



**SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY CABINET  
BOARD**

**IMMEDIATELY FOLLOWING SOCIAL SERVICES, HOUSING AND  
COMMUNITY SAFETY SCRUTINY COMMITTEE**

**THURSDAY 26 JANUARY 2023**

**MULTI-LOCATION MEETING – COUNCIL CHAMBER PORT TALBOT  
AND MICROSOFT TEAMS**

**ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE  
DURATION OF THE MEETING**

**Webcasting/Hybrid Meetings:**

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**Part 1**

1. Appointment of Chairperson
2. Chairpersons Announcement/s
3. Declarations of Interest
4. Minutes of Previous Meeting (*Pages 5 - 8*)
5. Forward Work Programme 2022/23 (*Pages 9 - 10*)
6. Public Question Time  
Questions must be submitted in writing to Democratic Services,  
[democratic.services@npt.gov.uk](mailto:democratic.services@npt.gov.uk) no later than noon on the working

day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10 minute period.

### **For Information**

7. Audit Wales Report On Direct Payments For Adult Social Care  
(Pages 11 - 76)
8. Care Inspectorate Wales Inspection Of Trem Y Mor Respite Unit  
(Pages 77 - 90)
9. Social Services Complaints And Representations Annual Report  
2021-22 (Pages 91 - 108)
10. Urgent Items  
Any urgent items (whether public or exempt) at the discretion of the Chairperson pursuant to Statutory Instrument 2001 No. 2290 (as amended).

### **Part 2**

11. Access to Meetings - Exclusion of the Public (Pages 109 - 114)  
To resolve to exclude the public for the following items pursuant to Regulation 4 (3) and (5) of Statutory Instrument 2001 No. 2290 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972.

### **For Information**

12. Manager's Report On Hillside Secure Children's Home (Pages 115 - 128)

### **For Decision**

13. The Procurement Of a Social Care Case Management Platform  
(Pages 129 - 152)

**K.Jones**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Friday, 20 January 2023**

**Social Services, Housing and Community Safety Cabinet Board**  
**Members:**

Councillors. J.Hale, S.Harris and A.Llewelyn

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**EXECUTIVE DECISION RECORD**

**SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY CABINET BOARD**

**15 DECEMBER 2022**

**Cabinet Members:**

Councillors: J.Hale, S.Harris and A.Llewelyn

**Officers in Attendance:**

A.Jarrett, A.Thomas, K.Warren, C.Jones, S.Waite, N.Jones and A.Thomas

**Wales Audit Office:**

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1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.Llewellyn be appointed Chairperson of the meeting.

2. **CHAIRPERSONS ANNOUNCEMENT/S**

The Chair welcomed everyone to the meeting.

3. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

4. **MINUTES OF PREVIOUS MEETING**

The minutes of the 10<sup>th</sup> November 2022 were approved as an accurate record of the meeting.

5. **FORWARD WORK PROGRAMME 2022/23**

That the Social Services, Housing and Community Safety Forward Work Programme be noted.

6. **PUBLIC QUESTION TIME**

No questions from the public were received.

7. **CHILDREN & YOUNG PEOPLE AND ADULT SERVICES - 2ND QUARTER PERFORMANCE REPORT (APRIL 2022- SEPTEMBER 2022)**

**Decision:**

That the report be noted.

8. **QUARTERLY PERFORMANCE MANAGEMENT DATA 2022-2023 - QUARTER 2 PERFORMANCE (1ST APRIL 2022- 30TH SEPTEMBER 2022)**

**Decision:**

That the report be noted.

9. **DIRECTORS ANNUAL REPORT**

**Decision:**

That the report be noted.

10. **CORPORATE SAFEGUARDING POLICY**

**Decision:**

That the report be noted.

11. **LEASING SCHEME WALES**

**Decision:**

That Members approve the implementation of the Leasing Scheme Wales, based upon the proposed offer from Welsh Government to provide and manage up to 82 properties.

In addition, to grant delegated powers to the Head of Adult Services to approve any minor changes to the scheme in the future.

**Reason for Decision:**

The implementation of the LSW will increase the range of housing options available to assist in discharging statutory homelessness duties into the private sector.

The LSW model has been developed to create an additional intervention that will assist in tackling empty properties, poor housing conditions and associated adverse community impacts.

**Implementation of Decision:**

The decision is proposed for implementation after the three day call in period, which ends Monday, 19<sup>th</sup> December 2022.

**Consultation:**

There is no requirement for an external consultation on this item.

12. **GRANT ARRANGEMENTS FOR THE PROVISION OF WARM SPACES FUNDING**

**Decision:**

That the Head of Adult Services be provided delegated authority to award monies comprising the Welsh Government's Warm Hubs Fund and enter into grant agreements with organisations whose applications for Warm Hub Funding has been evaluated as best meeting the Warm Hub application requirements.

**Reason for Decision:**

To maximise the benefits of the Warm Hubs Fund to the residents of Neath Port Talbot by awarding Warm Hubs Funding in a timely way to the successful applicants.

**Implementation of Decision:**

The decision is proposed for immediate implementation.

13. **SUBSTANCE MISUSE COUNSELLING SERVICE**

**Decision:**

That the Director of Social Services, Health and Housing be granted delegated authority to enter into a new contract with Plattform for the delivery of a Substance Misuse Counselling Service within the Western Bay region for the time and cost set out in this report.

2. That in accordance with Contract Procedure Rule 7.2 as to excluding the requirement for competitive tendering and directly award a contract to Plattform for the delivery of a Counselling Service.

**Reason for Decision:**

To ensure the necessary arrangements can continue to be put in place for the provision of specialist, trauma informed, Counselling, for Individuals with substance use issues, in the Swansea Bay region and so as to ensure continuity of care.

**Implementation of Decision:**

The decision is proposed for implementation after the three day call in period, which ends Monday, 19<sup>th</sup> December 2022.

**Consultation:**

There is no requirement for an external consultation on this item.

14. **URGENT ITEMS**

There were none.

**CHAIRPERSON**



# Agenda Item 5

Meeting Date	Agenda Item and TYPE	Contact Officer
<b>9<sup>th</sup> March</b>		
	<b>West Glamorgan Safeguarding Annual Report</b>	<b>Andrew Jarrett</b>
	<b>Annual Letter (CIW Performance Review of Neath Port Talbot CBC Social Services) - FOR INFORMATION</b>	<b>Andrew Jarrett</b>
	<b>Hillside Secure Home Fees and Charges FOR DECISION</b>	<b>Keri Warren/ Geoff Powell/ Sian Coffey</b>
	<b>Quarter 3 Performance FOR MONITORING</b>	<b>Shaun Davies</b>
	<b>Adults Social Care Strategy 23/25</b>	<b>Andrew Potts</b>
	<b>Annual Support Grant Annual Update</b>	<b>Sam Williams</b>
	<b>Contractual agreements for services funded through the Housing Support Grant</b>	<b>Sam Williams</b>
	<b>Loneliness and Isolation Strategy Draft</b>	<b>Sarah Waite</b>
	<b>Area Planning Board Risk Sharing Agreement</b>	<b>Claire Jones</b>
	<b>Afghan refugee orientation support: Contract extension</b>	<b>Claire Jones</b>
	<b>Area Planning Board: substance use services: Extension to grant agreements</b>	<b>Claire Jones</b>

<b>Meeting Date</b>	<b>Agenda Item and TYPE</b>	<b>Contact Officer</b>
<b>20<sup>th</sup> April</b>		
	<b>Hillside Secure Home Quarterly Reports FOR MONITORING</b>	<b>Andrew Jarrett</b>
	<b>Healthy Relationships for Stronger Communities Strategy</b>	<b>Elinor Wellington</b>



## **NEATH PORT TALBOT COUNCIL NEATH PORT TALBOT SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY CABINET BOARD**

**26<sup>th</sup> January 2023**

### **Report of the Head of Adult Services Angela Thomas**

#### **Matter for Information**

**Wards Affected** All Wards

### **AUDIT WALES REPORT ON DIRECT PAYMENTS FOR ADULT SOCIAL CARE**

#### **Purpose of the Report**

To inform Members about the Audit Wales report on Direct Payments for Adult Social Care and the recommendations made within the report.

#### **Executive Summary**

To inform members of the content of the Audit Wales report on Direct Payments for Adult Social Care. To inform Members about the recommendations made within the report, the recommendations accepted and the actions taken against those recommendations.

#### **Background**

To report to members the recommendations made within the Audit Wales Report on Direct Payments for Adult Social Care, those recommendations accepted by Neath Port Talbot and the plans in place to meet those recommendations.

Direct Payments are offered, following an assessment, to people as an alternative to either in house services or commissioned care, allowing them to employ Personal Assistants (PAs) of their choice. Direct Payments enable people to meet their outcomes and exercise choice and control over the care they receive. The Council administers approximately £5,940,500 of direct payments to some 405 people who, in turn, employ over 500 Personal Assistants. Neath Port Talbot has a good record of providing Direct Payments and the data in the report (page 45) states that in 2018-19 only one other Local Authority provided more Direct Payments (as a % of social services provided by Local Authorities); Ceredigion 12.9%, NPT 12.8% and the next highest was Powys 8.6%. There is no later data than this available following

the Welsh Government's decision to suspend data collection in response to the pandemic in 2020.

The Audit Wales Report on Direct Payments for Adult Social Care states:

**To ensure people know about Direct Payments, how to access these services and are encouraged to take them up, Audit Wales recommend that local authorities:**

**Recommendation 1** Review public information in discussion with service users and carers to ensure it is clear, concise and fully explains what they need to know about Direct Payments.

NPT Direct Payments Support Service (DPSS) are currently reviewing all public information available in relation to direct payments and will do this co-productively with those who use direct payments. This will be raised as an agenda item at the first Direct Payment recipient forum meeting to be held in February/March 2023.

**Recommendation 2** Undertake additional promotional work to encourage take up of Direct Payments.

Direct Payments are one of the options available to people who have eligible outcomes following assessment under the Social Services and Wellbeing (Wales) Act 2014. If an individual has eligible outcomes following an assessment the option of Direct Payments is made available to them and advice given enabling people to make an informed decision about what is best for them.

**Recommendation 3** Ensure advocacy services are considered at the first point of contact to provide independent advice on Direct Payments to service users and carers.

Advocacy Service representatives to be invited to Direct Payment recipient forum meetings with a view to reviewing public information on Direct Payments. Individuals who receive an assessment are offered the support of an Advocate.

**To ensure Direct Payments are consistently offered Audit Wales recommend that local authorities:**

**Recommendation 4** Ensure information about Direct Payments is

available at the front door to social care and are included in the initial discussion on the available care options for service users and carers.

Social workers are aware of the opportunities Direct Payments can offer and include this option in early conversations with service users and their carers/families. We have a duty to offer Direct Payments as a form of care provision. It is the social workers role to ensure that people are provided with information to make an informed decision. DPSS provides advice and guidance to social workers to ensure they are up to date with information about Direct Payments which they can share with individuals.

**Recommendation 5** Provide training to social workers on Direct Payments to ensure they fully understand their potential and feel confident promoting it to service users and carers.

NPT DPSS already provides training for social workers and also offers weekly surgeries offering advice and guidance to social workers. DPSS are currently undertaking a Training Needs Analysis to determine the needs of the network teams and establish what works best for each team. This will inform the training plan on Direct Payments for 2023/2024.

**To ensure there is sufficient Personal Assistant capacity, Audit Wales recommend that local authorities through the All-Wales local authority Direct Payments Forum and with Social Care Wales:**

**Recommendation 6** Work together to develop a joint Recruitment and Retention Plan for Personal Assistants.

NPT DPSS is an active member of the All-Wales Local Authority Direct Payment forum and this recommendation is being taken forward by NPT and other members of the forum with Social Care Wales. We are also considering this from a regional point of view with Swansea Council Direct Payment Service colleagues. Notwithstanding this approach, the recruitment and retention of Personal Assistants is in line with the challenges being experienced within social care at present and needs to be approached within this context.

The following 4 recommendations have been accepted by the Welsh Government and Neath Port Talbot will work with the Welsh

Government following any changes to legislation, policy and guidance with the aim of meeting these recommendations.

**To ensure services are provided equitably and fairly Audit Wales recommend that local authorities and the Welsh Government:**

**Recommendation 7** Clarify policy expectations in plain accessible language and set out:

- what Direct Payments can pay for;
  - how application and assessment processes, timescales and review processes work;
  - how monitoring individual payments and the paperwork required to verify payments will work;
  - how unused monies are to be treated and whether they can be banked; and
  - how to administer and manage pooled budgets.
- 
- Public information should be reviewed regularly (at least every two years) to ensure they are working effectively and remain relevant.

