.1)



Definitions

Review The local authority should carry out a review of your care package yearly to check all is working well. It may identify a change of circumstances that leads to a reassessment. A review is not a re-assessment and should not be used to make cuts to your care package.

Reassessment A reassessment is like a first assessment. You can ask for one or the local authority can initiate one. A reassessment can result in an increase or reduction in your care package. If it is reduced, there should be a clear written explanation of the local authority's decision that your needs have lessened.

Assessments

- “....the local authority should provide in advance, and in an accessible format, the list of questions to be covered in the assessment.”

(Care and Support statutory guidance, 6.38)

- Any support provided must be ignored during an assessment so that your entire level of need for support is recorded.

Assessments and Reviews - things to remember

- 1) Prepare! Keep a diary or do a self-assessment
- 2) Make use of support available Advocacy, friends or family
- 3) Understand what is happening Review or re-assessment?
- 4) Be assertive Question things and ask for clear explanation.
- 5) Be kind to yourself This is hard and can be upsetting but try to stay calm.
- 6) Keep notes Have a record of things the assessor tells you.
- 7) Know how to challenge Use advocacy support if you have it.

Feedback after the training...

Thank you for the training – now we are really on point!

Let's write to the council as a peer support group to tell them about our experiences and what we have learnt.



Training for Local Authority

Direct payment training for London Borough Hammersmith and Fulham's frontline social care staff.

Aims:

- To give a good basic understanding of direct payments, including both the ethos behind them and perspective of people receiving them.
- To improve skills to signpost residents effectively during conversations about direct payments.

Background in LBHF

- Direct payment review

https://www.lbhf.gov.uk/sites/default/files/section_attachments/ruils-dp-review-main.pdf

- Disabled People's Commission

https://www.lbhf.gov.uk/sites/default/files/section_attachments/hf-disabled-peoples-commission-final-accessible-report-june-2018.pdf

- Strong commitment to Independent Living

What is **GOOD** direct payment support?

its all about **CHOICE** key is **COPRODUCTION**
CONTROL being **INFORMED**
and **INDEPENDENCE** and **EMPOWERED**

SIMPLE INFORMATION
that is jargon free

RESPECTFUL INTERACTIONS
that keep me informed

TRAINED STAFF
that know how it all should work

A CLEAR PATHWAY
so I know what's possible

helpful and **HUMAN SUPPORT**

practical **EMPLOYER ADVICE**

OUTCOMES
focused planning

budgeting & **FINANCE** support

clear **RULES**

empowering **ASSESSMENTS**

a transparent system of **ALLOCATION** for all

a user led **INDEPENDENT LIVING** service



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Current legal framework

The Care Act (2014) creates a single, consistent route to establishing an entitlement to public care and support for all adults with needs for care and support.

Legislation and guidance

- The Care Act 2014
- The Care and Support (Direct Payments) Regulations 2014
- Care and Support statutory guidance

Duty to make direct payments

If the relevant conditions (including all relevant Regulations) of the Act are met, the local authority must make the payments

- to the adult with capacity to request direct payments or to their nominated person
- to an authorised person, for an adult without the capacity to request a direct payment,

[Care Act 2014 31(2);32(2)]

If one or more of the conditions cease to be met the local authority must terminate the making of direct payments [Care Act 2014 33(4)] although Regulations 8 and 9 provide for exceptions where changes in capacity are temporary.

Flexible use of direct payments

A direct payment is made on condition that it be used only to pay for arrangements under which the needs specified under section 25(2)(a) in the care and support plan are met. [Care Act 2014 33(3)]

‘The direct payment is designed to be used flexibly and innovatively and there should be no unreasonable restriction placed on the use of the payment, as long as it is being used to meet eligible care and support needs.’

