



Report of the Director of Adult Social Services

Executive Board

Date: 1 April 2009

Subject: DEPUTATION TO COUNCIL – SOCIAL SERVICE USERS REGARDING ADULT SOCIAL CARE MANAGEMENT

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

1. EXECUTIVE SUMMARY

- 1.1 On the 28 January 2009 Council received a deputation from members of the public and received material that raised a number of important matters relating to the Transformation and Personalisation of Adult Social Care, Community Services standards, the support the council offers to direct payments users, the utilisation of technology to deliver service improvements and a range of related matters concerning the numbers and pay of senior officers.
- 1.2 Council resolved that the matter should be considered by the Executive Board. The speech used by the Deputation and which assisted with the drafting of this report is attached as appendix 1.

2. PURPOSE OF THIS REPORT

- 2.1 The purpose of this report is to provide the Executive Board with a response to the points raised in the deputation material and provide comment on each of them in a way that links to the national and local issues that the material has highlighted. and makes reference to the previous reports Executive Board have received on this matter.

3. BACKGROUND INFORMATION

- 3.1 On 23 January 2008 and 8 October 2008 Executive Board received two reports on Personalisation and Transformation of Adult Social Care in Leeds. The first advised Executive members of the publication of "Putting People First" (a concordat launched by six Government Departments, Local Government (LGA), Social Care's Professional Leadership Providers and the Regulator) which outlined the vision and direction for the development of Adult Social Care services in the future. The second report updated Executive Board on the work undertaken in Leeds; it provided a summary of the national and local drivers for this programme of work and summarised the main issues that had to be addressed by all local authorities if they are to deliver successful change.
- 3.2 The main challenges for service transformation were identified in these reports and were accompanied by descriptions of other allied policy initiatives that supported the empowerment and enablement of individuals and the communities they lived in. These reports served to highlight the fundamental nature of the reform agenda, the significant changes in the kind of relationship the Local Authority will have with its customers/service users, contracted providers of care services and its impact on all aspects of Adult Social Care Services (ASC) and the wider Local Authority service provision.
- 3.3 In recognition of the scale of the transformation agenda a Delegated Decision Panel report on the 24 January 2008 endorsed the recommendation to establish the Chief Officer posts for Access and Inclusion and Support and Enablement within the Adult Social Care. Given the scale and scope of the challenges described above the Department of Health (DH) made available through the Social Care Reform Grant (£1.175m in 2008/9 rising to £3.367m in 2010/11) monies to support Councils in delivering this transformation agenda and in this case to ensure the necessary leadership capacity and capability were in place to meet the change challenges described in the Local Authority Circular 'Transforming Social Care for 2011'. issued on 17th January 2008.
- 3.4 Elected members agreed the endorsement of the principles and direction of travel described in these three reports and agreed that they be engaged in developing the way forward through information, seminars, establishing a members forum, and scrutiny under the leadership of the Executive Board and Lead Member for Adult Social Care (ASC).

4. MAIN ISSUES

- 4.1 The deputation has raised a number of issues that in summary relate to:
- concern about policy changes and particularly the delivery of direct payments, the support offered to direct payment users, and the rates of pay for personal assistants;
 - concern about some service specific matters relating to investment in new technology and the quality of the service;
 - issues to do with the management of the service and the ability of the service to meet future demand.
- 4.2 This response seeks to address the concerns and provide full information for the matters under consideration.

4.3 Scope of the Deputation

- 4.3.1 The heading of the deputation declares that it is “on behalf of *all* Homecare Service Users” and whilst there is an acceptance that the issues raised are good examples of the concerns people have about the national move to services framed by personal choice and control, there is a question mark on whether there is the evidence that this deputation has consulted all people using Community Support in Leeds.
- 4.3.2 The deputation makes generalisations about older people such as “many older people are terrified at the thought of finding their own carers.” This is based on the opinions expressed in the two media articles provided with the deputation and the “letter pages of such publications as, ‘MS Matters’ and, ‘The Parkinson.’”
- 4.3.3 Although we have not been provided with any examples of these, it does do a disservice to older people as national research and the data in Leeds shows that older people, in ever greater numbers, are successfully choosing to use Direct Payments. In Leeds the figures for the number of older people choosing to use Direct Payments has grown during this year and as of December 2008 there are 459 older people in receipt of a direct payment. They also represent the largest group who are taking up direct payments in Leeds, bucking the national trend.

