

BETTER DIRECT PAYMENTS

From insight to action



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SUMMARY

The principle behind direct payments is that people should be able to maximise the choice and control they have over the care and support they are entitled to. In some places, peoples' lived experience of taking and managing a direct payment is falling short of the intentions enshrined by policy in the Care Act. Evidence and intelligence suggest that there is much that can and should be done to improve the experience of taking and managing a direct payment.

Progressing direct payments requires concerted and continuing effort to make them work better, with ongoing engagement with people drawing on care and support through co-production.

This report brings together our findings from a review of the available research and detailed work with Essex County Council, as well as discussions with four councils and two user led organisations. By identifying some of the barriers and enablers that contribute to the effective delivery of direct payments, we aim to help councils and other people involved with direct payments to extend their efforts and determination to make direct payments work better for more people.

1 INTRODUCTION

Direct Payments have been around in a legal form for a quarter of a century¹, having been long fought for by the independent living movement, with the right to a direct payment subsequently enshrined in the Care Act 2014. However, the number of people with a direct payment has fallen in the last few years². At Think Local Act Personal (TLAP) we do not believe that a natural ceiling has been reached.

Whilst the decision to take a direct payment must always be a well-informed individual choice, we think there is the potential for many more people to take a direct payment, providing the right conditions exist. But this isn't only a numbers game. Evidence and intelligence built up over time suggests that there is much that can and should be done to improve the experience of taking and managing a direct payment. So it is about both quantity and quality.

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At TLAP we do not believe that a natural ceiling has been reached
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In this report we bring together three interrelated pieces of work to assist councils and others to persist in making direct payments work better for more people.

- 1 We feature work undertaken by Essex County Council to 'go again' with personalisation, with a particular focus on self-directed support and their direct payment offer.
- 2 We highlight evidence from a scan of the research in order to help understand and unpick some of the significant issues that affect the delivery and experience of direct payments from individual and organisational perspectives.
- 3 The findings were used to frame discussions that took place with six sites (four councils and two user-led organisations) where intelligence from TLAP's extensive networks suggests that progress has been made to improve the 'direct payment offer'. These accounts provide some rich insight on what is happening on the ground in terms of what hinders and what helps direct payments.

None of this adds up to a 'recipe for success' for direct payments that can simply be adopted by others. What it does provide is an addition to the accumulating body of knowledge and experience that can help organisations make direct payments work better, so that more people can benefit from authentic choice and control as envisaged in the Care Act.

Two and half decades after direct payments became a legal option, and seven years since the Care Act, the imperative is to go further and faster. We hope this report will contribute towards both the means and this end.

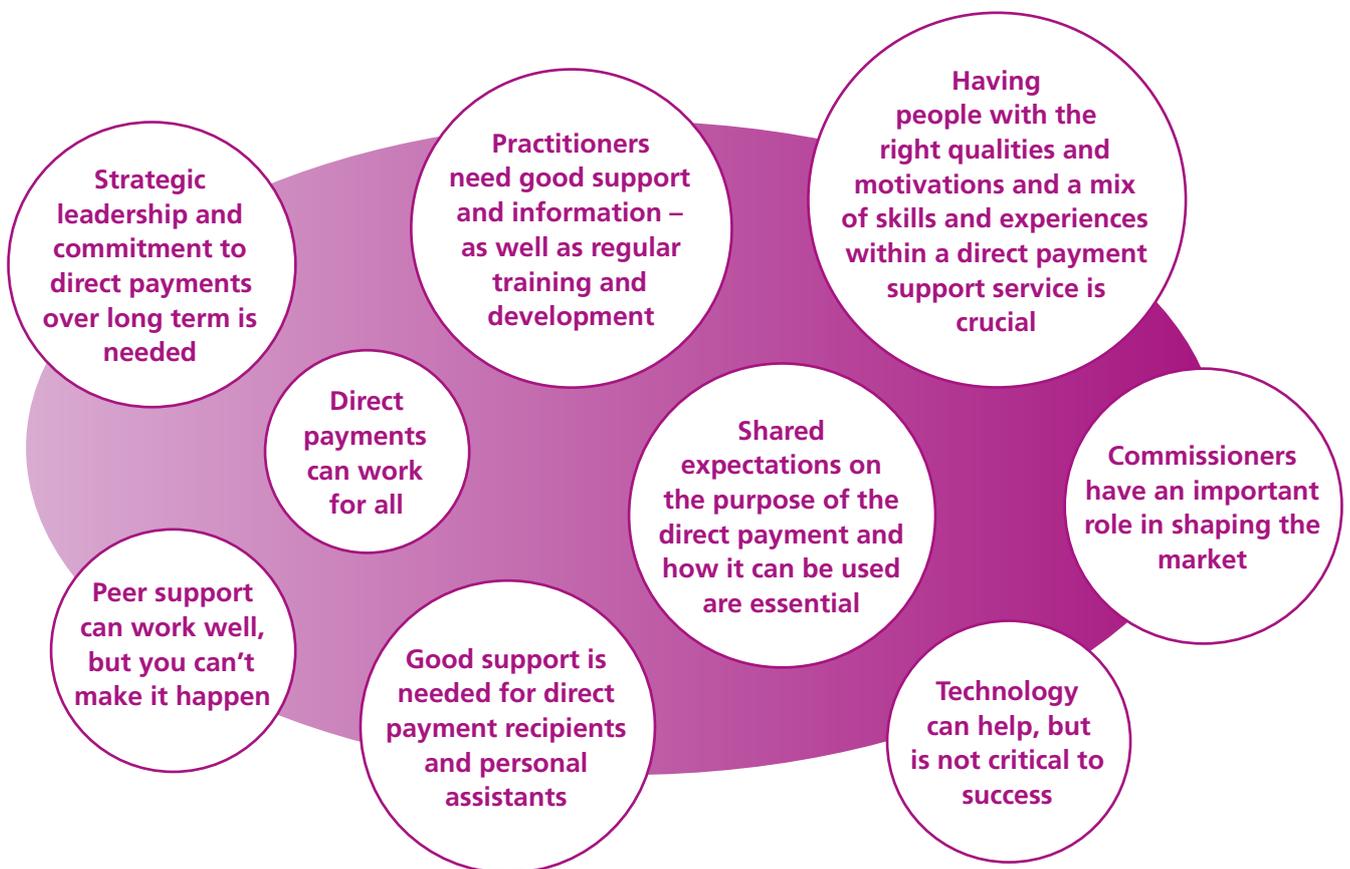
¹The Community Care (Direct Payments) Act 1996

²Kings Fund Social Care 360

2 | KEY LEARNING POINTS

Strategic leadership commitment to direct payments over the long-term is needed and there needs to be a good fit for direct payments with other strategic priorities. This strategic commitment from the 'top' should be agreed in co-production with people with lived experience and their organisations.