[12.35 Care and Support Statutory guidance]

Feedback from trainees

**More clarity.
More confidence.
Empowering.**

Better
awareness of
the importance
of flexibility

the training
will have a
significant
impact on my
daily work

Ideas for improvement

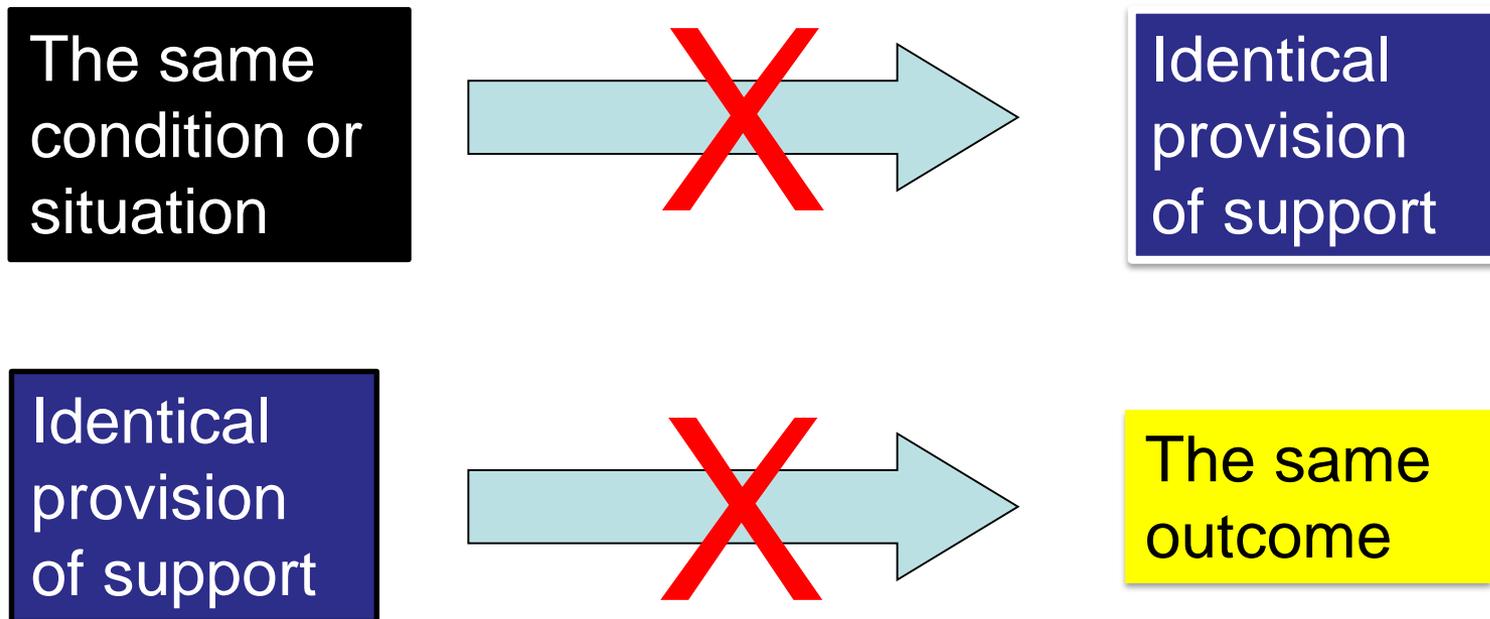
Ideas to better support staff with direct payments:

- Team meetings, supervision and direct practical support – from managers, senior staff and the direct payment support service
- Short lunchtime workshops on technical points – e.g. direct payments and mental capacity
- Residents co-delivering and co-producing training
- Regularly ask the direct payment peer support group what problems they have themselves or hear about

What we learnt as trainers

Everyone needs to understand better what 'person-centred' looks like in practice (and for social care staff, how to apply it).

The Care Act says that for two different people:



Solutions

- More simple accessible information about what the Care Act says and what good services should look like for Disabled and older adults and Disabled children receiving personal budgets and personal health budgets
- More guidance, advice and training to make this real for people
- Local authorities prioritising practical learning with social care staff co-producing training with residents and DPSS.

Where we want to get

Better informed more confident people

- know their rights
- willing to challenge
- make better use of social care

Better informed more confident staff

- better at supporting people
- more able to lead their colleagues by example and challenge poor practice within their organisation
- welcome well-informed people & advocates

Thank you

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