**Accept** – *The Welsh Government accepts this recommendation and will work with local authorities to improve clarity and understanding.*

*Through the Part 4 Code of Practice (Meeting Needs), we have set out a clear statutory framework of rights and responsibilities to enable people to receive and manage their direct payments.*

*Direct payments can be provided to meet any assessed, eligible need for care and support a local authority is required to meet. Direct payments must be made available in all cases where they enable personal outcomes to be achieved.*

*It is important to emphasise that a local authority must be satisfied that the person's requirements and their personal outcomes can and will be met through this provision. That is because as with any other arrangements to meet assessed, eligible needs the local authority are still required to meet with people to formally review people are achieving the outcomes they have identified as personal to them.*

*Through the Code of Practice, we provided clear protections specifying that local authorities must ensure the value of a direct payment made is equivalent to its estimate of the reasonable cost of securing the care and support required. The value must be sufficient to enable the people to secure the care and support required to a standard the local authority considers reasonable.*

*The Code reinforces that a person's needs can fluctuate and that arrangements for payment and repayment, where relevant, reflect those needs and the importance of ensuring all parties have a clear understanding of how this will be managed.*

*Direct payments specifically support people to establish arrangements that are bespoke to them. Direct payments by their very nature promote and enable variation in how outcomes can be achieved and the resources required to achieve those outcomes. Direct payments empower person-centred and person-directed care and support which recognises that different people have different needs and require different levels of care and support as do those receiving care and support commissioned or managed by their local authority*

Neath Port Talbot Direct Payments policy covers the points made in recommendation 7 of the Audit Wales report and will be reviewed in line with any changes made to Welsh Government policy and guidance.

**Audit Wales recommend that the Welsh Government:**

**Recommendation 8** Ensure that people who receive both NHS continuing healthcare and Direct Payments have greater voice, choice and control in decision-making.

**Accept** – *The Welsh Government accepts this recommendation. We have committed through our Programme for Government to improve the interface between Continuing NHS Healthcare (CHC) and direct payments.*

*We continue to work with stakeholders, including disabled people and people with lived experience, to co-produce additional guidance to support voice and control for people receiving CHC.*

*To support and enable improved experiences and outcomes, we have published the revised Continuing NHS Healthcare (CHC) Framework 20212 together with a revised Decision Support Tool (DST) 20213,*

*which supports CHC assessment. These became operational from 1 April 2022 and include interim measures to improve the interface between CHC and direct payments through the use of Independent User Trusts (IUTs) and adopting existing personnel previously employed via direct payments are examples of interim options, other options may well also be considered*

*Alongside this we have committed to develop additional guidance to support such interim measures, to publish a public information booklet and to work with stakeholders to review the performance framework for CHC. For the longer-term, we are exploring potential legislative options with stakeholders that could enable direct payments under CHC.*

NPT have recently (November 2022) submitted a response to the Welsh Government consultation in relation to Introducing direct payments for Continuing NHS healthcare. NPT will work alongside partner agencies (Swansea Council and Swansea Bay University Health Board) to introduce any changes made in the future by Welsh Government.

**To effectively manage performance and be able to judge the impact and value for money of Direct Payments, Audit Wales recommend that local authorities and the Welsh Government:**

**Recommendation 9** Work together to establish a system to fully evaluate Direct Payments that captures all elements of the process – information, promotion, assessing, managing and evaluating impact on wellbeing and independence.

**Recommendation 10** Annually publish performance information for all elements of Direct Payments to enable a whole system view of delivery and impact to support improvement

**Accept.** The Welsh Government accepts this Recommendation.

*The use and impact of direct payments form part of the formal impact evaluation we have commissioned of the Social Services and Well-being (Wales) Act 2014.*

*The findings from the “Expectations and Experiences, Service User and Carer Perspectives on the Social Services and Well-being (Wales) Act 2014” report published in March 2022 stated that:-*



*“there were a range of contrasting, and somewhat contradictory views expressed, providing little consensus on the role and impact of Direct Payments”.*

*The final report from the Evaluation is due in the Autumn of 2022 and will include further evaluation and recommendations in relation to direct payments.*

Neath Port Talbot DPSS will consider and implement recommendations made when the outcome of the evaluation referred to above is available.

### **Financial Impacts**

No implications.

### **Integrated Impact Assessment**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

### **Valleys Communities Impacts**

No implications.

### **Workforce Impacts**

No implications.

### **Legal Impacts**

No implications.

### **Risk Management Impacts**

No implications.

### **Crime and Disorder Impacts**

No impact.

### **Counter Terrorism Impacts**

No impact.

### **Violence Against Women, Domestic Abuse and Sexual Violence Impacts**

No impact.

### **Consultation**

There is no requirement for external consultation on this item.

## Recommendations

That the report be noted.

The recommendations listed above in this report have been made by Audit Wales and decisions are not required from Neath Port Talbot Social Care Health and Well-Being Cabinet Board.

## Appendices

1. Audit Wales Direct Payments for Adult Social Care.
2. Welsh Government Response to the report of the Auditor General for Wales 'Direct Payments for Adult Social Care

## List of Background Papers

Neath Port Talbot Direct Payments Policy.



Direct Payments  
Policy - Final Novemb

## Officer Contact

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Sue Bradshaw Principal Officer Direct Services  
[s.bradshaw@npt.gov.uk](mailto:s.bradshaw@npt.gov.uk)

## Appendix 1.



National Report  
Direct Payments April

## Appendix 2

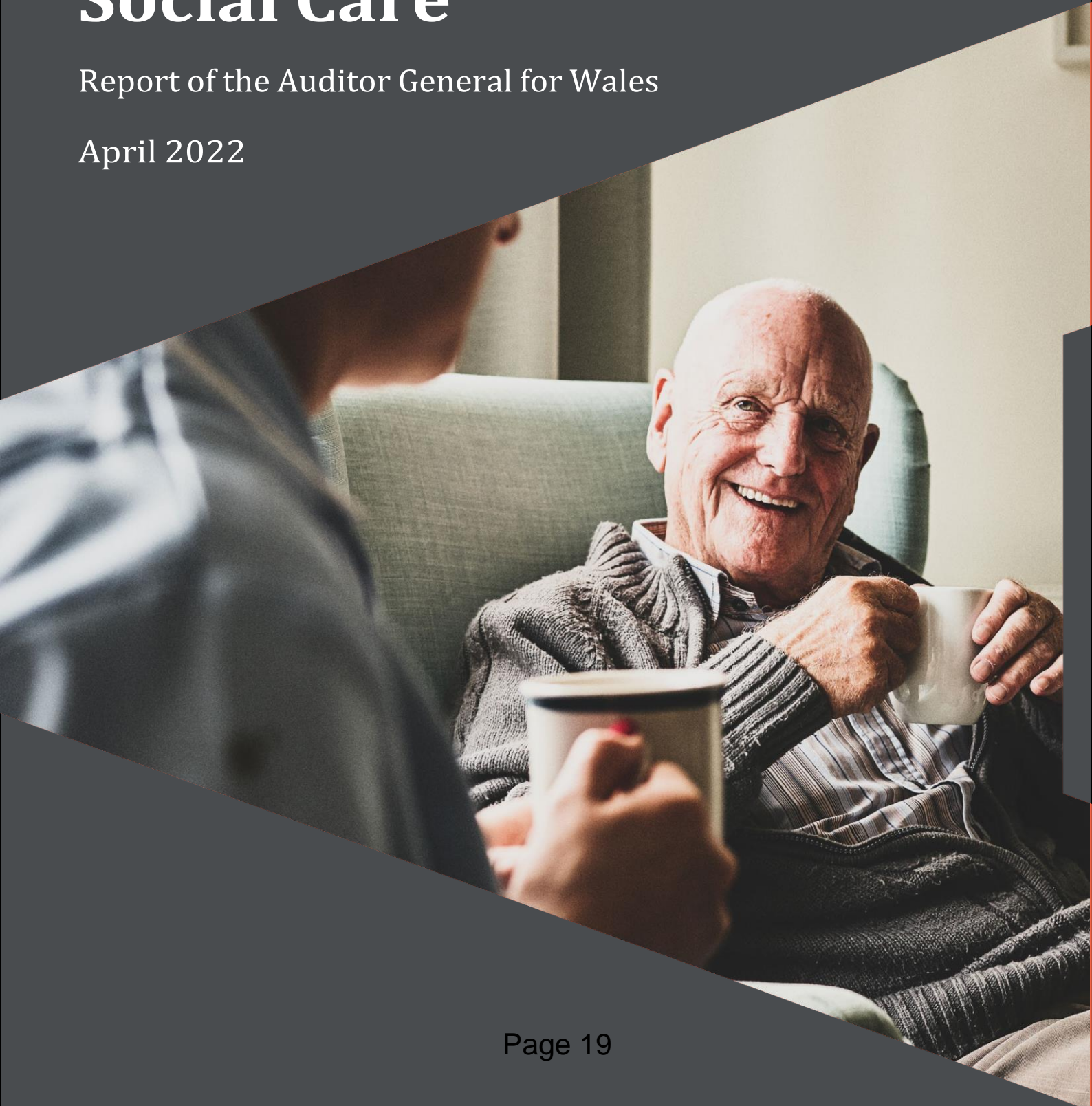


2022-04-27 JP to  
AGW Welsh Governm

# Direct Payments for Adult Social Care

Report of the Auditor General for Wales

April 2022



This report has been prepared for presentation to the Senedd under the Public Audit (Wales) Act 2004.

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Mae'r ddogfen hon hefyd ar gael yn Gymraeg.

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## Detailed report

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# Summary report

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## Background

### **The Social Services and Well-Being (Wales) Act 2014**

- 1 The Senedd passed the Social Services and Well-being (Wales) Act in 2014 and it came into force in April 2016. The Act seeks to shift away from the traditional ways of providing social care, which were considered unsustainable, to approaches focused on:
  - a placing the wellbeing of people at the heart of services;
  - b giving people a strong voice and real control over the decisions that affect them;
  - c encouraging new models of service by mobilising community resources and promoting social enterprises and co-operatives;
  - d prioritising preventative services to avoid or delay the need for care;
  - e making systems easier and more accessible by reducing complexity and streamlining assessment and care planning arrangements;
  - f integrated working across professional and organisational boundaries to make the best use of resources and deliver the best outcomes; and
  - g strengthening safeguarding arrangements.

### **Direct Payments can improve people's choice, control and independence**

- 2 Direct Payments can help meet an individual's eligible need for care and support, or a carer's need for support. They are an alternative to local authority-arranged care or support. The aim of Direct Payments is to give people more choice, greater flexibility and more control over the support they get. Direct Payments can be provided to people of all ages if they have been assessed as needing social care services to support them with daily living, consent to receiving a Direct Payment and they (or their representative) can manage the payment.

- 3 Many people use their Direct Payments to fund a Personal Assistant to help them with various tasks. In these instances, Direct Payment recipients become employers and must meet the associated legal obligations. Some choose to use a care agency instead. Local authorities are required to provide support and assistance to people to manage their Direct Payment and employment responsibilities. This is often done through a local-authority-commissioned support service.
- 4 Direct Payments can be used to purchase a wide variety of services or equipment if these contribute to meeting an individual's agreed wellbeing outcomes. Payments can be made for day-to-day things such as dressing, cooking, driving and support to facilitate discharge from hospital. They can also be used for social activities – visiting friends, evening classes and gardening – as well as for assistance to access training and employment. The main benefit of Direct Payments is their adaptability. Service users can use them to organise their care in a whole range of new and more effective ways and local authorities are encouraged to explore innovative and creative options for meeting people's needs.
- 5 This report looks at how local authorities provide Direct Payment services to adults, examining their impact and value for money. **Appendix 1** provides more detail about our audit approach and methods. **Exhibit 1** sets out our characteristics of a good approach to Direct Payments.



**Exhibit 1: the characteristics of a local authority that effectively encourages, manages and supports people to use Direct Payments**



Have simple and concise public information that is made available in a wide range of mediums and has been tested to ensure it is effective and tells people what they need to know

Offers and encourages people to use independent advocacy to help people make informed choices



**Local authorities who are good at promoting Direct Payments**

Uses the 'What Matters' conversation in the assessment process to explain Direct Payments

Direct Payments are promoted as an option at least equally with other choices

Help people to access and use Personal Assistants

'Demystify' what Direct Payments are and provide sufficient support to assure people on employment requirements, liabilities and fallback processes. Bureaucracy is kept to a minimum

Clearly set out what Direct Payments can be used for giving examples of the type of support that is available and, wherever possible, encourage innovation

Have regular and ongoing contact and provide support and information to adults using Direct Payments to clarify responsibilities and ensure people remain safe

Work to shape the 'market' and by improving access to Personal Assistants, encouraging more providers, managing costs and encouraging the pooling of budgets

**Local authorities who are managing Direct Payments effectively**

Jointly agree with NHS bodies on how best to address the needs of clients who use Direct Payments and Continuing Healthcare so they are not disadvantaged





**Local authorities who are delivering positive outcomes for people using Direct Payments**

Source: Audit Wales

Evidencing that people's wellbeing is maintained or improving as a result of Direct Payments

Have a comprehensive system for monitoring and evaluating all aspects of Direct Payments

Involve and value input from all stakeholders/partners in evaluating the impact of services

Compare and benchmark individual and collective performance with others and use the findings of evaluation to shape current plans and future approaches

Know what works and whether the approach of the authority is delivering the aspirations of the Act

## Key messages

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- 6 **Our overall conclusion is that Direct Payments support people's independence and are highly valued by service users and carers, but inconsistencies in the way they are promoted and managed by local authorities mean services are not always equitable and it is difficult to assess overall value for money.**
- 7 People are not consistently encouraged to take up Direct Payments. A responsive person-centred approach is essential in helping people take up Direct Payments, but current engagement and involvement by local authorities is inconsistent. While the value of Direct Payments is recognised by senior managers, social care staff do not always display confidence in promoting their use with service users and carers. Direct Payments are valued by service users and carers, but this is not always translating into broadening their use.
- 8 Managing and supporting people to use Direct Payments varies widely and service users and carers are receiving different standards of service. Personal Assistants are essential to people making the most of Direct Payments, but service users often struggle to recruit them. People have mixed views on the support they receive from their local authority after they have taken up Direct Payments. The interface between use of NHS continuing healthcare

and social care on access to Direct Payments also remains a problem.