Direct payments can work for all groups who access long term community-based care and support. It requires and depends on a whole organisation approach, so all the various functions and roles work together with a shared vision and in an integrated way, with systems and processes which support and do not frustrate this.



Practitioners need good support and information to feel confident in supporting people to take and manage a direct payment.

It must be also be recognised that not everyone seen by practitioners embraces self-directed support. This is not a reason to give up on personalisation, but it points to the need for practitioners to receive regular training, development and support. They need to feel confident in upholding the values and approach to self-directed support, whilst remaining sensitive to people's individual circumstances and choices.

When setting up a direct payment it is essential for everyone involved that there is a clear and shared expectation at the outset on the purpose of the direct payment and how it can be used, both within the council and with the person.

Having people with the right qualities and motivations and a mix of skills and experiences within a direct payment support service is crucial. Irrespective of whether direct payment support is provided by the council directly or commissioned, sufficient flexibility must be allowed to respond to the needs and issues of direct payment holders, and a narrow focus on a prescribed set of tasks avoided.

Peer support between direct payment recipients works really well to provide good support and information to all stakeholders. Disabled people often want to provide peer support to each other around direct payments, but whilst councils can and should do everything they can to support this, they can't make it happen as if it were a commissioned service.

Good support to direct payment recipients and personal assistants can mitigate and help address conflict that can arise from the close personal nature of the relationship. There is the potential and a need to undertake more work in the area of 'what good looks like', including approaches which protect personal assistants and enable them to develop, without undermining individual employer's ability to direct their care and support.

Technology can help with taking and managing direct payments, but should not be seen as a panacea. It often appears to be promoted by councils to mitigate perceived risks over misuse of public funds. Good support and proportionate oversight can address these equally well. We found few examples of technology being used to connect people with direct payments to each other, or helping them to access information on the options available to assist their support. This is an area for further investigation.

Commissioners have an important role to play in shaping the market. This should stimulate and enable the development of a wide range of care and support options and avoid the scenario of the only realistic option for using a direct payment being to purchase personal assistance. The role of micro-providers and local organisations such as co-operatives need further development to expand the range of options to people.

TLAP has produced resources and guidance over many years to support the goal of ensuring that people with care and support needs across all groups benefit from the choice and control afforded by direct payments. Resources include **Direct Payments: working not working?** a practical guide on how direct payments can be provided in line with the letter and spirit of the Care Act. **Improving Direct Payments Oversight** was published early in 2022, with the Local Government Association and ADASS. This document describes good practice on how councils can be assured that public money is being appropriately used, without excessive oversight.

3 | WORK WITH ESSEX COUNTY COUNCIL

TLAP provided support to Essex County Council over six months in 2020/21, with a programme of work designed to improve their approach to personalisation.

Through a process of self-assessment, the council had concluded that people were not consistently experiencing the benefits of self-directed support. This was due to a combination of inconsistencies in social work practice, limited personalised support and services in the market, and insufficient infrastructure and processes in place to ensure that self-directed support options were easy to set up and manage.

The goals were to develop and create the infrastructure, practice and market required to allow people drawing on care and support and their circles of support to have real choice and greater control, and in so doing to have ordinary lives. Specific aims were to develop:

- ▶ an infrastructure that empowers people to take control of their own lives in meeting their care and support needs
- ▶ continuing professional development to improve practice with personalisation at its heart
- ▶ a market that puts people at the centre and gives them real choice over how they are supported.

The focus of TLAP's support was the **Making It Real** framework. This describes what good care and support looks like from the perspective of people who draw on care and support, articulated through a series of I statements, and the associated behaviours that would be displayed by workers across the local system if people were experiencing this, described through We statements.

A series of workshops with local people and workers helped to co-produce a new vision with associated values and principles. Work then continued to understand better how Essex's direct payments offer could be improved. Integral to the process were members of TLAP's National Co-Production Advisory Group, who brought their lived experience of care and support, and helped facilitate these sessions.

FINDINGS FROM THE WORKSHOPS

Workshop theme: what support is needed to effectively manage a direct payment?

This workshop helped to identify what currently works well and not so well with regards to direct payments. Some points needing work were:

- ▷ constraints on choice
- ▷ lack of contingency plans, information and transparency
- ▷ difficulty recruiting and retaining personal assistants (PAs) and lack of subsequent support.

Workshop theme: reducing process, improving communication, increasing choice & control

We broke the workshop up into 3 sections:

- ▷ What's a direct payment?
- ▷ Getting a direct payment
- ▷ Having a direct payment

The key message was the need for very clear information for all at the point where a direct payment is being discussed to aid people in making the decision. Also, to ensure it is set up correctly, that everyone is clear on the expectations and rules. We discussed that it shouldn't be just a written document but should also contain how-to guides and videos etc so people can go back to it when needed.

Workshop theme: How do we develop the market for Personal Assistants (PAs) in Essex?

We discussed peer to peer support, training, recruitment and retention, ensuring employment rights.

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Building trust and working in co-production with local people was key

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Workshop theme: what could a new Direct Payment Support Service (DPSS) look like?

In this session we looked at how DPSS's were being delivered up and down the country, taking into consideration the benefits and risks. We asked groups what they wanted a DPSS to do and how it could be done (whilst considering its functions and values). Highlights included:

- ▷ support with human resources and personnel issues
- ▷ all age approach offer
- ▷ allowing flexibility in care and support plans
- ▷ promoting genuine choice and control
- ▷ people should know about direct payments before they need them.

Building trust and working in co-production with local people was key to the development of this programme, and work continues in Essex to promote personalisation.

4 FACTORS INFLUENCING THE SUCCESS OF DIRECT PAYMENTS – A SCAN OF THE EVIDENCE

Personalisation policy, enshrined in the Care Act 2014, anticipates that everyone needing care and support in a locality will be able to control this to the degree they wish. The aspiration is that most will take on a direct payment to maximise their choices and exercise full control over their care and support.

We pulled together various pieces of research concerned with aspects of direct payments, for example:

- ▶ the contribution of peer support
- ▶ the role and relationships personal assistants have
- ▶ the practice perspective of social workers and the ethical dilemmas they experience
- ▶ the experience in delivering outcomes for different people with similar characteristics, for example people who have a learning disability, older people and those living with dementia.

The findings shed valuable light on some of the core concerns and issues with direct payments, including factors that are important to creating the right conditions for direct payments to flourish (enablers and barriers). This broad perspective was also used to frame the conversations that took place with sites identified as making good progress in enabling local people to take up and manage a direct payment well.