4.4 Support for Direct Payments

- 4.4.1 ASIST (Actively Seeking Independence Support Team) is the Council’s direct payments support service provided through the Centre for Integrated Living (CIL) and is currently actively supporting 64 direct payment recipients over the age of 65 who employ Personal Assistants (PA’s). This is a free service to anyone who wishes to have support, advice and assistance to use a direct payment to meet their care and support needs. The difference between the two numbers is that the majority of older people and/or their families are happy to manage their own arrangements and have decided not to take up the offer of support from ASIST.
- 4.4.2 The deputation raises a number of issues regarding the support and practicalities of direct payment management.
- 4.4.3 The declaration asserts that “everyone in Leeds who uses Direct Payments is registered with HM. Revenue and Customs (HMRC) and this is not the case. People who are using support from ASIST to use Direct Payments to employ a PA are only registered with HMRC where this is a requirement of HMRC, Leeds’ Adult Social Care has no choice in this matter. HMRC only require an employer to be registered if there is any tax and/or Employer’s National Insurance to pay. The PA may be required to pay income tax on their earnings even if they only work for a few hours per week or month for the Direct Payment recipient if they also have another job. Employer’s National Insurance has to be paid if the PA’s weekly wage for being the Direct Payments recipient’s PA exceeds the threshold (£105 per week in this financial year).
- 4.4.4 Not all people in Leeds who use Direct Payments to employ PAs use ASIST – this is entirely their choice. An ASIST Adviser has an Initial contact meeting with people who, having had a Community Care Assessment, have chosen to receive Direct Payments and use some or all of the agreed payments to employ one or more PAs. During this meeting the Adviser informs the person about the legal responsibilities attached to being an employer (including the requirements of HMRC) and offers support to manage these responsibilities. The person can choose to use ASIST or

decide to manage on their own or with other support. If the person chooses to manage on their own or use alternative support, ASIST would set the payments up with the Community Care finance section within Adult Social Care, provide an employment contract if the Direct Payments recipient wanted this and complete Criminal Records Bureau (CRB) checks on the prospective PAs. The person would therefore take responsibility for registering with HMRC if required without any involvement from ASIST. However the person can contact ASIST anytime if they need any information or decide that they would like ongoing support after all.

4.5 Use of Accountancy support

- 4.5.1 The deputation makes a number of assertions regarding the use of accountants for HMRC support.
- 4.5.2 One of the main responsibilities of people who employ their own PAs is to ensure that the person is paid the correct wage and all legal and financial requirements regarding this are met. This is known as payroll services. People using direct payments, for example as PA employers, often wish to have someone administer their payroll service on their behalf. When the original Direct Payments Support Service was set up at Leeds CIL (later developed into ASIST), Voluntary Action-Leeds (VA-L) was used to provide payroll administration. However, when the numbers of individual people using Direct Payments to employ PAs grew, the system at VA-L had difficulty accommodating their requirements. An alternative payroll service was sought that could accommodate increasing numbers of individual employers, including being able and willing to answer queries from individual employers. Whitesides Limited, who are chartered accountants, were able to provide this service successfully. Whitesides services are paid for from Leeds CIL's budget as an important part of the range and choice of support that we have made available for people who want to try Direct Payments but do not want to be troubled by the technical complications of being an employer.
- 4.5.3 Our overall aim is to ensure that people can use Direct Payments with confidence, in the knowledge that help is available in a way that meets their specific requirements. Whitesides register the person as a small employer with HMRC. Whitesides then meet HMRC requirements on behalf of the person e.g. the calculation and deduction from wages of tax and national insurance, updating tax codes, applying the correct rates of tax & NI, payment of tax & NI deducted to HMRC, completing year end returns etc.
- 4.5.4 HMRC automatically send packs of information to employers who are registered with them, whether or not the employer uses an agent such as an accountant to carry out the tasks required by HMRC. Direct Payment users who are PA employers using Whitesides are informed that they do not need to do anything with these packs sent by HMRC because part of the service provided by Whitesides is to ensure all the latest requirements are met. Our feedback is that people find the named member of staff at Whitesides is very helpful.
- 4.5.5 The use of Whitesides has been reviewed by a Senior Financial Manager who found the service they provide to be cost effective. However, there has been a rapid increase in the numbers of people in Leeds choosing to use Direct Payments during this financial year and in preparation for Personal Budgets, there is a proposal to revisit the provision of payroll administration, which will be guided and assisted by Adult Services Commissioning.