- 9 Despite some significant challenges, local authorities ensured service users and carers were mostly supported during the pandemic, but a significant number of service users and carers we surveyed experienced difficulties. While the numbers using Direct Payments slightly grew before the pandemic, local authorities continue to use them differently across Wales. There is a need to address this 'post-code lottery' to ensure people are being treated fairly and equally.
- 10 Direct Payments are seen by recipients and care providers alike as making an important contribution to people's wellbeing and independence. However, it is difficult to assess the overall value for money of Direct Payments in their own right, or in comparison with other forms of social care, because systems for managing and evaluating performance are inadequate.



Direct Payments can make an important contribution to meeting an individual's care and support needs and they are highly valued by service users and carers. The Welsh Government and local authorities need to work together to address weakness in the management and evaluation of performance, which currently means it is not possible to judge how well local authorities are performing and whether Direct Payments represent value for money compared with other forms of social care. There is also a need to address the 'post-code lottery' where local authorities are using them differently across Wales, to ensure people are treated fairly and equally.



**Adrian Crompton**

Auditor General for Wales

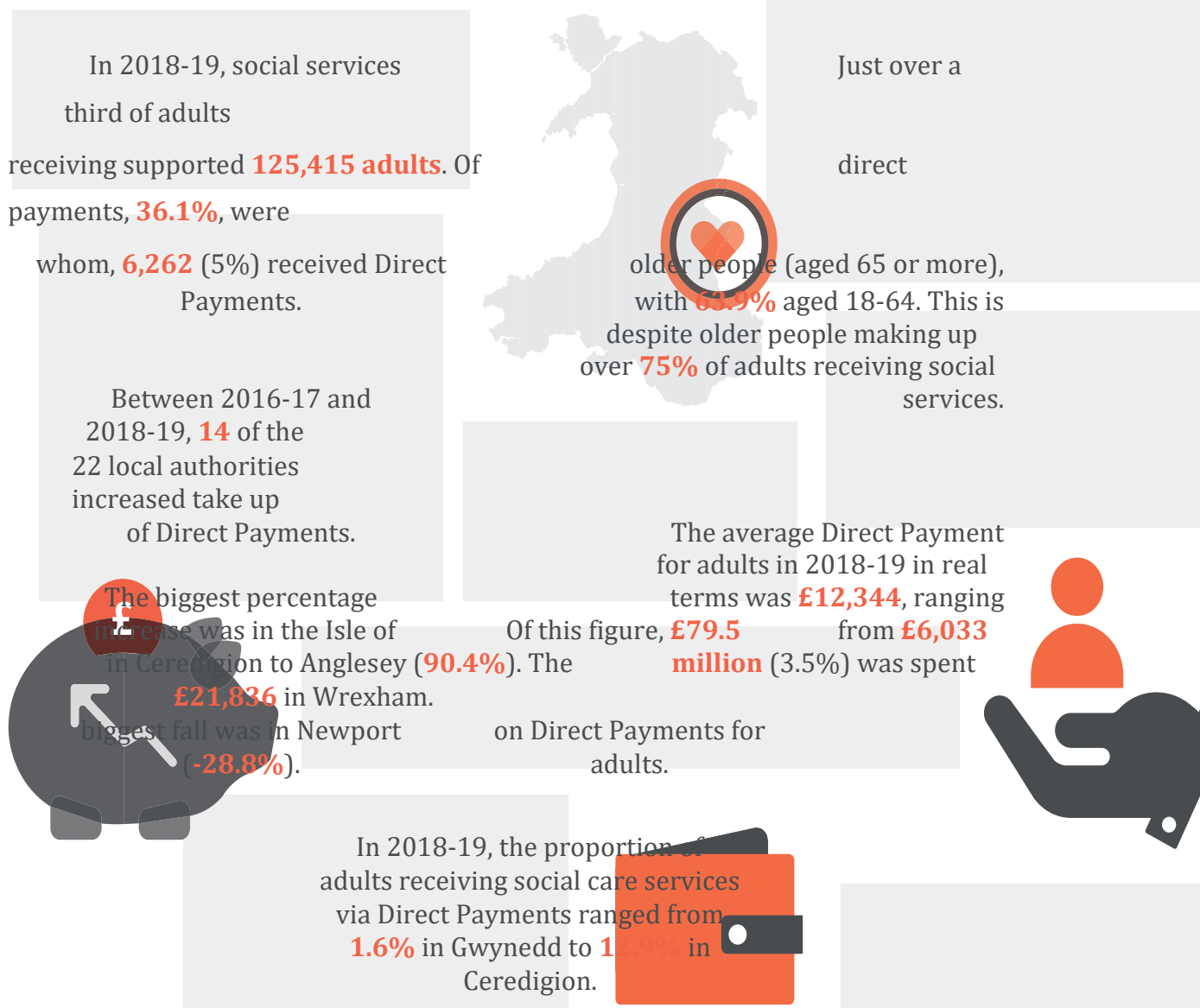
# **Key facts**

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# Key facts



The infographic below summarises key facts from our report about Direct Payments. Following the Welsh Government's decision to suspend data collection in response to the pandemic in 2020, no data on services other than expenditure has been reported nationally since 2018-19.



spending  
on Direct  
Payments  
rose

by 117% in real terms from **£36.6 million** in 2010-11 to **£79.5 million** in 2020-21  
spent **£2.29** billion on all social services. In 2020-21, social service  
authorities

- 12 Figures relating to the numbers of people receiving social services support and Direct Payments for 2018-19, including the average value of Direct Payments, do not include Caerphilly due to technical issues with their ICT systems.

Source: Audit Wales analysis of StatsWales data

# Recommendations

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- 13 Our recommendations are set out below. We expect each local authority to consider the findings of this review and our recommendations, and that its governance and audit committee receives this report and monitors its response to our recommendations in a timely way.

## Exhibit 2: recommendations

### Recommendations

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In **Part 1** we set out the how local authorities promote and raise awareness of Direct Payments (**paragraphs 1.2 to 1.7**). To ensure people know about Direct Payments, how to access these services and are encouraged to take them up, we recommend that local authorities:

- R1** Review public information in discussion with service users and carers to ensure it is clear, concise and fully explains what they need to know about Direct Payments.
- R2** Undertake additional promotional work to encourage take up of Direct Payments.
- R3** Ensure advocacy services are considered at the first point of contact to provide independent advice on Direct Payments to service users and carers.

In **Part 1** we set out the importance of the 'What Matters' conversation and the importance of social workers in helping people make informed choices on Direct Payments (**paragraphs 1.8 to 1.13**). To ensure Direct Payments are consistently offered we recommend that local authorities:

- R4** Ensure information about Direct Payments is available at the front door to social care and are included in the initial discussion on the available care options for service users and carers.
- R5** Provide training to social workers on Direct Payments to ensure they fully understand their potential and feel confident promoting it to service users and carers.

## Recommendations

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In **Part 2** we highlight the central role of Personal Assistants in helping service users and carers to get the best positive outcomes from their use of Direct Payments (**paragraphs 2.2 to 2.7**). To ensure there is sufficient Personal Assistant capacity, we recommend that local authorities through the All-Wales local authority Direct Payments Forum and with Social Care Wales:

**R6** Work together to develop a joint Recruitment and Retention Plan for Personal Assistants.

In **Part 2** we highlight that while local authorities recognise the value of Direct Payments in supporting independence and improving wellbeing, the differences in approach, standards and the amount paid out means that people with similar needs receive different levels of service (**paragraphs 2.9 to 2.18 and 2.23 to 2.27**). To ensure services are provided equitably and fairly we recommend that local authorities and the Welsh Government:

**R7** Clarify policy expectations in plain accessible language and set out:

- what Direct Payments can pay for;
- how application and assessment processes, timescales and review processes work;
- how monitoring individual payments and the paperwork required to verify payments will work;
- how unused monies are to be treated and whether they can be banked; and
- how to administer and manage pooled budgets.

Public information should be reviewed regularly (at least every two years) to ensure they are working effectively and remain relevant.

## Recommendations

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In **Part 2** we highlight difficulties in the interface between NHS continuing healthcare and Direct Payments and note that current practices do not support service users and carers to exercise voice, choice and control (**paragraphs 2.28 to 2.31**). We recommend that the Welsh Government:

**R8** Ensure that people who receive both NHS continuing healthcare and Direct Payments have greater voice, choice and control in decision making.

In **Part 3** we note that having the right performance indicators and regularly reporting performance against these are important for local authorities to manage operational performance, identify areas of improvement and evaluate the positive impact of services (**paragraphs 3.8 to 3.10**). To effectively manage performance and be able to judge the impact and value for money of Direct Payments, we recommend that local authorities and the Welsh Government:

**R9** Work together to establish a system to fully evaluate Direct Payments that captures all elements of the process – information, promotion, assessing, managing and evaluating impact on wellbeing and independence.

**R10** Annually publish performance information for all elements of Direct Payments to enable a whole system view of delivery and impact to support improvement.









**People are not  
consistently  
supported to take  
up Direct Payments**

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**01**

1.1 In this part of the report, we consider how local authorities encourage people to use Direct Payments. We review local authorities' public information, how they promote take up of Direct Payments and the importance of the 'What Matters' conversation.

### Local authorities who are good at promoting Direct Payments

	Have simple and concise public information that is made available in wide range of mediums and has been tested to ensure it is effective and tells people what they need to know
	Offers and encourages people to use independent advocacy to help people make informed choices
	Uses the 'What Matters' conversation in the assessment process to explain Direct Payments
	Direct Payments are promoted as an option at least equally with other choices

## A responsive person-centred approach is essential in helping people choose Direct Payments, but current engagement and involvement by local authorities are inconsistent

### Good quality and accessible information, support people to take greater control of their care and support and make well-informed choices

- 1.2 Information and advice help to promote people’s wellbeing and are vital components of preventing or delaying people’s need for care and support. Our focus group and survey work with the All-Wales Direct Payments Forum<sup>1</sup> found that all local authorities undertake some form of activity to promote public awareness and understanding of Direct Payments, but the options used vary. Local authorities focus on mediums such as their website, providing bilingual leaflets and promotional activity with established service user, carer groups and partnership forums. Less priority is given to using social media (for example, Facebook or Twitter) and proactive campaigns using press articles, adverts and local authority newsletters. Overall, only 3% of recipients responding to our survey<sup>2</sup> first found out about Direct Payments through published information (for example, online or a leaflet).
- 1.3 Overwhelmingly, service users report relying on a conversation with a local authority officer to find out about Direct Payments. Almost all (96%) of service users who responded to our survey said that they first found out about Direct Payments following a discussion with a local authority officer – most frequently a social work professional. Around half of carers we surveyed said that they first found out about Direct Payments following a discussion with a local authority officer. Carers are more likely than service users to find out about Direct Payments in discussion with other bodies (ie not their local authority), a care and support agency, NHS or third sector body for instance. These findings highlight that local authorities need to do more to ensure carers are better supported to fully access and use services, an issue flagged in recent research by [Carers Wales](#)<sup>3</sup>.
- 1.4 Direct Payments Forum members acknowledge that local authorities need to do more promotional work with some partners, in particular health and

<sup>1</sup> The All-Wales Direct Payments Forum is made up of officers from all Welsh local authorities with responsibility for Direct Payments within their respective organisations.

<sup>2</sup> Our survey covers both service users and carers who receive Direct Payments. We report information at three levels. Where we say Direct Payment recipients, we mean both carers and service users; and where we specifically reference either ‘service users’ or ‘carers’ the findings of the survey are specific to these distinct groups of people who receive Direct Payments. In **Appendix 1** we set out our survey methodology in more detail.

<sup>3</sup> Carers Wales is part of Carers UK and campaigns on behalf of carers. They recently reported that 40% of carers in Wales say they are unaware of services and sources of support for carers in their local community – [State of Caring 2021: Wales Briefing, Carers Wales, December 2021](#).

independent providers, to ensure Direct Payments are adequately promoted in all routes into social care. Roughly a quarter of local authority officers with responsibility for Direct Payments believe they have sufficient capacity to effectively promote Direct Payments and are investing resources to encourage take up. Less than a quarter of local authority officers consider themselves good at promoting awareness and encouraging take up of Direct Payments among hard-to-reach groups such as minority ethnic groups, Gypsies, Roma and Travellers and LGBTQ people.

- 1.5 The best local authorities are innovatively and actively promoting Direct Payments. For example, Isle of Anglesey Council uses a wide range of promotional materials to improve awareness for service users but also local authority staff and care providers. This includes YouTube videos of recipients talking about the positive experience and benefits of Direct Payments and roadshows to promote the benefits of Direct Payments. By proactively encouraging people to choose Direct Payments, the local authority saw the numbers in receipt of Direct Payments rise by 90.4% between 2016-17 and 2018-19.
- 1.6 Regarding the quality of the information and advice provided, three quarters of Direct Payments service users told us this was good but only half of carers in receipt of Direct Payments agreed this was the case. Only half of local authorities have tested or sought feedback on the quality of Direct Payments public information to ensure it is easy to understand, and only around a third of those have involved service users and carers in testing the quality of the information. Several service users who responded to our survey noted that they did not always find the public information they had been provided helpful and too often it reads as if it is written for the 'professional' not the 'client'. Notwithstanding, the overwhelming majority of people (98%) were able to access information about Direct Payments in their preferred language, and 4% chose to use Welsh.
- 1.7 Paragraph 37 of the Social Services and Well-being (Wales) Act 2014 Part 10 Code of Practice (Advocacy) notes that 'Advocacy services are fundamental to supporting people to engage actively and participate in development of their own well-being outcomes.' Paragraph 41 of the Code of Practice also says that independent professional advocacy must be made available from 'the moment of first contact'. We found that just over half of All-Wales Direct Payments Forum members believe that their local authority has adequate advocacy services in place to provide independent advice to service users and carers at this time.