Key factors influencing success – creating the right conditions for direct payments



DIRECT PAYMENTS CAN WORK FOR ALL

Large scale practice evaluations undertaken using the Personal Outcomes Evaluation Tool (POET) showed that personal budgets (including direct payments), if managed well, produce positive outcomes for people across different population groups. Managed well includes access to good information and advice and knowing the amount of the personal budget when support is being planned. The POET evaluations also consistently showed that if people found it difficult to get a direct payment, this had a negative impact on their self-reported outcomes, so having a good process for taking a direct payment really does count.

More recent published research shows that despite often held views, older people can successfully take and manage a direct payment (often with the support of a family member). They can help older recipients to achieve three key aspirations commonly sought by people who draw on care and support: control over who provides their care, when it is provided, and the tasks undertaken.

People who have a learning disability have creatively used direct payments to create their own support as an alternative to traditional forms of day support. The extent to which they are able to 'self-build' this is significantly affected by the local arrangements for direct payments. For example, a key enabler is self-advocacy and the peer learning that this promotes about a whole range of life skills including managing money and budgets.

Research references

Think Local Act Personal, In Control, Lancaster University, Personal Outcomes Evaluation Tool (POET) 2011 to 2017

Davey, Vanessa (2018) Social care for older people: the role and function of direct payments. PhD thesis, the London School of Economics and Political Science

Power, A et al (2020) University of Southampton and University of Dundee. See also this extensive website <http://selfbuildingourlives.org/>

PERCEPTIONS THAT DIRECT PAYMENTS ARE TOO RISKY FOR PEOPLE

Adult safeguarding coordinators perceived personal budgets (particularly taken as a direct payment) as potentially risky, but saw ways of minimising risks. They felt that the principles of risk empowerment could be used by practitioners to support and protect people with dementia, unpaid family carers and care workers, including greater protection from financial abuse. Concerning the latter, alongside a need for social work practitioners to be more alert to the signs and risks of financial abuse, safeguarding coordinators highlighted the importance of good monitoring and regular reviews as a way of identifying inconsistencies in spending patterns. Robust practice and process was seen as essential to positively managing and minimising risk.

Using people who are close to the person, such as close family members, friends and neighbours who are not regulated, and for whom criminal record disclosure is not

mandatory in law³, can be a cause of concern around the potential risk of abuse, including financial abuse. This study did not find evidence that people were at significantly higher risk from this type of support compared with regulated services.

Research references

Jill Manthorpe, Kritika Samsi, 'Inherently Risky?: Personal Budgets for People with Dementia and the Risks of Financial Abuse: Findings from an Interview-Based Study with Adult Safeguarding Coordinators; The British Journal of Social work, Volume 43, Issue 5, July 2014, Pages 889-903

Martin Stevens et al. (2017) Do personal budgets increase the risk of abuse?: Evidence from English national data. Journal of Social Policy. Pages 291-311

NOT EVERYONE WANTS FULL CONTROL AND EMPOWERMENT

Whilst direct payments can work for all population groups, that is not to say everyone will want one. Social workers can support the broad policy of personalisation and use of direct payments, but not all the individuals they work with seek the goal of independent living as described in policy. Social workers can then feel conflicted and find seeking the right intervention for the person challenging. Proposed solutions are to review the approach to market development, to ensure an appropriate range of available care and support for all, and to increase the use of independent advocacy to help promote the empowerment of people.

Research references

C.Southall, S.P. Lonbay & T.Brandon (2019): Social workers' negotiation of the liminal space between personalisation policy and practice, European Journal of Social Work

RELATIONSHIPS BETWEEN INDIVIDUAL EMPLOYER AND PERSONAL ASSISTANT NEEDS CAREFUL ATTENTION

There is a contrast between the view that receiving support from a personal assistant is essentially a straightforward commercial relationship free from emotional dilemmas and studies that draw attention to moral dilemmas and interpersonal issues within personal assistance relationships. These are categorised as three type of 'trouble':

- ▶ practical trouble arises from the processes of the manager/worker situation
- ▶ personal trouble as arises from opposing personalities or values
- ▶ proximal trouble as arises from the often 1:1 nature of the working relationship for extended periods.

³In the case of a close family member being paid to provide care, under the Care Act specific agreement is needed from the local authority. In relation to criminal record checks some councils insist on them for personal assistants, whilst others recommend, but leave the final choice to the person taking the direct payment.

Good support for both direct payment recipients and their personal assistants can help with addressing and mitigating issues arising from these 'troubles'. Another study with personal assistants looked at their roles, relationships and responsibilities and highlighted some specific areas of concern they had. They included:

- ▶ managing a tension between the legitimate aspirations for control by disabled people with avoiding the risk of exploitation or abuse
- ▶ the need for training to be part of the direct payment support plan, to enhance skills whilst respecting concerns of employers to avoid having to adopt standard one-size fit all approaches to training
- ▶ sound monitoring arrangements in place to avoid unsafe practices and risk of abuse
- ▶ a need to create safe and less isolated working environments for personal assistants, while respecting the employer's right to privacy and confidentiality.

Research references

Porter, Shakespeare, Stockl (2021) Trouble in direct payment personal assistance relationships, Sage Journals: Work, employment and society

Woolham, J. G. Norrie, C. Samsi, K, & Manthorpe, J. (2019). Roles, responsibilities and relationships: hearing the voices of personal assistants relationships and directly employed workers: London: NIHR Policy research Unit in Health and Social Care Workforce, The Policy Institute, King's College London

PEER SUPPORT WORKS

People supported to take and manage a direct payment by their peers can do so successfully. In some places, peers have to come together to form 'user or peer-led' organisations with the aim of supporting each other in pursuit of independent living, and some provide direct payment support. Common positive characteristics of these networks include fostering collaboration; enhanced communication; pooling and sharing of specialist knowledge; and building confidence among actual and potential direct payment recipients.

Research references

Jon Hyslop, Helen Aveyard, Guida de Abreu & Jane V. Appleton (2019): How do peer networks support people with personal budgets? A review of the research evidence from the United Kingdom, Disability & Society.

CO-OPERATIVE ORGANISATIONAL MODELS ARE WELL ALIGNED TO THOSE OF DISABLED PEOPLE'S ORGANISATIONS AND CAN SUPPORT DIRECT PAYMENTS

There is a strong alignment between co-operative principles, disabled people's and user-led organisations, and direct payments. Realising the full potential of direct payments depends on acknowledging our interdependence on one another, which both co-operatives and disabled people's organisations reflect in their organisation and delivery. Shared values and characteristics include working in co-operation; shared ownership; developing user-control; markets that see people as people and not consumers; and a belief that people are experts in their own lives.