4.5.6 The Deputation has highlighted some potential problems with the kind of information we provide to support people wishing to use direct payments to meet their care needs. It would be useful and timely for us to review all the information and support processes to ensure they are as streamlined as possible, and facilitate people to exercise choice and control over their care arrangements.

4.6 Rate of pay for Personal Assistance in Leeds City Council

4.6.1 The deputation raised concerns about the rate of pay for personal assistants. Regrettably the information in the deputation was partial. The full hourly rate in Leeds is a range between £6.74 and £13.47 (from 6/4/09) depending when the cover is needed (e.g. evenings/weekends), these rates exclude National Insurance contributions.

4.6.2 The hourly rate paid to the PA is only part of the actual and potential costs of employing the PA and these overheads are paid for by the Direct Payments Scheme in Leeds. This figure is exclusive of:

- Employers national insurance
- Holiday pay
- Bank holiday pay
- Statutory sick pay
- Notice pay
- Redundancy pay
- Repayable float - for adults 4 weeks, children 2 weeks
- Employers liability insurance
- Medical insurance
- Trust indemnity insurance
- Stationery
- Cover for any absence of the PA such as sickness absence

Which is paid via CIL whenever required according to exact circumstances. Some of the other rates quoted by the deputation are inflated by the inclusion of these employee on-costs so as a headline rate they appear higher.

4.6.3 In 2005 ASIST carried out a comparison between the PA rates paid in Leeds and in some of our neighbouring Local Authorities (Bradford, Calderdale, Wakefield, York and North Yorkshire) as a way of determining whether pay represented a significant obstacle to the take up of direct payments. Leeds averages out well as Leeds takes into account care needs that occur outside of office hours.

4.6.4 It has been extremely useful and timely for the Deputation to have drawn attention to this issue as transformation of services moves into a new phase where Personal Budgets rather than Direct Payments become the vehicle for delivering choice and control.

4.6.5 Contact has been made with pilot sites like Oldham, which has been referred to in the Deputations material, and evidence from that Authority is that hourly rates set by the Local Authority will, in future, become increasingly redundant as the person - having been told the amount of financial support they will be given to meet their needs - will themselves determine the amount they want to pay to their PA's to do tasks for them. This will be heavily influenced by the nature and importance they attach to those tasks and how that provision helps the person live the life they want to lead. Authorities like Oldham, who are perhaps 2 years ahead of most other

Local Authorities due to their pilot status, are not reporting the kind of supply difficulties described by the Deputation.

4.7 Capacity issues

- 4.7.1 The availability of appropriate help is a key issue for the implementation of self directed support and is a high priority for our programme of change management.
- 4.7.2 It is not the case that all people who may in the future utilise a personal budget will employ PAs. People will use their personal budget in a whole variety of ways to meet their own care outcomes, for example by buying ready made services provided by others, purchasing equipment, arranging transport, organising their own respite care arrangements and choosing their own meal and menus etc.
- 4.7.3 The assertion by the Deputation refers to difficulty finding people to employ as PAs. ASIST is taking action to help people find PAs. ASIST has set up a list of people looking for work as PAs in Leeds and is actively exploring other methods of helping people to find PAs. This includes discussions with West Lancashire Peer Support, a group set up by the families of people who have learning difficulties, who have plans to offer their on-line PA list service nationally. Also, Slivers of Time and Shop4Support are national initiatives which Leeds Council already supports as a way of releasing the kind of natural community resource that often finds it difficult to enter traditional job markets. Nationally, Personal Budgets are seen as providing significant stimulus to the kind of community engagement that support local employment initiatives. The Personalisation Project Team will engage with these and other organisations to give presentations on the services they can provide.

4.8 Service Management Capacity

- 4.8.1 Changes in Social Care are arguably the greatest since 1948 National Assistance Act: The importance the Government attaches to these changes is reflected in scale and ambition of the Social Care Reform Grant which with other monies, provided through the Personal Social Services funding, has been specifically provided to deliver a range of process re engineering, capability and capacity building activities with this investment rising from £1.175m in 2008/9 to £3.367m in 2010/11.
- 4.8.2 This investment has been used to ensure the right leadership capacity and capability is in place to meet these transformation requirements and has been used to help provide a restructured senior management team which is committed to making these changes happen.
- 4.8.3 A Delegated Decision Panel report in January 2008 established two new Chief officer posts through the disestablishment of an existing Chief Officer post, a Head of Service post and using SCRG funding to provide a structure that can meet these new challenges. However there is a strong commitment for further root and branch reform and management review of the service to deliver the kind of transformation in Adult Social Care described the publications "Putting People First" and "Transforming Social Care".
- 4.8.4 The Deputation raises questions about extent of services management in so far as the whole Council's employment of senior managers and to suggest that Leeds Council is employing more and more people earning over £50,000 is misleading. Of the employees earning over £50,000, more than half are head teachers and deputy head teachers, whose pay is set nationally by the government. The increase in

other officers is mainly due to the effect of inflationary pay increases on salaries across the council – the actual number of officers around £50,000 has remained fairly steady over the last four years, but inflation has nudged their salaries over into the £50,000 plus band.