## The 'What Matters' conversation

- 1.8 Unlike many community-based, preventative services<sup>4</sup> that people are often signposted to when seeking social care help, service users must be assessed as having 'eligible'<sup>5</sup> needs to receive Direct Payments. When a local authority considers if someone has eligible needs, it looks at what causes that need for care and support; whether their needs affect their ability to do certain things; whether someone has a carer or access to community support that can meet their needs; and whether they are able to achieve a personal outcome without help from the local authority.
- 1.9 Local authorities are required to assess and determine whether someone is eligible for social care following an established process of which the 'What Matters' conversation is a critical element. **Appendix 2** sets this process out in more detail.

### The 'What Matters' conversation

A 'What Matters' conversation is a targeted discussion to establish a person's situation, their current wellbeing, what can be done to support them and what can be done to promote their wellbeing and resilience for the better. It is not an assessment in itself: it is a way of carrying out the assessment by having the right type of conversation to identify with the individual:

- how they want to live their life;
- what might be preventing that; and
- what support might be required to overcome those barriers.

Knowing what matters can play a huge part in helping to make someone's life enjoyable and worthwhile.



<sup>4</sup> There is no agreed definition of what constitutes a preventative service. They can range from relatively formal intermediate care services provided by health and social-care professionals to interventions that could include befriending schemes, the fitting of a handrail or help with shopping, to non-health or social-care services.

<sup>5</sup> The Welsh Government is working with ADSS Cymru to produce a [national assessment and eligibility tool](#).

- 1.10 Importantly, those seeking help and those assessing what is needed must work as equal partners in identifying issues and solutions in their 'What Matters' discussion. Ultimately, it requires social work professionals to let go of some control when assessing what is best for people. Direct Payments takes this ethos a step further – not only do individuals have an equal voice in shaping their care and support outcomes during the assessment, but they can also go on to take full control over their own care and support. The extent to which professionals feel able to let go shapes people's experience of their assessment, and in many cases the likelihood of them being offered and encouraged to use Direct Payments.
- 1.11 Overall, recipients of Direct Payments that we surveyed are positive about local authority assessment processes; the time spent by local authority staff clarifying employer responsibilities; and the 'What Matters' conversation. For instance:
- a 83% felt that what was agreed during the assessment was right for them;
  - b of the 83% that felt their assessment was right for them, the vast majority (88%) agreed that the subsequent care and support plan accurately set out what was agreed during their assessment;
  - c 76% felt encouraged to tell their local authority about the things that mattered to them, and felt listened to during their needs assessment;
  - d 75% discussed their ability to manage Direct Payments before taking them up; and
  - e 74% felt that they had a clear understanding of their legal obligation as an employer when taking up a Direct Payment.
- 1.12 Despite this, many local authority officers we spoke to acknowledge that they do not always have the capacity to work co-productively and identify creative solutions using Direct Payments. People are often in crisis when they contact social services and in practical terms, delivering early intervention, prevention and co-produced approaches requires time. Effective early intervention works to prevent problems occurring, or to tackle them head on when they do, and before problems get worse. It is important therefore for local authorities to consider the potential impact and value of Direct Payments as early as possible in the information, advice and assistance process to enable meaningful co-production and ensure all possible solutions that can help improve someone's wellbeing are considered.
- 1.13 We conclude that there is more for local authorities to do to promote awareness and understanding of Direct Payments amongst service users. Addressing this requires local authorities to promote opportunities for early intervention by raising awareness of the front door to adult social

care, and ensuring adequate consideration of the potential for Direct Payments at the Information, Advice and Assistance (IAA services) stage. Local authorities are yet to strike this balance, something that echoes our recent review of IAA services<sup>6</sup>.

**While the value of Direct Payments is recognised by senior managers, social care staff do not always display confidence in promoting their use with service users and carers**

- 1.14 Strong leadership on Direct Payments is key to making progress and it is important that senior managers set the tone from the top. Through our engagement with local authority staff and representative bodies we found this to be key to creating the right conditions and culture for social workers to feel empowered to promote and encourage take up of Direct Payments.
- 1.15 We found that roughly three-quarters of Direct Payment managers with responsibility for Direct Payments believe their authority has an open and encouraging culture that promotes making best use of Direct Payments. In addition, a similar number believe that their local authority Corporate Management Team members understand the benefits of Direct Payments, and two-thirds that senior leaders actively encourage increasing take up. However, only a quarter of Direct Payment managers believe that councillors understand the benefits of Direct Payments. Half did not know.
- 1.16 Most local authorities have information and workflow management systems in place (for example the Welsh Community Care Information System<sup>7</sup>) which include prompts for social workers to offer Direct Payments as part of what matters assessments, or to confirm that they have offered this. However, officers we interviewed highlight the limitations in the assurance that this data provides because the likelihood of service users opting to use Direct Payments is mostly dependent on the tone, sincerity and genuineness of the offer and discussion with their social worker. To do this, social workers need to feel both confident in being able to promote the benefits of Direct Payments and empowered to make this offer. To make this work requires effective leadership and a whole-system approach.
- 1.17 The overwhelming majority of All-Wales Direct Payments Forum members told us that they continue to promote and provide training and information to social workers, care managers and frontline staff to support take up and roll out. Most also believed that social workers understand what Direct

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<sup>6</sup> Auditor General for Wales, [The front door to adult social care](#), September 2019.

<sup>7</sup> We reported on the rollout of the [Welsh Community Care Information System](#) in October 2020, including commentary on the performance of the system.

Payments can be used for, although officers we interviewed nevertheless identified some concerns.

- 1.18 Only half of Direct Payments Forum members think that their local authority encourages people to take up Direct Payments. Direct Payment managers expressed concerns that, from their experience, too often social workers lack confidence in discussing Direct Payments as an option, partly because of their inherent flexibility and potentially wider use compared to other forms of social care. They also noted that, increasingly, Direct Payments are seen as potentially placing other traditional care services at risk if their take up increases and demand for other services falls off. Just over half of Direct Payment managers believe that their local authority treats Direct Payments as favourably as other social care services and options when developing care plans.





**Managing and supporting people to use Direct Payments varies widely with service users and carers receiving different standards of service**

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2.1 In this section of the report, we look at opportunities to streamline the management and administration of Direct Payments. We look at the change in take up of Direct Payments in Wales and comparison with England. We consider how local authorities support people to make the best use of Direct Payments.

### Local authorities who are managing Direct Payments effectively

- 

Help people to access and use Personal Assistants
- 

'Demystify' what Direct Payments are and provide sufficient support to assure people on employment requirements, liabilities and fallback processes. Bureaucracy is kept to a minimum
- 

Clearly set out what Direct Payments can be used for giving examples of the type of support that is available and, wherever possible, encourage innovation
- 

Have regular and ongoing contact and provide support and information to adults using Direct Payments to clarify responsibilities and ensure people remain safe
- 

Work to shape the 'market' and by improving access to Personal Assistants, encouraging more providers, managing costs and encouraging the pooling of budgets
- 

Jointly agree with NHS bodies on how best to address the needs of clients who use Direct Payments and Continuing Healthcare so they are not disadvantaged

## Personal Assistants are essential to people making the most of Direct Payments, but service users struggle to recruit them

2.2 While some people will need additional support to manage Direct Payments, this should not be a barrier to encouraging people to use them. Local authorities must maintain a support service and make it available to those who need it – for example, help with employment responsibilities, payroll and reporting processes. Often this support is provided via a Personal Assistant.

### Personal Assistants

Personal Assistants work directly with one or more individuals to help them with various aspects of their daily life and to help them live as independently as possible.

They are employed directly by an individual who is managing and paying for their own care through a Direct Payment or personal budget.

Personal Assistants usually support individuals in their own home.

People can be employed directly by one employer or work for a number of different people.

The role can include:

- organising and supporting individuals with their social and physical activities;
- booking and going with individuals to appointments;
- helping individuals to get to work, college or university;
- helping with personal care such as showering and dressing (although not all Personal Assistant roles involve personal care);
- supporting with tasks around the house such as shopping, cleaning and cooking;
- monitoring their health, for example, measuring body temperatures or administering medication; and/or
- managing a team of Personal Assistants if you are in a senior Personal Assistant role.



- 2.3 Employing a Personal Assistant cannot be entered into lightly and people pursuing this option need to be fully aware of their responsibilities. For instance, an employer must provide staff they employ with written information, including start date, hours of work, remuneration (which must meet the National Minimum Wage), place of work and a job title, or brief description of the job. Employers also need to set out whether employment is fixed term or permanent, the employee's statutory entitlement to sick pay, annual leave, pension scheme provision and notice requirements. Although local authorities expect people to take out employer's liability insurance and often provide advice about this, it is down to the individual to ensure they have fully considered the contractual arrangements with the care staff they employ.
- 2.4 People we surveyed noted differences between local authorities regarding their eligibility criteria for Direct Payments, the number of hours of personal assistance that individuals are assessed as needing, and the hourly rates paid. Our research shows that there is variation between hourly rates of pay for Personal Assistants across local authorities, with rates ranging from £8.72 to £12.94 per hour being reported in early 2021 – see **Appendix 4** for more detail.
- 2.5 The importance of Personal Assistants in supporting people to make the best use of Direct Payments cannot be overestimated. One person responding to our survey stated that: 'Direct Payments have given me the opportunity to employ my personal assistant who has been with me for 10 years now. This continuity with my personal assistant has empowered me, improved my self-confidence and given me the freedom to make my own decisions and choice with my personal assistant's support.' While another noted that: 'I think the whole system works around Direct Payments, you get to pick the personal assistants yourself rather than getting strangers thrust upon you.' Comments such as these highlight the value placed on Personal Assistants and the important role they play.
- 2.6 Notwithstanding, several people responding to our survey noted difficulties in both attracting and retaining Personal Assistants. For instance, one respondent stated that: 'there have been periods when we have been unable to find a suitable personal assistant, so I have been unable to use the Direct Payments. At one point this lasted over a year.' Another noted a 'major problem is being able to recruit Personal Assistants' and another 'issues with a Personal Assistant meant I've had to readvertise the job so as a result I haven't yet used my Direct Payment'.
- 2.7 Direct Payment managers we spoke to also highlighted the ongoing challenge of attracting and retaining Personal Assistants. Ongoing workforce pressures have meant that adult social care employers and providers have needed to adopt a range of strategies to help retain and support their workforce and these approaches need to be extended to Personal Assistants. The Care Provider Alliance, Association of Directors of Adult Social Services and Local Government Association in England have brought together approaches to help local authorities and organisations to reduce staff

turnover and help retain people in the care and health workforce, which are of use for local authorities to consider in encouraging more Personal Assistants<sup>8</sup>.

## **People have mixed views on the support they receive from their local authority after they have taken up Direct Payments**

2.8 Direct Payments must be embraced as a core component of delivering support – not as an exceptional option – so that the positive impact can be realised. There will be initial costs associated with setting up or commissioning an effective Direct Payment Support Service and training staff in Direct Payment processes. But once fully operational, Direct Payments should at least be cost neutral and should realise savings from, for instance, reduced administration, review and management of providers. It is important for local authorities to therefore focus on setting up the right support service to both encourage take up and to realise the potential for cost savings. Ultimately, the Direct Payment must be enough to cover the reasonable cost of buying services that the local authority has a duty to provide.

### **Some people find the administration of Direct Payments challenging**

2.9 It is important that local authorities provide adequate support and have regular contact with service users and carers. Local authorities should be proactive in organising these discussions to make sure the care and support plan remains right, is legal, affordable and effective in meeting wellbeing outcomes.

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<sup>8</sup> <https://www.local.gov.uk/top-tips-retention-briefing-adult-social-care-providers>

- 2.10 Overall, 78% of people we surveyed said they receive good quality support to help them manage their Direct Payment. However, while 55% say that they can cope with the administration side of Direct Payments, finding the level of paperwork reasonable and manageable, 13% feel it is overwhelming. The other third of respondents stated that they are not required to keep any paperwork (23%) or their local authority rarely asks for paperwork (10%). Carers are generally more dissatisfied than service users with the quality of the Direct Payments services their local authority provides to help meet their needs. Our focus group work with AllWales Direct Payments Forum members found that just over half of local authorities have sought to streamline their systems for administering Direct Payments to reduce the burden on clients, Personal Assistants and care providers.
- 2.11 Just over a third of care and support providers we surveyed felt that from their experience local authorities did not provide good support to help people manage their Direct Payments. There is also some concern from providers that people who may struggle to manage a Direct Payment are being directed to select this option simply because of pressures on domiciliary care services and reductions in the availability of other care services. Only half of Direct Payment managers stated that their local authority has an up-to-date directory of approved service providers to help people purchase support.