Research references

Roulstone A, Se Kwang Hwang (2013) Co-operation and Co-operatives in the development of direct payment schemes in Wales, Wales Co-operative Centre, Cardiff

MICRO-ENTERPRISES CAN OFFER MORE PERSONALISED SUPPORT THAN LARGE SCALE PROVISION

A study highlighting the value and benefit of small micro-enterprises concluded that they can deliver more valued outcomes than larger providers, in relation to helping people do more of the things they value and enjoy, and offer good value for money. Social workers and other care professionals need to be informed about micro-enterprises operating close-by so that they can refer people to them. Social care teams should promote flexible payment options for people wanting to use micro-enterprises, including direct payments. Commissioners should develop different approaches to enable micro-enterprises to join preferred provider lists.

Research references

Catherine Needham, Kerry Allen, Kelly Hall, Stephen McKay, Jon Glasby, Sarah Carr, Rosemary Littlechild, Denise Tanner and the Micro-Enterprise Project Co-Researchers (2015) Micro-enterprises: small enough to care? University of Birmingham

LOCAL COMMISSIONING MAKES A DIFFERENCE TO THE WAY LOCAL PEOPLE WILL EXPERIENCE THE OPTIONS THEY HAVE TO USE A DIRECT PAYMENT

The approach to commissioning locally affects the way people are able to access and experience the range of options they have to use a direct payment. Commissioners are themselves significantly influenced by the wider approach adopted within their council.

Four types have been identified:

- ▶ the procuring council (high rules, weak relationships)
- ▶ the commissioning council (high rules, strong relationships)
- ▶ the open market council (weak rules, weak relationships)
- ▶ the partnership council (weak rules, strong relationships)

The type of council can influence the extent to which commissioners are able to undertake activity to support strategic goals to increase the uptake of direct payments. A combination of open market and partnership approaches are needed to ensure a good range of options for all, with the open market approach best suited to enabling a good range of options for people using direct payments.

Research references

Needham, C, Allen, K, Burn, E, Hall, K, Mangan, C, Al-Janabi, H, Tahir Carr, S, Glasby, J, Henwood, M, McKay, S & Brant, I (2020), Shifting shapes: how can local care markets support personalised outcomes? University of Birmingham

IMPLICATIONS FROM THE RESEARCH AND EVIDENCE

Taking the implications of the research into account, there are factors helpful to identifying the conditions for effective delivery of direct payments, both enablers and barriers to address.

That direct payments can work for a wide range of groups and their benefits should not be viewed as limited to particular groups. Whilst there are risks of abuse with direct payments, if properly and proportionately managed, there is no clear evidence they are riskier than other forms of care and support. Concerns that people will not spend the money on meeting their needs are not borne out in evidence.

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Clear information and advice supplemented with support from people who have lived experience in how direct payments work is essential

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It is important that people’s voices are heard throughout the assessment and care and support planning process. Where that voice is heard and people are supported to use their direct payment flexibly and creatively they focus on using the money to live good lives - not just being clean, dressed and fed.

The role of social workers and other assessment practitioners is pivotal in supporting people to take and manage a direct payment. Many workers want to champion and support the aims of personalisation policy by enabling full choice and control through direct payments, but not everyone they work with seeks the fully independent life championed by advocates of the independent living movement. Practitioners find it difficult navigating this area and it could benefit from further attention, both in research and practice.

Really good clear information and advice supplemented with support from people who have lived experience in how direct payments work is essential so that everyone is clear on the purpose of direct payments and how the local system operates in order to achieve this. This includes clear roles and responsibilities, expectations and undertakings both for people and workers.

Peer support works particularly well in providing good information, advice and support with people learning from lived experience about how best to use their direct payment to get good outcomes, and to be able to provide the local authority the assurance they need that the money has been used to do this.

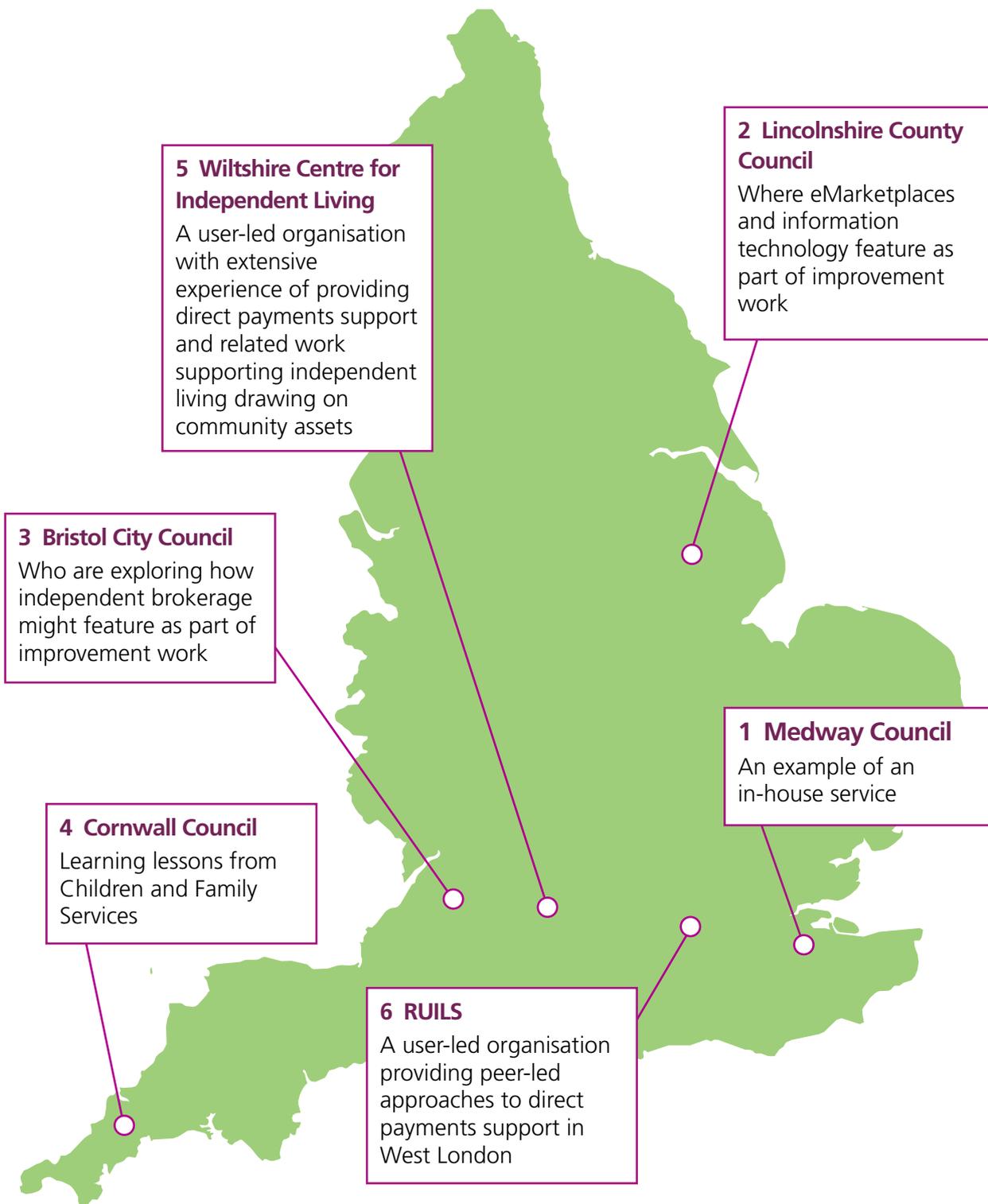
Where a direct payment is used to employ personal assistants, good information, advice and support, particularly through peer support, can help to mitigate risks in both employment practice and in the day-to-day relationship between care worker and cared for. More work is needed to find ways of supporting personal assistants in ways that don't erode the choice and control of individual employers.