4.9 Digi-pens

- 4.9.1 The deputation raised concerns about the use of investment in new technology.
- 4.9.2 Alongside the continual focus on efficiency, effectiveness and quality, the in-house Domiciliary Care Service is going through a significant transformation to meet the requirements of central government policy, which promotes provision of personalised services.
- 4.9.3 The personalisation agenda requires that the in-house domiciliary care service is fully modernised and made ready for the challenges that will accompany service users being given budgets and being able to choose their service provider.
- 4.9.4 The in-house Domiciliary Care Service has over the last 6 months looked carefully at equivalent services in other councils and in the independent sector, to identify best practice, and to identify a vision and future direction for the service.
- 4.9.5 Until January 2009, approximately 60% of in-house Domiciliary Care Services staff were trialling the use of Digipens. Digipens recorded text and provided an electronic record of the care received by individuals, but were found to be insufficiently interactive to allow domiciliary care supervisors to effectively use the information recorded to set work rotas and monitor workloads of staff. The pilot showed that whilst Digipens were useful in identifying a number of areas where the service could achieve improvements in efficiency, effectiveness and quality, there were, for the reasons outlined above, insufficient on a day to day basis to assist staff and supervisors to plan and deliver their work more effectively.
- 4.9.6 At the time, the digipen technology was heralded as an enabling technology for the future and, indeed, its development and use within Local Authority services was supported through a £300k Capital Grant from the former Office of the Deputy Prime Minister (ODPM). However, there have been significant technological advances over recent years and the digipens are no longer as cost effective as they had initially been. A decision to cease the use of these pens was made, reflecting the lower level of ongoing benefits they provided and because they no longer represented an efficient long term solution to the wider plans in relation to electronic monitoring and rostering.
- 4.9.7 Subsequently, “Staff Plan” has been purchased. Staff Plan is a new software system which will schedule work of the Domiciliary Care workers, issuing rotas, and promoting continuity of care for service users.
- 4.9.8 The software programme is especially suited to managing workloads effectively to reduce the numbers of carers delivering care to one person, and identifying optimum use of time and travel. The software also enables a rapid response to unplanned events - for example at the press of a button the software will identify available staff able to respond if a service user needs additional unplanned care.
- 4.9.9 By moving to the new rostering system, and in the longer term, the Council will be investing in an electronic monitoring system which is a more robust method of

working, a more efficient and effective way of responding to the challenge of providing personalised services.

4.10 Community Support

- 4.10.1 The deputation made comments about the in-house home care service.
- 4.10.2 It is positive that the deputation recognised in-house care provide a high quality service. It is the intention of the service to maintain and further develop their standards - it is not enough for the service to stand still. The deputation is right to identify that staff need to work in smaller geographic areas, and with fewer people. Domiciliary care staff do indeed need to provide a more intensive personal service, on a very local level to a smaller number of people, than at present. This is a key requirement in the personalisation agenda. Service users often tell us that most important factor to them is that they receive their care from just a few people who visit them frequently, and understand their individual preferences and needs. The implementation of the new software, will ensure that service users will get this sort of care through a more targeted and efficient service.
- 4.10.3 As a Council we are also committed to allowing service users to be able to choose from a range of service providers, all of which operate at equally high standards. It is our intention to develop and deliver more diversity and choice for service users, without diluting the quality of any existing domiciliary care services. Domiciliary Care is often the service of choice for people who do not want to leave their homes as an alternative to admission to residential and nursing care. As more and more service users each year choose to have care at home services, our role is to ensure we have an excellent supply of high quality potential providers, with an ability and a willingness to respond, and provide service users with a real choice over how their services are delivered.
- 4.10.4 As we develop more personalised services, the Council's in-house Domiciliary Care staff will increasingly focus on giving care to people with dementia and other long term conditions and developing a reablement service. Reablement is a new service which will help people following illness to regain or to develop their confidence and skills to live a better quality independent lifestyle in their own homes, giving them greater choice and control over their care arrangements.

5. IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 5.1. Previous reports to Executive Board and now this Deputation to Council have highlighted how this agenda will support the achievement of improvements in relation to the strategic outcomes for vulnerable people outlined within the Council's Strategic Plan and includes contributing to the development of a Health and Wellbeing Plan; and a commitment to the Council's value of Putting Customers First as articulated within the Council's Business Plan. There will be significant challenges to be met both within the Council's People's Strategy and workforce planning arrangements to ensure the necessary changes in focus and skills is achieved among the workforce.
- 5.2 There will be an impact on a number of the Council's policies although in particular this programme of transformation, as highlighted by the issues raised by the Deputation to Council, will have significant implications for the Council's Financial and Asset Management Plans as transforming Adult Social Care into one that provides choice and control to the individual using those services can only be

delivered by releasing resources from within existing service provision to provide more person centred care, personal budgets and direct payments.

6. LEGAL AND RESOURCE IMPLICATIONS

- 6.1. Investment priorities for transforming Adult Social Care have been agreed within the Directorate. These priorities reflect the significant investment requirements to deliver the outcomes from the Putting People First agenda, including the development of Personal Budgets, together with the range of personalisation initiatives outlined in previous reports and highlighted by the Deputation to Council.
- 6.2. The proposals described previously and reiterated in the responses to the Deputation signal a radical change in how resources will be employed, both within Adult Social Care and the wider Council, to meet the needs of vulnerable people. To support the transformation of Adult Social Care will clearly require the reconfiguration and/or decommissioning of existing services. Detailed estimates of both the size and timing of resource realignment is currently being considered as part of the Directorate's investment planning to inform the Council's medium term financial plan.

7. CONCLUSIONS

- 7.1. The delivery of choice and control is not a Westminster led initiative, it is quite the opposite. The changes in services heralded by the publication of "Putting People First" and "Transforming Social Care" were prompted by service users and their families and carers expressing dissatisfaction with a system best described as a professional gift model and a strong desire to move to one better described as a citizenship model based on entitlement, choice and control. The issues raised by the Deputation to Council are serious and extremely important. Each and every Council has to find practical solutions to the difficulties of changing traditional services to face the requirements and challenges presented to us by people who need help but who in the future want to control and choose how that help is provided and by whom. The Deputation is a reminder of the difficulties people have in using our service and the lessons to be learned. There is anxiety about these service changes and Adult Social Care will look again at its Communication plan and Consultation and Involvement Strategy to ensure information is more widely disseminated and understood regarding how people's individual circumstances may be affected by these changes.
- 7.2. The current service transformation arrangements currently provide a peer support reference group run by people who use direct payments, who offer support and advice to people who may be considering using a direct payment in the future and who may want to talk it through with someone using the service. The project team also support an Expert by Experience group who are service users engaged in our transformation process at Project Board, Project Team and work stream level to ensure the project is grounded and connected to people's real life experience and is providing solutions to their problems.
- 7.3. There is a significant service transformation programme being delivered in Leeds and an early implementer trial of the new business processes developed for delivering personal budgets is about to commence. About 80 current service users working in partnership with a small team of social workers are about to begin using these processes as a way of testing their effectiveness and usefulness. In May 2009, Executive Board will receive an update report on the project and in October

this year, Executive Board will receive a report on outcome and evaluation of the early implementer project and an update report on all the other work streams within the programme. This report will include a final recommendation to the Executive Board of the date that personal budgets should go live in Leeds for all new service users and a date for those who are existing service users.

8. RECOMMENDATIONS

- 8.1. The Board are asked to note the progress implementing the measures described in 'Putting People First' and the development of personalised services.
- 8.2 The Board are asked to note the full engagement of a wide number of stakeholders in developing these service changes.
- 8.3 The Board are asked to note the ongoing review of information and support for individuals affected by the changes, including the plan to commission a range of appropriate support services.
- 8.4 The Board are asked to note that further report on progress will be provided in May and October 2009
- 8.5 Note the engagement of the Member Task group and Scrutiny Committee in the development of this Local Authorities response to these challenges.

Background documents referred to in this report:

Speech used by the Deputation – attached as Appendix 1

Executive Board report of 23 January 2008 – Putting People First, Vision and Commitment to the Transformation of Adult Social Care

Executive Board report of 8 October 2008 – Putting People First, Vision and Commitment to the Transformation of Adult Social Care