**People in areas where support services to help manage Direct Payments are directly provided by local authorities have a more positive overall experience than those using a 'commissioned' service**

- 2.12 Many local authorities commission others to provide support services for Direct Payments, but according to feedback from members of the Direct Payments Forum, a growing number of councils are in the process of reviewing or considering bringing these services back in house, primarily to improve service quality, to be able to better respond to service user and carer needs, and reduce administration costs. As of January 2021, seven<sup>9</sup> of the 22 local authorities had in-house services.

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<sup>9</sup> The seven councils with in-house provision at the time of our review were: Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Flintshire County Council, Monmouthshire County Council, Neath Port Talbot Council, Powys County Council and Torfaen County Borough Council.

2.13 Our survey of people using Direct Payments sought their views regarding a number of factors which we consider to be indicators of service accessibility and quality. To establish how different service configurations impact on accessibility, quality and user satisfaction, we analysed our survey data by comparing the responses from Direct Payments recipients in areas where the local authority delivers its support function in-house, with those where the service is commissioned externally and provided by third parties. **Exhibit 3** shows that survey responses from those in local authority areas with in-house services have higher levels of positive responses against a number of key metrics.

**“ I’m grateful for the support and payments. I don’t have to deal with the money. Going out with someone other than family gives me independence that I’ve longed for**

Source: Audit Wales, Survey of people receiving Direct Payments, September 2021.



**Exhibit 3: Direct Payment recipients’ views about services, by type of administrative support service (in-house or commissioned)**

Overall, people living in areas where support services are provided directly by local authorities are more positive about the service they receive than those provided by a third party.





## % positive responses

- Local authorities without dedicated in-house provision      ● Local authorities with dedicated in-house provision

Source: Audit Wales, Survey of people receiving Direct Payments, September 2021

2.14 Our focus group work with the All-Wales Direct Payments Forum highlighted that, in addition to supporting external clients, in-house Direct Payment teams have greater ability to work flexibly and focus on providing training and expert support to front line social workers who offer and administer Direct Payments. Given the key barriers we highlight in accessing Direct Payments (see **paragraph 1.16**) and coupled with our survey findings, this support is clearly important and is making an impact, leading to greater satisfaction with information about Direct Payments, a greater perception of social workers' understanding, and service users feeling encouraged to take up a Direct Payment.

**Local authorities mostly ensured people were supported during the pandemic, but a significant number of service users and carers we surveyed had no contact during the initial lockdown and restrictions**

- 2.15 The pandemic created many challenges for social care services and local authorities were forced to respond creatively to ensure vulnerable people were safe and supported. As with other frontline staff working in NHS or care settings, the pandemic has also had a huge impact on people providing care services organised under Direct Payments, especially Personal Assistants.
- 2.16 We found that where a service was interrupted or could not continue to be provided due to COVID-19, most local authorities arranged alternative provision. Local authorities also made contact to check on individuals' welfare and to ensure services continued to be provided. Direct Payment managers we spoke to however, also noted some difficulties in maintaining services. In particular, the lack of availability of Personal Assistants and/or care staff when people were self-isolating and unable to visit and support service users.
- 2.17 Officers we spoke to also highlighted their local authority's positive work to ensure social care staff were supported and equipped to work from home. They described how senior leaders acted proactively, keeping staff informed and up to date with changes in services and work priorities, and responded to challenges as they arose quickly and efficiently. For example, relocating staff to fill gaps in services and flexing information gathering systems to reduce the burden of administration on Personal Assistants and care providers.

2.18 57% of people receiving Direct Payments we surveyed said that their local authority did not help source Personal Protective Equipment (PPE) for their care or support provider. Service users and carers we spoke to noted that some local authorities provided PPE free of charge, some reimbursed individuals who purchased their own, but others expected service users and/or their personal assistant to purchase PPE themselves and meet the cost from their Direct Payment. In April 2021, we reported that some frontline health and social care staff experienced shortages of PPE during the pandemic<sup>10</sup>. Some people using Direct Payments experienced similar if not greater difficulties trying to source PPE on an individual level. Some service users and carers we spoke to noted that on occasion the lack of PPE and inability to source this directly resulted in services being suspended. In addition, 40% of the Direct Payments recipients we surveyed said they had received no contact from their local authority specifically to check if they had any problems resulting from the lockdown and restrictions.

### While the number of people receiving Direct Payments has grown slightly in recent years, local authorities continue to use them differently across Wales

**Just under two-thirds of local authorities increased take up of Direct Payments between 2016-17 and 2018-19, but only 5% of all adults in receipt of social care services were receiving them**

2.19 The most recent data on Direct Payments use published in 2018-19 shows that 125,415 adults were in receipt of social care services in Wales<sup>11</sup>. Of these, 6,262 (5%) received Direct Payments. The proportion of social care services provided via Direct Payments ranged from 1.6% of clients in Gwynedd to 12.9% in Ceredigion. **Appendix 3** provides more information. This data for 2018-19 does not include Caerphilly.

2.20 Just over a third of those receiving Direct Payments (36.1%) are older people (aged 65 or more). This is despite this particular age group making up over 75% of the overall number of adults receiving social services. The bulk of those receiving Direct Payments, 63.9%, are aged between 18 and 64.

2.21 Between 2016-17 and 2018-19, there had been a 5.2% increase in the numbers receiving Direct Payments with 14 of the 22 local authorities seeing a growth in take up – **Exhibit 4**. The biggest percentage rise, of 90.4%, was in the Isle of Anglesey, although the proportion of adults receiving social care services via Direct Payments in 2018-19

<sup>10</sup> [Procuring and Supplying PPE for the COVID-19 Pandemic, Report of the Auditor General for Wales, April 2021](#)

<sup>11</sup> In response to the pandemic, the Welsh Government suspended collection and reporting of social services performance data in 2019-20 and the most up-to-date data is 2018-19.

was still below the Wales average. The biggest fall was in Newport, - 28.8%.

**Exhibit 4: the number of adults receiving Direct Payments by local authority in 2016-17 and 2018-19 and change in take up over the period**

<b>Local authority</b>	<b>2016-17</b>	<b>2018-19</b>	<b>% Change</b>
Isle of Anglesey	73	139	90.4%
Gwynedd	158	137	-13.3%
Conwy	221	239	8.1%
Denbighshire	106	177	66.9%
Flintshire	403	437	8.4%
Wrexham	196	272	38.7%
Powys	551	504	-8.5%
Ceredigion	199	336	68.8%
Pembrokeshire	293	331	12.9%
Carmarthenshire	448	538	20.0%
Swansea	521	517	-0.8%
Neath Port Talbot	341	433	26.9%
Bridgend	177	232	31.1%
Vale of Glamorgan	378	271	-28.3%
Rhondda Cynon Taf	372	306	-17.7%
Merthyr Tydfil	95	102	7.4%
Caerphilly	114	-	-
Blaenau Gwent	145	149	2.3%
Torfaen	131	130	-0.8%
Monmouthshire	154	131	-14.9%
Newport	132	94	-28.8%
Cardiff	746	787	5.5%
<b>TOTAL</b>	<b>5,954</b>	<b>6,262</b>	<b>5.2%</b>

Note: Caerphilly was unable to provide data for 2018-19, due to technical issues with their ICT systems.

Source: StatsWales, [CARE0118: Adults receiving services by local authority](#)

2.22 The use of Direct Payments in Wales still lags behind England. Data published by NHS Digital Services<sup>12</sup> shows that in 2020-21, 26.6% of people who receive social care services including 75.3% of carers in England receive Direct Payments. Performance ranges from 19.8% of all service users in the north-east of England to 38.3% in the East Midlands.

**Direct Payments are used differently across Wales and local authorities have different approaches in how they deal with unused funds**

2.23 How Direct Payments are used and what they pay for varies. Through our discussion with Direct Payment Forum members we found that some authorities have few, if any, restrictions and encourage people to use the money flexibly; paying for holiday accommodation, leisure activities, trips abroad and mobile phones. In comparison, other local authorities only allow Direct Payments to pay for practical help directly associated with an individual's personal care and define what Direct Payments can and cannot pay for.

2.24 Direct Payment service users and carers we surveyed raised concerns with this situation. One user of Direct Payments noted that: 'It would be very helpful to have a written list of what Direct Payments can actually be used for.' Another survey respondent summed up their experience as follows: 'The council does not make it clear how to spend the money. You still have to continually ask questions and the people in the council don't know the answers. The system is very slow and 'drawn out'. They are not flexible.'

2.25 Those who have similar support needs can also pool their Direct Payments to organise joint activities or services by taking some or all of their Direct Payment and adding these funds together to jointly purchase services<sup>13</sup>. This enables people to share the cost of activities, have the opportunity to spend more time with other people and get better value through increasing their spending power. However, we found that pooling budgets is very limited. And past approaches in some local authorities ended relatively quickly, despite the best endeavours of staff we interviewed.

2.26 Welsh Government guidance<sup>14</sup> requires local authorities to work flexibly, allowing Direct Payments recipients to be able to 'bank' any unused payment to use as and when they need to. However, in reality the approach taken by local authorities varies and some local authorities seek

<sup>12</sup> NHS Digital Services, [Adult Social Care Outcomes Framework](#), October 2021.

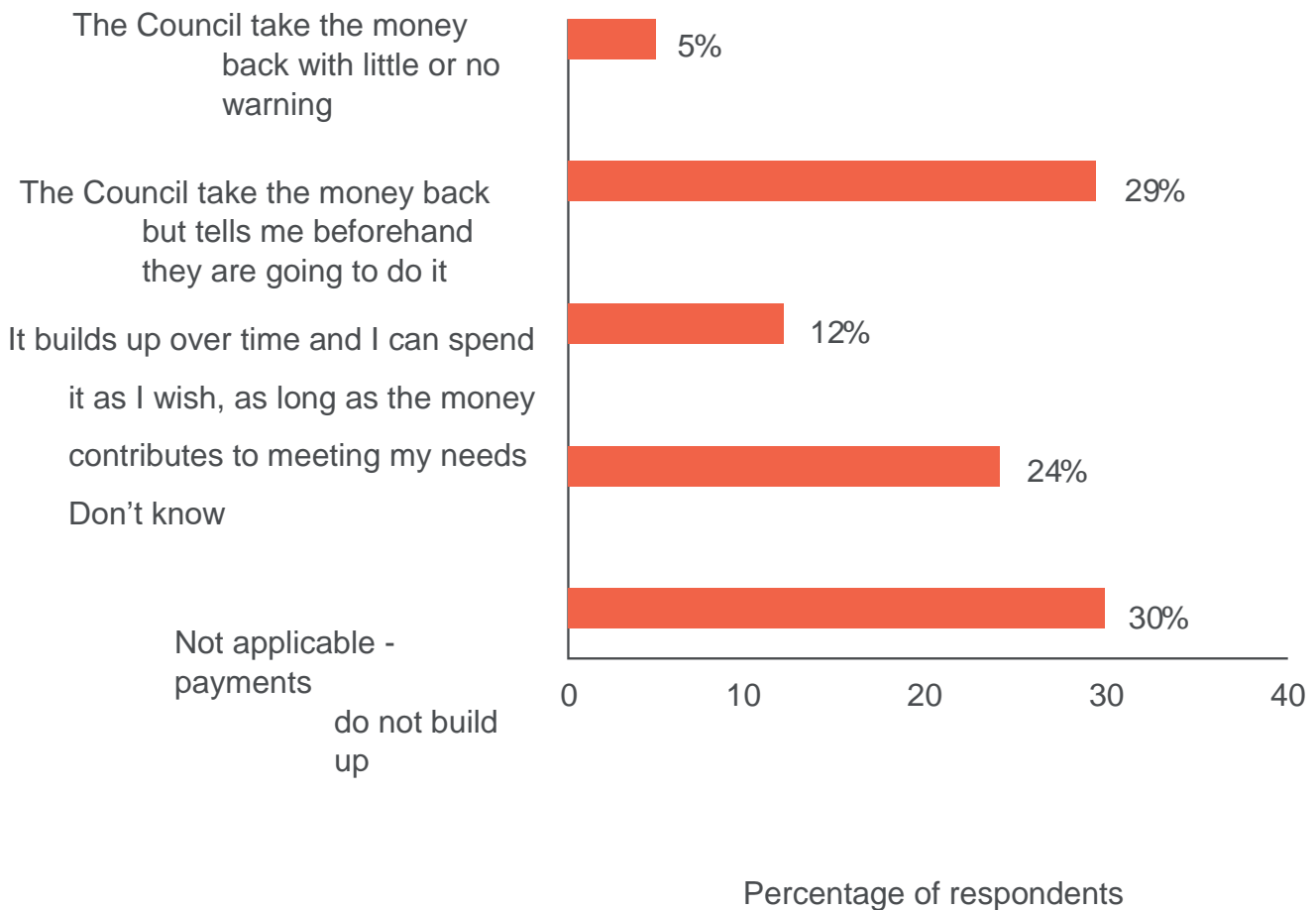
<sup>13</sup> The Wales Co-operative Centre has published a guide setting out how people can pool budgets for Direct Payments, [Direct Payments: make them work for you](#)

<sup>14</sup> [Social Services and Well-being \(Wales\) Act 2014: Part 4 Code of Practice \(Meeting Needs\)](#), 2015. Paragraph 159 notes that 'The flexibility inherent in direct payments means that recipients, or their representatives, must be able to adjust the amount of the direct payment they use from week to week. They must be able to 'bank' any unused payment to use as and when extra needs arise (this might particularly be relevant for those whose needs fluctuate)'.  
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to recover unspent money. The findings from our survey of recipients (**Exhibit 5**) are echoed in the feedback we received from local authority staff where we found wide differences in approach.