How individual local authorities approach their commissioning work has a significant effect on the extent to which the aims of direct payments can be fully realised, maximising choice and control.

New and innovative models of support like micro-provision and co-operatives offer alternatives to more established types of care and support provision and offer better tailored and personalised care and support. They do however need the support of commissioners for their full potential to be realised for people.

5 CONVERSATIONS WITH SIX SITES MAKING GOOD PROGRESS

Six sites were invited to share their experience of implementing direct payments. They were identified because TLAP had become aware of improvement activity or good approaches through the extensive networking activity that takes place to support improvement around self-directed support generally and it was felt that they merited further investigation. These six sites were chosen:



Using the evidence summarised as a frame of reference, semi-structured interviews were undertaken with a key contact from each organisation. The aim was to build a picture of what each place is doing to improve their direct payment delivery and to compare and contrast different approaches. The write ups of individual sites can be found in the appendix. Common themes that emerged from the conversations are summarised here, and reflected in the key learning points in section 2.

Common themes



Drawing together the insight from all the sites, a number of key enablers and barriers can be identified as significant contributors to the effective delivery of direct payments. Although they are listed separately, in practice they are interrelated.

LEADERSHIP STEPS UP AND STICKS WITH IT

Virtually all places talked about the crucial role of leadership. Most sites articulated this in a positive way where leadership was driving improvement focused around direct payments, seeing them as a means of ensuring people have more and better choice and control over their care and support. However, none of the sites expressed confidence that they had cracked direct payments and some relayed accounts of where changes in leadership and/or competing priorities had led to reverses or standing still. The general sense was that it was still 'a work in progress'. Despite the fact that direct payments have been a part of the mix for many years, the impression is that we are still in a phase of early adoption rather than maturity. Crucial to moving on is leadership commitment which can withstand changes in leaders and competing demands. The signal from the 'top' should also be that direct payments can work for all groups of people.

EVERYONE'S BUSINESS

With the support of leadership, practitioners have a crucial role in getting behind and backing direct payments. This is not a case of strict adherence, where direct payments are pushed out regardless of people's circumstances or preferences. It is a case of making sure that it is seen as a genuine option. This means training and development is essential which needs to be constantly maintained and refreshed. For practitioners to do this requires that everyone else with direct payment responsibilities in the organisation such as finance staff work in an integrated way, rather than pulling against each other. Commissioners also have an important market shaping role to play in stimulating the development of an array of support and services that direct payments holders can access, not just for their care and support needs, but to enable them to lead good lives in line with their care and support plan outcomes.

VIRTUOUS PROCESS AVOIDS BUREAUCRACY

A number of sites talked about prioritising improvement work around simplifying paperwork and removing unnecessary bureaucratic processes that may have built up over time. Some were using technology as a way to deliver this but it wasn't universally the case. For some the driver was feedback from people frustrated with process and bureaucracy, whilst for others it was more about finding a better balance between having straightforward process and reliable oversight and assurance. Some of the changes talked about were quite small, but had potential big impact, such as removing the need for hard copy signatures that often hold up the process of setting up with electronic authorisation. See TLAP's report on [Improving Direct Payments Oversight](#) for more on this.

INFORMATION, ADVICE AND SUPPORT – THE ESSENTIAL LUBRICANT

Most sites had done significant amounts of work to improve and tailor information and advice and coupled this with practical support from experts by experience. This included people drawing on care and support and/or workers with 'learnt experience', who had embraced the concept of independent living. This value base represented the starting point so that support for direct payments was underpinned by this rather than viewed as a series of tasks or functions to be performed, such as delivering a payroll and employment service.

All the sites described the crucial role information, advice and support played in making sure everyone concerned was very clear about their respective roles, responsibilities, expectations and undertakings. This seemed - beyond all other components - the key ingredient to making things work well and a way of mitigating many perceived and real risks around direct payments and building the confidence of those working in assurance roles.

Not everyone said they had got this right or indeed that it was possible to keep this in a place without ongoing effort, even where things were working well. Rather, this is an aspect that needs constant attention and can't be left simply to written leaflets, handouts or websites. There were different approaches that seemed to work equally well, but a further key ingredient to the mix seemed to be ensuring a balance of lived and learned experience and this being brought together from the range of stakeholders involved, not just some.

PEER SUPPORT IS VALUED BUT CANNOT BE CONTRIVED

There were strong indications that a culture of people helping people existed in most places and this is underpinned with evidence in the literature. It was interesting to find however that this wasn't universal, nor was it always focused around taking and managing a direct payment. It was not easy to put a finger on what the conditions were for peer support to flourish. We know that there has been disinvestment by councils over a period of years in peer led organisations, particularly those providing direct payment support services. Even allowing for this, experts in convening and facilitating peer groups struggled to articulate why they had difficulty encouraging stimulating and facilitating peer support in some places, whilst in others they flourished.

At one level it may reflect the history of the independent living movement in a particular place and the relationships between disabled people, their organisations and the council. Whilst these provide a context it also is the case that individuals vary in the extent that they wish to get involved in collective approaches and whether they 'gel' and coalesce around a specific approach like direct payment support. People have agency, and whilst councils can do much to support people coming together, it is not entirely within their gift.

TECHNOLOGY: OVERSIGHT OR ENABLING?

All sites were very aware of the need to provide assurance that direct payment funds were being used well and for the purpose they were intended: meeting the identified needs of people eligible for care and support electing to take and manage a direct payment. There were different approaches to this, which used technology to differing degrees in support of this aim. Most sites had adopted the use of pre-payment cards and seemed happy with the way they were working. Some had taken a careful approach to implementing their use, ensuring local people were fully on board with their introduction and in some cases enabled to shape their introduction and use.

Given the significant amount of policy development and local implementation work that has progressed over the last ten years or so with online directories, eMarketplaces and personal assistant registers etc, it was surprising to find that people didn't talk much about whether and how they are enabling change, particularly as tools to allow people to organise their care and support with a good knowledge of what resources and support is available. This area warrants further investigation.

UPHOLDING RIGHTS – PEOPLE WITH ‘THE RIGHT STUFF’

Without exception it was evident that those interviewed ‘got’ the personalisation agenda and were particularly supportive of making direct payments work well for local people needing care and support. Some were disabled people seeking an independent life, some had been influenced by others who were passionate advocates of the independent living movement. Others had found this area of work rewarding and well aligned to their values and motivators for coming to work and because of this had acquired learned experience of the independent living agenda.

A good number seemed fairly frustrated that they weren’t yet able to share their value base and lived and learned experiences broadly enough to affect a shift in their organisational cultures and behaviours, but all seemed determined to keep going on that journey. The extent to which social work practitioners and others undertaking assessments fell into this group was unclear. Given their critical role this may merit further work.

6 | CONCLUSION

Whilst there isn't a magical 'recipe for success' for everyone to follow for getting direct payments right, there is enough accumulated knowledge and experience to tell us what makes direct payments work.

This report, which documents some of the work Essex has undertaken to get back to the roots of personalisation with a particular focus on direct payments, the scan of the evidence base, and key points from the detailed conversations with places that are pushing forward tell a powerful story.

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Progressing direct payments requires constant, concerted and continuing effort to make them work better for more people

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The conclusions of this story are that progressing direct payments requires ongoing, concerted and continuing effort to make them work better for more people, with constant engagement with people drawing on care and support through co-production. We hope this report helps councils and other stakeholders to deepen their efforts and determination to make direct payments work better for more people.

APPENDIX

MEDWAY COUNCIL

Medway Council has a strategic vision for adult social care with direct payments at its heart. Everyone needing care and support is aware of the direct payments scheme and is offered the opportunity to benefit from it. Leadership plays a critical role in setting the tone for this approach: person-centred, focused on helping people achieve independence, empowering around flexible use, supporting sensitively at every stage.

The council runs its own dedicated direct payment support service. The team has nine members, including some people who take and manage a direct payment, and supports both direct payment recipients and practitioners. The team members are seen as 'problem solvers', with a good mix of skills, bringing together workers who have had experience of associated functions like financial assessments and audit. In the words of the key contact, *"being inside the council means we can get things done."* Because the team is seen as expert, this credibility helps to get supportive decisions from senior management, for example on the flexible and creative use of budgets. This also extends to trusting the team when trying out new initiatives they believe will work.

Relentless engagement of social work practitioners and other workers in essential support services such as finance happens, to ensure they have a good understanding of how direct payments could and should be used, and to instil confidence that the direct payment will be managed and spent appropriately. A high rate of staff turnover makes this work challenging.

The team is sensitive to the additional administrative burden that managing a direct payment places on people, particularly when choosing to employ a personal assistant. As a result, comprehensive support is provided to people who choose to employ a personal assistant. They tried a lighter touch approach in the past but found this didn't work well. Now the team can become more closely involved where this is agreed, for example in resolving conflicts between individual employers and their personal assistants, facilitated by close working relationships with insurers, and mediation/employee relations services.

The Medway Card⁴ helps people to be able to provide evidence of spend, but this is not insisted on. Managed accounts are also an option. The level of scrutiny of spend is proportionate with an ethos that provided the type of spend is in line with agreed outcomes, there is room for people to vary who provides care and support. The audit

⁴This is a pre-payment card. These are an account held by the local authority that allow people with personal budgets to manage their personal budget. Payment card accounts are similar to current accounts but are set up by a local authority rather than the disabled person themselves, specifically for the purpose of managing a personal budget. The card acts as a debit card for the person's allocated personal budget.

See also [Payment Cards as a Means of Managing a Personal Budget](#), In Control and TLAP, 2019

team ensure that agreed personal contributions are made. Unspent budgets are not automatically reclaimed. A conversation takes place about any excesses which ensures only funds that are not likely to be spent are reclaimed in agreement with direct payment recipients.

Older people are successfully taking and managing a direct payment, and either employ a personal assistant or purchase care from an agency. In either case, they are able to control timings, tasks and who provides care. Good support from the team helps people to achieve this. The direct payment support service actively meets people who have had short term support from a commissioned service to stabilise them once they are well enough to talk about their long-term needs. There are some examples currently where people with a learning disability are using a direct payment to self-build their lives, focused initially around enabling employment opportunities.

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Everyone needing care and support hears about direct payments and is offered every opportunity to take and manage one successfully

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Local disabled people and peer direct payment recipients used to come together, but this has dropped off in recent times. The team think it important people have the opportunity to come together and are actively seeking to encourage this with a focus on on-line spaces currently. There is a strong positive legacy that has been preserved from the early days of the direct payment support offer, centred on supporting people to achieve independent living, which counterbalances the currently limited presence of peer networks.

LINCOLNSHIRE COUNTY COUNCIL

The council is giving much greater focus to direct payments and recently refreshed its direct payments policy which is now more permissive and does not detail things that direct payments can and can't be spent on. In the view of the key contact, this reflects a shift away from being a procurement council towards a more permissive and collaborative approach, reflected in its latest market position statement.

In relation to direct payments, according to the key contact *“We have a very pro-active lead practitioner team pushing on the increased use of direct payments.”* Shifting practitioner perspectives is happening, but is seen as a journey on which there is some way to go and Covid-19 has slowed progress. There is a Microsoft Teams channel for practitioners that is stimulating conversations on how direct payments can be used more flexibly and creatively.

The direct payment audit team are now providing early help to make sure people beginning to use their direct payment are clear about how it should be used. This is translating to a significant reduction in unspent balances and instances of inappropriate spending. The

central audit function has been integral to the development and implementation of a risk assessment-based approach to setting review frequencies, with social work practitioners key to this.

Expanding options for money management is a priority, as the council feels that a lack of options to date has held back progress with take up. A user-led group, who are very focused on co-production, has worked with the council to expand money management options, particularly a **'virtual wallet'** This is seen as a key strategic project, although numbers of people using it are so far low and Covid-19 has delayed progress. The vision remains that it can be used on simple digital devices as a tool for people to actively manage their budget.