**Exhibit 5: Direct Payment recipients’ experiences of what happens to payments which build up**

Roughly one in eight recipients of Direct Payments build up ‘unused’ money to be used to meet future needs.



Source: Audit Wales, Survey of people receiving Direct Payments, September 2021

2.27 Taken together, our evidence highlights that further clarification, support and guidance are required to ensure that people are able to fully benefit from Direct Payments and receive a consistent standard of service.

## The interface between use of NHS continuing healthcare and social care on access to Direct Payments remains a problem

- 2.28 The Welsh Government's Programme for Government 2021 to 2026 includes a commitment to 'Improve the interface between NHS continuing healthcare and Direct Payments'. In August 2021, the Welsh Government strengthened the wording in the NHS Continuing Healthcare National Framework 2021 and Decision Support Tool.
- 2.29 Importantly, the new guidance reinforces the central ethos of individuals' right to exercise voice and control to decide how, when and who supports them to meet their eligible care and support needs, especially when transitioning from Direct Payments to NHS continuing healthcare. This includes providing specific examples of actions Local Health Boards can take to support this but also recognising that assessments needed to avoid putting up barriers and pushing service users from one service to the other. Theoretically therefore it should be possible for someone to receive a needs-led assessment that supports someone's independence, voice and control.
- 2.30 Some people we surveyed in receipt of Direct Payments noted a reluctance to access NHS continuing healthcare because they fear losing their Personal Assistants and the ability to determine who provides their services. They also raised concerns that the flexibility of Direct Payments – that enables them to access a wide range of non-traditional health and/or social care services that help improve their wellbeing – will be lost.
- 2.31 Direct Payment managers also noted instances where individuals with deteriorating health needs are refusing to access NHS continuing healthcare because of fear of losing the flexibility of Direct Payments and the wellbeing improvements it brings. Direct Payment managers and some providers also raised concerns that NHS colleagues are still not fully on board with service users 'driving' decision making and maximising the opportunity to promote independence, voice and control.








**Direct Payments  
are helping people  
live independently  
and improving their  
wellbeing, but it is  
difficult to assess  
overall value for money  
because of limitations  
in data and evaluation**

---

3.1 In this final part of the report, we consider the impact of Direct Payments. We summarise spending on Direct Payments in Wales and highlight the variations between local authorities. Finally, we consider whether the current approaches to monitor and evaluate Direct Payments to ensure they provide value for money are effective.

### Local authorities who are delivering positive outcomes for people using Direct Payments

-  Evidencing that people's wellbeing is maintained or improving as a result of Direct Payments
-  Have a comprehensive system for monitoring and evaluating all aspects of Direct Payments
-  Involve and value input from all stakeholders/partners in evaluating the impact of services
-  Compare and benchmark individual and collective performance with others and use the findings of evaluation to shape current plans and future approaches
-  Know what works and whether the approach of the authority is delivering the aspirations of the Act



## **Direct Payments are seen as making an important contribution to recipients' wellbeing and independence**

3.2 Overall, the people we surveyed who receive Direct Payments provided positive feedback on the impact of Direct Payments. 91% of respondents to our survey stated that Direct Payments have had a positive impact on their independence and wellbeing. In addition, 85% stated that Direct Payments were definitely the right option for them. The majority of care and support providers who responded to our survey (87%) also agreed that Direct Payments are helping to support people's independence and maintain their wellbeing.

3.3 Some people we surveyed identified the critical role of Direct Payments in helping them remain independent. One Direct Payment recipient noted that: 'I get support to do everything I want to do and achieve' whilst another stated that: 'It's allowed me to do lots of new things and go out and enjoy and meet new people.' Another noted that: 'It (Direct Payments) gives choices and independence which have been very positive' and another that: 'the Direct Payments have enabled me to remain living in my own home'. Finally, one recipient stated that: 'I really like Direct Payments and how it lets me live as independently as I can.' And another person we surveyed noted that: 'Direct Payments allows me to have control and more importantly to have the care I need to be able to get the most out of life.' These comments were echoed by many others who responded to our survey.

## **It is difficult to assess the overall value for money of Direct Payments because systems for managing and evaluating performance are inadequate**

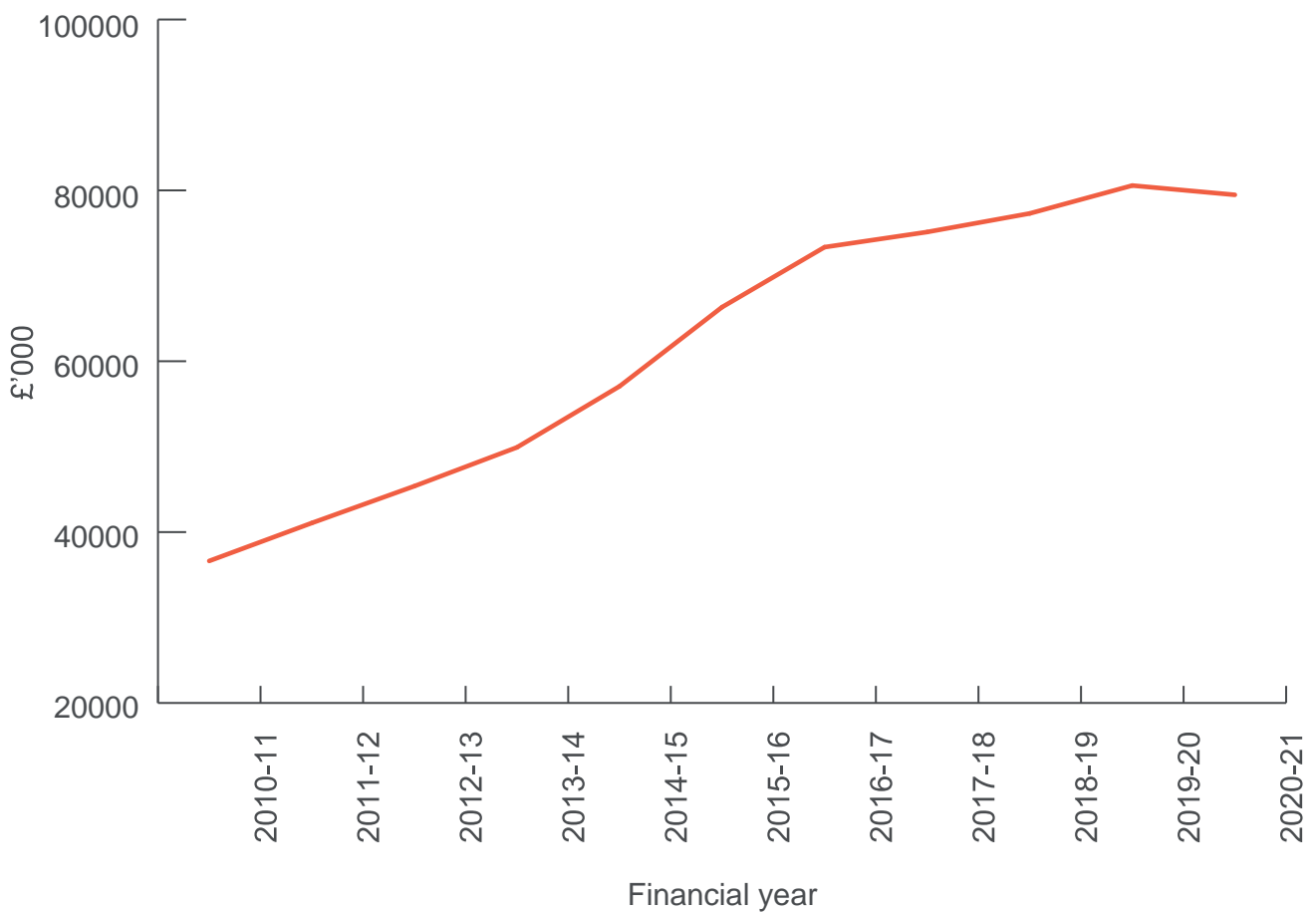
3.4 Despite the high value placed on Direct Payments by service users and carers, there is only a small range of national publicly reported indicators to judge performance. These simply cover the numbers receiving Direct Payments by need group (physical disabilities, learning disabilities, mental health and older people) and the amount spent on Direct Payments by local authority. The performance measures were revised following the implementation of the Social Services and Well-being (Wales) Act in 2014, and information has only been collated for three financial years: 2016-17, 2017-18 and 2018-19. Following the Welsh Government's decision to suspend data collection in response to the pandemic in 2020, no data on services other than expenditure has been collected and reported nationally.

**Spending on Direct Payments has more than doubled in the last decade, but marginally fell in 2020-21. The average amount paid out per recipient varies widely**

3.5 The amount of money spent on Direct Payments is growing and in real terms, considering inflation, has increased from £36.6 million in 2010-11 to £79.5 million in 2020-21 – **Exhibit 6**.

**Exhibit 6: total spending on Direct Payments for adults by local authorities in real terms between 2010-11 and 2020-21**

Local authorities’ spending on Direct Payments increased by 117% in the period but marginally fell in 2020-21.



Source: StatsWales, [LGFS0015: Social services revenue outturn expenditure subjective analysis by authority](#). Analysis by Audit Wales

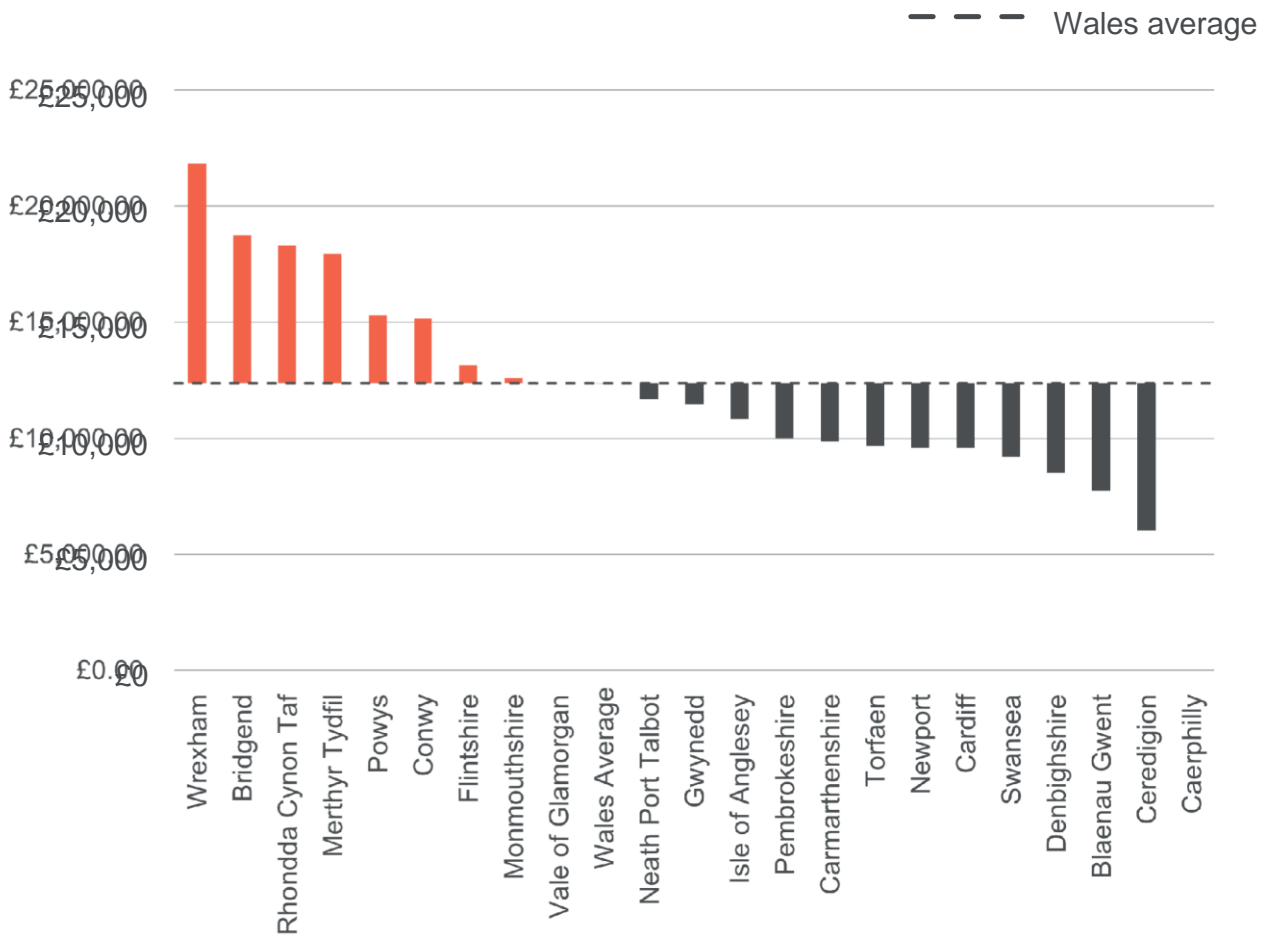
3.6 While each local authority is responsible for the format of care and support plans, they are required to be consistent across the country using the national eligibility criteria<sup>15</sup>. Our analysis in **Exhibit 7** shows that local authorities are

<sup>15</sup> The eligibility criteria are set out in the [Care and Support \(Eligibility\) \(Wales\) Regulations 2015](#) and the Welsh Government’s [Social Services and Well-being \(Wales\) Act 2014: Part 4 Code of Practice \(Meeting Needs\)](#), 2015. Paragraph 39 of the Code of Practice notes that while people

paying out widely varying average amounts. Excluding Caerphilly, the average Direct Payment across Wales in 2018-19 in real terms was £12,344. This ranged from £6,033 per person in Ceredigion to £21,836, 3.6 times more, in Wrexham.

**Exhibit 7: average Direct Payment per recipient by local authority in 2018-19 in real terms**

The average amount people receive in Direct Payments varies widely across Wales.



Note: Caerphilly was unable to provide data on the number of recipients for 2018-19, due to technical issues with their ICT systems.

Source: StatsWales, [LGFS0015: Social services revenue outturn expenditure subjective analysis by authority](#) and [CARE0118: Adults receiving services by local authority and age group](#). Analysis by Audit Wales

3.7 Taking this information with the findings set out in **Part 2** of this report, we conclude that the policy choices and decisions of local authorities are resulting in people with similar needs receiving very different standards of service. Given the significant variation in approaches, the Welsh

have a right to care and support from a local authority where that care and support are not otherwise available to them, the 'pattern of service delivery will vary from authority to authority'.

Government needs to set clear standards to ensure consistency for service users.

### **Systems for managing and evaluating performance are inadequate**

- 3.8 Local authorities are mostly focussing their performance management and evaluation on the numbers receiving services and the amount of money spent and not enough on impact, wellbeing and the wider benefits of investment. We found that only a fifth of Direct Payment managers believe that their local authority has robust measures in place and are able to judge quality, cost and outcomes of Direct Payments on individuals and for the local authority.
- 3.9 Through our engagement with Direct Payments lead officers across Wales, we found that most local authorities have some measures in place and evaluate some aspects of Direct Payments, but acknowledge it is not comprehensive and there are gaps. For instance, only:
- a a third capture information that helps to identify what is not working and what needs to change;
  - b a quarter capture and use information in real time;
  - c less than a fifth monitor how Direct Payments contribute to delivery of Corporate Priorities – for example, wellbeing goals, improvement objectives and service priorities; and
  - d less than a fifth capture positive and negative experiences from people who receive Direct Payments and know what it is like to receive them.
- 3.10 These weaknesses mean that it is not possible to fully evaluate and understand the performance or effectiveness of individual local authorities, or the efficiency and impact of Direct Payments. This makes it difficult to judge how well local authorities are performing and whether Direct Payments represent value for money in their own right or in comparison with other forms of social care.



# Appendices

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- 1 Audit methods and approach**
- 2 Determining eligibility for social care and support**
- 3 Adults receiving social care services organised by local authority in 2018-19**
- 4 Personal Assistant hourly pay rates by local authority**

# 1 Audit methods and approach

## Approach

We focused on local authorities' management and delivery of Direct Payments. The work follows on from our September 2019 report on [The 'Front Door' to Adult Social Care](#), which focussed on the impact of the Social Services and Well-being (Wales) Act 2014 and the prioritisation of preventative services to help reduce demand for social care services.

Our review assessed how Direct Payments are helping people to live independently and enable them to have more voice, choice and control. We looked at how Direct Payments help sustain their wellbeing and whether they are improving people's quality of life. We looked at how local authorities manage and encourage take up of Direct Payments and judge whether these services present value for money.

We established a study reference group and held project meetings with Care Inspectorate Wales, Carers Wales, the Older People's Commissioner, Age Cymru, the Welsh Government, and a small number of service users. The reference group helped to shape the focus of this review and provided challenge at our evidence review stage.

We managed delivery of the review to take account of the challenges facing social services in Wales in dealing with the pandemic. We ensured the scope and coverage of our fieldwork did not detract from local authority responsibilities towards service users and flexed our approach in discussion with individual local authorities when agreeing and delivering fieldwork.

## Methods

We completed our work between September 2020 and February 2022 and used a range of methods to inform our overall findings, conclusions and recommendations:

- **document review** – we reviewed Welsh Government, Association of Directors of Social Services Cymru and Social Care Wales documentation, guidance and announcements; local authority policy documentation and cabinet and committee papers; a range of materials on approaches for management of Direct Payments in England; and reports and information published by research bodies including the Joseph Rowntree Foundation, the Kings Fund and Think Local Act Personal.
- **focus groups** – we held:
  - three on-line focus groups with members of the All-Wales Direct Payments Forum made up of officers from each of the 22 Welsh local authorities with management responsibility for Direct Payments. In

each of the focus groups, attendees completed a survey and we held facilitated discussions.

- Carers Wales focus groups with Direct Payments service users and their carers.
- **local authority interviews** – we interviewed staff from Bridgend, Caerphilly, Cardiff, Flintshire, Gwynedd, Newport, Powys, Torfaen and Wrexham councils with responsibility for direct payments.
- **interviews with national bodies** – ADSS Cymru, the Welsh Local Government Association, British Association of Social Workers Cymru, Social Care Wales, Disability Wales, UK Home Care Association, Care Forum Wales, Wales Co-op Centre, the Equalities and Human Rights Commission Cymru, Wales School of Social Care Research, the Welsh Government, British Deaf Association and Think Local Act Personal.
- **surveys** – we undertook two surveys:
  - a commissioned telephone survey of service users and carers receiving Direct Payments. A total of 1,028 people from a database of 4,650 valid contacts were surveyed, with 71% completed via telephone and the remainder submitting online survey forms. Of this figure 5% surveyed are carers. All contacts were provided by local authorities using secure data transfer. The survey was conducted between 4 August and 24 September 2021, with 5% of responses completed in Welsh. Given our survey covers both service users and carers who receive Direct Payments, we report information at three levels. Where we say Direct Payment recipients, we mean both service users and carers; and where we specifically reference either 'service users' or 'carers' means the findings of the survey are specific to these distinct groups of people; and
  - a survey of individuals and agencies paid via Direct Payments to provide care and support to adults in need. The online open survey was completed between 11 June 2021 and 18 August 2021. We received a total of 166 responses, and these came from all 22 local authority areas, with 3% of responses completed in Welsh.
- **data analysis** – we analysed data published by StatsWales on Direct Payments expenditure, the number of adults receiving services and their needs. We also analysed data published by NHS Digital Services in England.

## 2 Determining eligibility for social care and support

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Widely known as **the Information, Advice and Assistance service**, this is the front door to adult social care and is the first point of contact for most individuals looking for help.

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At the first point of contact, individuals will be offered information, advice and assistance to help them make informed decisions about their wellbeing.



From here, local authorities will often signpost individuals to preventative or community-based services. If a person's needs cannot be met in that way, they will be directed to a professional social worker to discuss their needs

in more detail.

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Often referred to as the 'What Matters conversation', the assessment of needs undertaken with a social worker is a targeted conversation to gather more information about a person's strengths and needs, to identify the best solutions for them.

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If a person's needs cannot be met without local authority support, a care and support plan is co-produced to set out how those needs will be met through the provision of services.



This is often referred to as having 'eligible needs'.

These services can be arranged directly by the local authority or, alternatively, funded through Direct Payments – a monetary amount that can be used to purchase and arrange a person's own care and support.

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### 3 Adults receiving social care services organised by local authority in 2018-19

Exhibit 8: adults receiving social care services organised by local authority in 2018-19

Local authority	Total number of adults receiving social services	Number of adults in receipt of Direct Payments	Direct Payments as % of adults receiving services
Blaenau Gwent	3,826	149	3.9%
Bridgend	7,059	232	3.3%
Caerphilly	No data submitted due to technical issues with ICT systems		
Cardiff	15,331	787	5.1%
Carmarthenshire	7,658	538	7.0%
Ceredigion	2,595	336	12.9%
Conwy	7,060	239	3.4%
Denbighshire	2,872	177	6.2%
Flintshire	8,041	437	5.4%
Gwynedd	8,774	137	1.6%
Isle of Anglesey	3,382	139	4.1%
Merthyr Tydfil	2,696	102	3.8%
Monmouthshire	4,449	131	2.9%
Neath Port Talbot	3,371	433	12.8%
Newport	4,462	94	2.1%
Pembrokeshire	4,398	331	7.5%
Powys	5,827	504	8.6%
Rhondda Cynon Taf	7,094	306	4.3%
Swansea	8,932	517	5.8%
Torfaen	3,241	130	4.0%
Vale of Glamorgan	5,533	271	4.9%
Wrexham	8,814	272	3.1%

Source: StatsWales,

[CARE0118: Adults receiving services by local authority and age group](#)

Wales

125,414

6,262

5.0%

Following the Welsh Government's decision to suspend data collection in response to the pandemic in 2020, no data on services other than expenditure has been reported nationally since 2018-19.

## 4 Personal Assistant hourly pay rates by local authority

The rates in the Vale of Glamorgan, Torfaen and Blaenau Gwent local authorities vary to take account of weekend, evening and unsocial hours working.

**Exhibit 9: personal assistant hourly pay rates by local authority**

Local authority	Personal Assistants rate (per hour)
Merthyr	£12.94
Wrexham	£12.67
Swansea	£12.66
Flintshire	£12.63
Gwynedd	£12.62
Pembrokeshire	£12.40
Denbighshire	£12.33
Carmarthenshire	£12.20
Vale of Glamorgan	£11.24 - £12.18
Rhondda Cynon Taf	£12.15
Bridgend	£12.00
Torfaen	£8.72 - £11.85
Conwy	£11.75
Ynys Môn	£11.65
Powys	£11.41
Cardiff	£11.36
Monmouthshire	£11.04
Ceredigion	£11.00
Neath Port Talbot	£10.50
Blaenau Gwent	£8.72 - £10.00
Newport	£9.50

Caerphilly

£9.47

Source: Swansea Council, Corporate Management Team report, January 2021



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**Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/  
Prif Weithredwr GIG Cymru  
Grŵp Iechyd a Gwasanaethau Cymdeithasol**

**Director General Health and Social Services/  
NHS Wales Chief Executive  
Health and Social Services Group**



**Llywodraeth Cymru  
Welsh Government**

Mr Adrian Crompton  
Auditor General for Wales  
Audit Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ

Our Ref: JP/DC

27 April 2022

Dear Mr Crompton

**Welsh Government Response to the Report of the Auditor General for  
Wales “*Direct  
Payments for Adult Social Care*”**

I am writing on behalf of the Welsh Government to thank you for your recent report “*Direct Payments for Adult Social Care*”<sup>16</sup>. I would also like to thank you and your team again for the engagement you have undertaken throughout the period of this work.

The Welsh Government welcomes the findings of the Report of the Auditor General for Wales and offer the following response to the four recommendations contained within it.

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<sup>16</sup> <https://www.audit.wales/sites/default/files/2022-04/Direct-payments-Eng.pdf>

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**Recommendation 7** - *To ensure services are provided equitably and fairly we recommend that local authorities and the Welsh Government:*

*Clarify policy expectations in plain accessible language and set out:*

- *what Direct Payments can pay for;*
- *how application and assessment processes, timescales and review processes work;*
- *how monitoring individual payments and the paperwork required to verify payments will work;*
- *how unused monies are to be treated and whether they can be banked; and*
- *how to administer and manage pooled budgets.*

*Public information should be reviewed regularly (at least every two years) to ensure they are working effectively and remain relevant.*

---

**Accept** – The Welsh Government accepts this recommendation and will work with local authorities to improve clarity and understanding.

Through the Part 4 Code of Practice (Meeting Needs), we have set out a clear statutory framework of rights and responsibilities to enable people to receive and manage their direct payments.

Direct payments can be provided to meet any assessed, eligible need for care and support a local authority is required to meet. Direct payments must be made available in all cases where they enable personal outcomes to be achieved.

It is important to emphasise that a local authority must be satisfied that the person's requirements and their personal outcomes can and will be met through this provision. That is because as with any other arrangements to meet assessed, eligible needs the local authority are still required to meet with people to formally review people are achieving the outcomes they have identified as personal to them.

Through the Code of Practice, we provided clear protections specifying that local authorities must ensure the value of a direct payment made is equivalent to its estimate of the reasonable cost of securing the care and support required. The

## APPENDIX 2

value must be sufficient to enable the people to secure the care and support required to a standard the local authority considers reasonable.

The Code reinforces that a person's needs can fluctuate and that arrangements for payment and repayment, where relevant, reflect those needs and the importance of ensuring all parties have a clear understanding of how this will be managed.

Direct payments specifically support people to establish arrangements that are bespoke to them. Direct payments by their very nature promote and enable variation in how outcomes can be achieved and the resources required to achieve those outcomes. Direct payments empower person-centred and person-directed care and support which recognises that different people have different needs and require different levels of care and support as do those receiving care and support commissioned or managed by their local authority

Exhibit 1 of the Auditor General's Report provides a very useful illustration of the characteristics of a local authority that effectively encourages, manages and supports people to use direct payments. The Report also includes a number of recommendations for local authorities to improve the provision of the information to people as well as through the workforce. Taken together, we intend to explore how we can collectively reinforce rights and entitlements to improve the consistency of approach and offer around direct payments that ensures equity without diluting individual voice and control.

***Recommendation 8*** - *Ensure that people who receive both NHS continuing healthcare and Direct Payments have greater voice, choice and control in decision making.*

**Accept** – The Welsh Government accepts this recommendation. We have committed through our Programme for Government to improve the interface between Continuing NHS Healthcare (CHC) and direct payments.