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The direct payment audit team provide early help to make sure people beginning to use their direct payment are clear about how it should be used

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A direct payment support service is commissioned by the council. This is currently provided by Penderels Trust who retained the contract following a competitive tendering process. The service specification was significantly influenced by the local user-led group. Good support around information, advice, recruitment and payments are key elements of the service that will be available across the board to all direct payment recipients. Previously practitioners supported direct payments to recruit personal assistants, but this responsibility has now transferred to the direct payment support service, which is expected to improve the support people can access to ensure they understand and fulfil all their responsibilities when employing personal assistants.

Like many places, in moving to an outcomes-based commissioned home care arrangement, older people were offered a direct payment if they wanted to stay with their preferred provider, which many took up. According to the key contact, this has not translated to people having greater control of the tasks and timings of care.

People with learning disabilities who access non-council day services are able to use their direct payment to fund this. Currently there are limited day opportunities and work is happening to stimulate the development of a wider choice of activities. It is anticipated that greater use of the **'virtual wallet'** will support this.

The largely rural nature of the county with dispersed populations is felt to limit the ability and motivation for disabled people and direct payment recipients to associate as peers. There are two groups of disabled people who provide peer support around taking and managing a direct payment, but these groups are not funded by the council.

BRISTOL CITY COUNCIL

Direct payments feature prominently in Bristol’s vision for adult social care and are an integral part of the council’s current transformation programme.

Exploration of the potential of Individual Service Funds to help more people experience better choice and control led to a re-examination of their direct payment offer. Direct payments are now seen as the default option to be

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Social workers have had a significant amount of training and support

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encouraged at every opportunity. There is a direct payment steering group that uses a data dashboard to help gauge progress and drive uptake. This is not however a topdown process and the key contact felt the shift was very much practitioner led and that commissioners were supporting the direction being taken.

Linked to the transformation programme, social workers have had a significant amount of training and support. This has included video clips of older people sharing their experience of taking and managing a direct payment to tackle assumptions that direct payments don’t work for older people. Practitioners are now interested in supporting older people to pool their budgets to access activities that they share an interest in rather than attend day centres.

Concerted efforts like this are helping practice to shift and demystify the whole process of taking and managing a direct payment to help build social worker’s confidence. To continue this support, and as a response to Covid-19, an online ‘direct payment virtual café’ has been created where practitioners can bring issues and talk them through reflectively, which enables shared learning.

There is also a move towards using digital processes to streamline organising a direct payment, for example, handwritten signatures on paper forms have been replaced with electronic authorisation. This is significantly improving setup and decision-making timescales.

Internally, there is a Direct Payment Support team that focuses on financial aspects to make sure people are clear from the outset about how the direct payment should be used and what their responsibilities are to spend it appropriately and to make agreed contributions. According to the key contact “*We were finding that a lot of direct payments were failing at the first hurdle*” which is now less the case. The Direct Payment Support team also now take much more of a personal supportive approach. Where ‘red flags’ are triggered about concerns over spend (appropriateness and/or overspending), a discussion takes place focused on helping the person get back on track. Similar supportive conversations happen about unspent balances, rather than a drive to reclaim every penny that is possible.

The council uses two external direct payment support providers. A ‘champion’ works within the council’s Direct Payment Support team as a case liaison between direct payment recipients, social workers and the direct payment support service. This is working well.

The council used a co-production approach with disabled people in the development and introduction of the Bristol Direct Payment Account (pre-payment card).

Working in partnership with a neighbouring LA, the two support providers and Mark Bates Ltd, an insurance provider, has seen the development of an induction programme for direct payment recipients to ensure they are supported well to be good employers.

Direct payments are also helping the council to meet the needs of its diverse communities. For example, there is a strong take up of direct payments within their significant Somali community, as they enable them to employ local PAs to ensure their care and support is culturally sensitive.

CORNWALL COUNCIL – DIRECT PAYMENTS FOR CHILDREN AND YOUNG PEOPLE

The council has initiated a strategic drive to offer direct payments to families, which has resulted in increased take up in services like adoption, child protection and family assessment, reaching beyond the disabled children's team, where typically most direct payments are found.

The focus is on support and services to enable children and young people to meet their identified needs, achieve positive outcomes and be a brilliant place to be a child and grow up. Typically, direct payments (DP) are used to employ personal assistants to support children and young

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The focus is on support to enable children and young people to have a good life

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people to access opportunities, whilst families pay for the activities. This is very much in the spirit of personal assistance as one of the pillars of independent living. There is also the opportunity to use the direct payments funds in a more flexible way to meet the individual child or young person's identified, assessed needs.

Young people and families are supported by an in-house direct payment support service which comprises a team manager, four direct payment workers (3 FTE) with administrative support. The team supports around 250 direct payment recipients. The team is part of a multi-disciplinary service and sits alongside social workers, family workers, occupational therapists and other professionals. The team manager is a long-standing member of the wider team management which helps ensure that the wider service really understands the role and strengths of direct payments and social workers in the different teams are confident to make DP referrals. Having an Education, Health and Care Plan (EHCP) is not seen as an essential pre-condition for accessing a direct payment, which widens the pool of eligible children and young people.

A range of direct payment tools developed co-productively with families underpins the work of the team and helps to ensure consistency in the allocation of resources. These DP

decision-making tools are arranged by age range. They are intended as guides only and practitioners use their professional judgement to vary and adjust the DP allocation based on each individual child and young person's needs and their family circumstances.

Designated administrative support plays a critical and pivotal role, undertaking all the administrative aspects of setting up the direct payment, including Disclosure and Barring Service (DBS) and ID checks. They also produce monthly performance data reports and annual reports.

The case recording system, Mosaic, has specific workflows embedded within it regarding direct payments, developed in conjunction with the direct payment team. This supports multi-disciplinary working and aids timely decision making and set up. It also generates regular performance data which is used at management level to monitor different aspects of performance. The data is also very helpful in engaging with and providing assurance to the corporate audit function.

Referrals result in a home visit to provide an overview of direct payments and how they work. Once the decision has been made to progress with a direct payment a sign-up visit from a member of the direct support team ensures all the set-up elements are dealt with, which is also recorded. Where a personal assistant is being used a six-week check-up covers employment including that a contract of employment and insurance is in place and that payments to the personal assistant have commenced.

After that, families are visited at least every six months to make sure everything is working well with the direct payment, including a check on spending and to pick up whether the direct payment is working or not working for the family. Supportive conversations are held about balances in excess of eight weeks contingency to avoid large excesses accumulating.

These visits are all designed to ensure that direct payment recipients are fully empowered to understand and undertake all their responsibilities. Detailed information packs are provided to families at different stages of engagement and sign-up. A staff handbook provides comprehensive information to social workers about all the processes they need to know about.

WILTSHIRE CENTRE FOR INDEPENDENT LIVING (CIL)

Wiltshire CIL is a disabled people led organisation that has been providing a comprehensive direct payment support service for close to ten years, contracted by Wiltshire County Council. They have worked closely with disabled people and the council to shape the contracted service across a number of tenders and delivery periods. The CIL also works very closely with Wiltshire Clinical Commissioning Group (CCG) on personal health budgets and how these can integrate with council personal budgets.

At the time of the interview the council had started on a process to retender the service and the CIL was co-operating to share their experience of providing the service, including what aspects people would like more support with.

In the current service, advisers support people around finance (including a payroll service) and the employment law side of things. As well as the direct payments support team, the CIL has 'make someone welcome' and 'community connection' teams provided under other contracts with the council. These focus on promoting wider aspects of wellbeing and enhance the direct payment support to help people achieve a wider vision of a good life with care and support. This holistic approach focuses on developing people's confidence and skills to make sure the direct payment helps them live the life they want to live. Their approach to direct payments was summed up as: "Our take is very much around so you've got a direct payment, what now? What does a good life look like now you have the direct payment? What will you do with the rest of the day now care and support is in place."

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This holistic approach focuses on developing people's confidence and skills to make sure the direct payment helps them live the life they want to live

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The CIL sees their independence and person-centred focus as one of their key strengths, together with advocacy on behalf of people. They believe this has contributed to older people embracing direct payments, who typically employ family and friends, using the flexibility the council allows for this. Where an older person chooses to use a home care agency, the CIL supports the person in conversations with the provider, to make sure the person knows their rights when issues about time, task and workforce have arisen.

Whilst their support and processes are not fully online, the CIL's general experience is that older people manage their direct payment very well, either for themselves or with the support of family members as nominated persons. The support provided by the CIL is very proactive, addressing issues and questions as and when they crop up.

In the past, the council contracted the CIL to produce support plans with the people who the council referred. This service was taken back in-house by the council as part of a wider quality assurance work. The CIL's experience is that practitioners experience considerable scrutiny and less flexibility is permitted on how direct payments can be used. The CIL has positively responded to a significant increase in requests from practitioners for advice and assistance and created induction and training sessions for social workers which have been really popular. These benefit practitioners through shared learning. The CIL has also produced a direct payments guide at the request of the principal social worker. Commissioners are interacting with the CIL in a very positive way, particularly their learning disabilities, mental health and children and young people commissioners. The CIL's support planners now work as community connectors under a CCG contract and help people in a strengths-based way to build circles of support.

Peer support is offered through the CIL's user engagement team. They have found that not everyone wants to be supported by peers on an ongoing basis once they are clear about their responsibilities and have built their confidence. Lots of training workshops have been

run and continue to be run by disabled people for new direct payment recipients and for those who want to refresh their knowledge.

Adopting a strengths-based approach as an organisation has resulted in disabled people starting to reflect that what they want to do is get on with ordinary lives, not necessarily associate with other disabled people simply because they are disabled and have similar experiences. Our contact told us *“What we’re really working towards is a services last approach. A direct payment is an enabler to have a life, but it shouldn’t be seen as the be all and end all. We are supporting people to be active citizens in their community – but that doesn’t let statutory services off the hook. People need support to live independently to be part of their community.”*

RUILS

RUILS is a user-led organisation supporting disabled adults and children in west London. They have substantial experience of providing direct payment support and are currently commissioned by two councils under separate contracts. Both have their challenges, but one is working

better than the other at present. Reflecting on this combined experience they highlighted a number of enablers and barriers significant to effective direct payments support:

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The need for strong leadership with a clear strategic vision committed to independent living

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- ▶ the need for strong leadership with a clear strategic vision committed to independent living, which seeks to maximise the number of people on direct payments as a crucial element
- ▶ a willingness to enable people to use their direct payment flexibly and creatively and are not just seen as exclusively for employing personal assistants.
- ▶ the importance of social workers having a good understanding of direct payments. As the key contact said *“Social workers do not always understand direct payments. There is a general lack of training. This is one of the biggest barriers.”* Training is therefore seen as essential and practice champions within social work teams can help, particularly as a link to the direct payment support service.
- ▶ that commissioned direct payments services are hampered if the contract with council is too rigid and over specified, for example a disproportionate focus on scrutiny or ensuring direct payment recipients pay their financial contributions.

RUILS have very different experiences of peer support and the coming together of disabled people to support each other around direct payments. In one of the boroughs there is a long history and very strong association of disabled people around this and wider independent living issues and peer support works well. RUILS’ experience is that where user-led and peer groups are funded or supported by the council it is important that they communicate their availability to all their direct payment recipients.

RUILS could chart a direct correlation between new membership, increased levels of queries, requests for services and the energy with which the council entered into pro-active communication with all their direct payment recipients.

RUILS also have experience around budget pooling and believe that it can work well for the people involved, but it takes a significant amount of co-ordination and support, as there are factors that can make pooling complicated to administer and manage.

INTERVIEW QUESTIONS

Semi structured interviews were held with a key contact from each organisation, based on the following questions:

- 1 How do direct payments sit within your council's strategic vision for adult social care?
- 2 Are you trying to increase the number of direct payment recipients?
- 3 What is working and what is not working in your approach?
- 4 Do older people successfully take a direct payment and can they control the who, how and what of their care and support?
- 5 Are people with learning disabilities self-building their lives?
- 6 What kind of council do you think you are with regard to commissioning? How does commissioning activity support people to take and manage a direct payment?
- 7 What do social workers think about direct payments? Are they pro-active advocates for them or are they reluctant sceptics?
- 8 Are peer networks active? Do peers support each other to take and manage a direct payment? If so, how are they supported to do so?
- 9 How are people who employ personal assistants supported to be good employers?
- 10 What options do people have for managing their money? Who monitors spend and is it proportionate? Are people's flexibilities limited or are they encouraged to be innovative?
- 11 What is the audit function's view of the approach?
- 12 What, if anything, are you specifically working to improve and why?

Not all conversations covered all the questions and some sites were asked specific questions relating to areas of interest in their approach. For example, Lincolnshire were asked about their use of technological solutions.



Useful resources

[Improving Direct Payments Oversight](#)

[Direct payments: working or not working?](#)

[Personal Budgets Outcome Evaluation Tool](#)

[Social Care Innovation Network](#)

[Personal budgets minimum process framework](#)

[The 3 R's of Social Care Reform](#)

[Payment Cards as a means of managing a personal budget](#)

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