We continue to work with stakeholders, including disabled people and people with lived experience, to co-produce additional guidance to support voice and control for people receiving CHC.

To support and enable improved experiences and outcomes, we have published the revised



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*Continuing NHS Healthcare (CHC) Framework 2021*<sup>17</sup> together with a revised *Decision Support Tool (DST) 2021*<sup>3</sup>, which supports CHC assessment. These became operational from 1 April 2022 and include interim measures to improve the interface between CHC and direct payments through the use of Independent User Trusts (IUTs) and adopting existing personnel previously employed via direct payments are examples of interim options, other options may well also be considered.

Alongside this we have committed to develop additional guidance to support such interim measures, to publish a public information booklet and to work with stakeholders to review the performance framework for CHC. For the longer-term, we are exploring potential legislative options with stakeholders that could enable direct payments under CHC.

***Recommendations 9 and 10*** - *To effectively manage performance and be able to judge the impact and value for money of Direct Payments, we recommend that local authorities and the Welsh Government:*

*R9 - Work together to establish a system to fully evaluate Direct Payments that captures all elements of the process – information, promotion, assessing, managing and evaluating impact on wellbeing and independence.*

*R10 - Annually publish performance information for all elements of Direct Payments to enable a whole system view of delivery and impact to support improvement*

**Accept.** The Welsh Government accepts this Recommendation.

The use and impact of direct payments form part of the formal impact evaluation we have commissioned of the Social Services and Well-being (Wales) Act 2014<sup>18</sup>.

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<sup>17</sup> <https://gov.wales/national-framework-continuing-nhs-healthcare>

<https://llyw.cymru/fframwaith-cenedlaethol-ar-gyfer-gofal-iechyd-parhaus-y-gig> <sup>3</sup>

<https://gov.wales/continuing-nhs-healthcare-decision-support-tool-dst-practitioners>

<https://llyw.cymru/gofal-iechyd-parhaus-y-gig-adnodd-cymorth-penderfynu-acp-ddefnydd-y-marferwyr>

<sup>18</sup> <https://gov.wales/evaluation-social-services-and-well-being-wales-act-2014>

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The findings from the “*Expectations and Experiences, Service User and Carer Perspectives on the Social Services and Well-being (Wales) Act 2014*” report published in March 2022<sup>19</sup> stated that:-

*“there were a range of contrasting, and somewhat contradictory views expressed, providing little consensus on the role and impact of Direct Payments”.*

The final report from the Evaluation is due in the Autumn of 2022 and will include further evaluation and recommendations in relation to direct payments.

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Welsh Government is conscious of the opportunities to improve data about direct payments, but also data relating to adult social services. We will continue to lead and direct work with our partners across social care and health including Local Government, Social Care Wales and Digital Health and Care Wales to develop and use a range of evidence to enable and inform improvements and outcomes.

The Performance and Improvement Framework activity and performance data is a new data collection, with the first output published in December 2021<sup>20</sup>. This data includes items for the number of people receiving direct payments and the number and timeliness of reviews for those on direct payments. This data will be collected annually and can be broken down by local authority area.

The evidence from the Auditor General’s work will inform the development of our up-coming Adult Receiving Care and Support Census which will sit alongside the similar Census about children already in place. This will provide detailed data on the individuals known to local authority social services, including the services they are providing and if the individual is in receipt of direct payments. The first output from this annual collection is expected to be published in 2024/25.

Alongside this, the National Outcomes Framework shows the range of population indicators for those receiving care and support from local authorities.

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<sup>19</sup> <https://gov.wales/sites/default/files/statistics-and-research/2022-03/expectations-and-experiences-serviceuser-and-carer-perspectives-on-the-social-services-and-well-being-wales-act.pdf>

<sup>20</sup> <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/Social-Services/social-servicesperformance-and-improvement-framework>

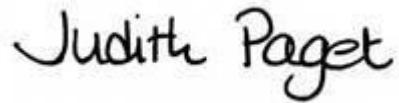
## APPENDIX 2

As the data for adult social care develops, we intend to refine and improve the reporting for the National Outcomes Framework, with the intention of providing more detailed and granular outputs.

I hope that you find this helpful and look forward to continuing to work with you and your teams.

Copies of this letter have been sent to the Chair of the Senedd Public Affairs and Public Administration Committee, the President of the Association of Directors of Social Services Cymru, the Chair of the All-Wales Direct Payments Forum and the Cabinet mailbox.

Yours sincerely

A handwritten signature in black ink that reads "Judith Paget". The signature is written in a cursive, flowing style.

**Judith Paget CBE**

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Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNCIL NEATH PORT TALBOT SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY CABINET BOARD**

**26<sup>th</sup> January 2023**

**Report of the Head of Adult Services Angela Thomas**

**Matter for Information**

**Wards Affected** All Wards

### **CARE INSPECTORATE WALES INSPECTION OF TREM Y MOR RESPITE UNIT**

#### **Purpose of the Report**

To inform members about the Inspection of Trem Y Mor Respite Unit by Care Inspectorate Wales (CIW) carried out in October 2022.

#### **Executive Summary**

Trem Y Mor Respite Unit was inspected by CIW in October 2022. There were no Priority Action Notices issued and no Areas for Improvement highlighted, indicating that CIW had no concerns about the service.

#### **Background**

Trem Y Mor is a 16 bedded respite unit providing overnight respite care for over 125 people. The service is inspected by CIW who following the inspection produce a report and identify any actions which need to be taken. CIW did not identify any actions for Trem Y Mor at this inspection. The report covers the following headings: Wellbeing; Care and Support; Environment; Leadership and Management.

The report summary states:

Trem Y Mor is a purpose built; accessible single storey service situated on the Aberavon seafront in Port Talbot. It usually offers short-term

respite breaks for people, with an option of extended care accommodation for a minority of people who need to live at the home on a longer-term basis. The service is operated by Neath Port Talbot County Borough Council. People are happy and comfortable in the service and have up to date personal plans to ensure their needs are met. There is an experienced manager in post, who is registered with Social Care Wales - the workforce regulator. The manager is visible in the service and supports a dedicated and consistent staff team who are valued and suitably trained in their roles. The home consists of four separate living areas, with each one housing four bedrooms and an open plan communal lounge and dining area with kitchen facilities and an enclosed garden area. The service also operates a busy day centre where people enjoy numerous activities and community life. There is good oversight of the service by a committed management team and responsible individual (RI) who visits the service and talks to people using it routinely.

Please see Appendix 1 for a full copy of the Inspection report.

### **Financial Impacts**

No implications.

### **Integrated Impact Assessment:**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

### **Valleys Communities Impacts**

No implications.

### **Workforce Impacts**

No implications.

### **Legal Impacts**

No implications.

### **Risk Management Impacts**

No impact.

**Crime and Disorder Impacts**

No impact.

**Counter Terrorism Impacts**

No impact.

**Violence Against Women, Domestic Abuse and Sexual Violence Impacts**

No impact.

**Consultation:**

There is no requirement for external consultation on this item.

**Recommendation:**

That the report be noted.

**Appendices:**

CIW Inspection Report on Trem Y Mor, October 2022.

**Officer Contact:**

Angela Thomas Head of Adult Services [a.j.thomas@npt.gov.uk](mailto:a.j.thomas@npt.gov.uk)

Sue Bradshaw Principal Officer Direct Services

[s.bradshaw@npt.gov.uk](mailto:s.bradshaw@npt.gov.uk)

## Appendix 1



### Inspection Report on

**Trem Y Mor**

**Trem-y-mor  
Scarlet Avenue  
Port Talbot  
SA12  
7PH**

### **Date Inspection Completed**

11 October 2022



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## About Trem Y Mor

Type of care provided	Care Home Service Adults Without Nursing
Registered Provider	Neath & Port Talbot County Borough Council
Registered places	16
Language of the service	English
Previous Care Inspectorate Wales inspection	30 January 2020
Does this service provide the Welsh Language active offer?	Working Towards. The service is working towards providing an 'Active Offer' of the Welsh language and intends to become a bilingual service or demonstrates a significant effort to promoting the use of the Welsh language and culture.

### Summary

Trem Y Mor is a purpose built; accessible single storey service situated on the Aberavon seafront in Port Talbot. It usually offers short-term respite breaks for people, with an option of extended care accommodation for a minority of people who need to live at the home on a longer-term basis. The service is operated by Neath Port Talbot County Borough Council. People are happy and comfortable in the service and have up to date personal plans to ensure their needs are met. There is an experienced manager in post, who is registered with Social Care Wales- the workforce regulator. The manager is visible in the service and supports a dedicated and consistent staff team who are valued and suitably trained in their roles. The home consists of four separate living areas, with each one housing four bedrooms and an open plan communal lounge and dining area with kitchen facilities and an enclosed garden area. The service also operates a busy day centre where people enjoy numerous activities and community life. There is good oversight of the service by a committed management team and responsible individual (RI) who visits the service and talks to people using it routinely.

## Well-being

People have a voice and are treated with dignity and respect. People and their families where possible are encouraged to write their own care plans. As the service is primarily a respite service there is good communication with relatives and people before, during and after people's stay at the service. Care files reflect people well and are updated when people's needs change. Feedback from people and their relatives about the service is excellent. With the service described as "*second to none*" and "*we don't know what we would do without it*". The RI obtains feedback from people to drive improvements in the service.

People are protected from harm and neglect. Trem y mor is secure and safe with good procedures in place to ensure the environment is well maintained. Care staff receive safeguarding training and are aware of their roles and responsibilities to report any concerns about people they support. There is a safeguarding policy in place which reflects the Wales Safeguarding procedures. The service follows infection control guidance to minimise risks within the service.

People's physical, mental health and emotional wellbeing is promoted. There are robust medication management procedures in place Staff turnover in the service is low and many care workers in post have been in the service for a long time and know the people they support well and can recognise any deterioration in their health quickly to seek medical assistance.

There is good oversight of the service. There is a dedicated manager overseeing the service who is supported by an equally committed care team who work tirelessly to provide an excellent service to people. The provider has numerous audit systems in place to monitor the service and the RI visit's the service routinely and speaks to people and their families to obtain their views on the service to drive improvements. Regulatory reports are completed at appropriate intervals.

The provider has arranged for key documentation in the service to be bilingual and therefore these are available in Welsh should they be required, there is also bilingual signage throughout the service. Whilst there is no real demand for this at present, the service is eager to promote the use of the Welsh language and should the demand increase in the future then further developments to deliver aspects of the service in Welsh will be considered as well as utilising Welsh speaking care workers were possible.

## Care and Support

People are involved in the planning of their care where possible to ensure they are provided with the quality of care and support they need. We looked at two people's care files and saw that personal plans are written from the persons perspective and were completed where possible by family members on their behalf. One-page profiles and critical care needs documentation is also in place for care staff to see what is important to the person in a more simplified format. We noted that personal plans and supporting care documentation gives a good overview of the person and what matters to them, Various review dates were seen on paperwork in the care files which evidences that they are looked at routinely and updated to reflect the changing needs of people as and when they arise. Relatives spoken with confirmed their involvement in the care planning process, one said *"they ring me to discuss and we have meetings also if we feel necessary."* People are complimentary of the care and support they receive, comments included *"it's good, the staff here are good, I like it"*.

There are safe systems in place for the management of medicines in the service and to maintain people's health. People are allocated a known keyworker that knows them well and can recognise any signs of ill health to act appropriately and in a timely way. There is a suitably locked and air-conditioned medication room where medication is stored securely. Medication is stored in separate trolleys, one for each pod, with individuals' medications stored together in suitable containers.

Medication Administration Record (MAR) are completed accurately with counter signatures in place where required. There are good procedures in place to manage medication stock levels and routine audits take place. We saw detailed risk assessment and monitoring of people's nutritional intake in place to support people's dietary needs.

The provider has mechanisms in place to safeguard people supported in the service. Many care staff have been in the service for a long time and know people well enough to recognise any changes in their health or well-being. Care workers spoken with are aware of the procedures to follow if they have any concerns about people they support, and safeguarding training is up to date with most care staff. The provider has a safeguarding policy in place which reflects up to date legislation and the All Wales Safeguarding procedures. We saw that Deprivation of Liberty Safeguards (DoLS) are in place for people who do not have the capacity to make decisions about their accommodation, care, and support.

## Environment

People live in an environment that is well maintained to promote achievement of their personal outcomes. Trem y Mor has a picturesque outlook to the rear of the building overlooking the beach and Swansea Bay and is surrounded by its own grounds and parking facilities. There is also a large, enclosed garden to the front of the building with a purpose built swing and plenty of space for seating and enjoying the outdoors. The building itself has been purpose built to accommodate all and is fully accessible throughout. The living areas have been designed into four pods. Each pod contains an open plan living area with comfortable seating, dining area and kitchen facilities and leads out to a secure enclosed garden area. There are four bedrooms in each pod and all bedrooms have en-suite facilities. The service also benefits from a sensory room and computer suite. The Day centre facilities are at the rear of the building and are very spacious with different areas for different activities, including a dining area and games room, there is a large kitchen where main meals are prepared, and the current food hygiene rating is 5 (very good). All areas are well maintained and clean and efforts have been made to ensure the service is homely and comfortable.

The service provider has procedures in place to identify and mitigate risks to health and safety. On the day of inspection, we were informed that some maintenance requirements were delayed due to staffing, however, a new maintenance person has been appointed and is working through the list of jobs to catch up. We looked at the maintenance file and saw that routine fire checks, and maintenance checks were generally carried out routinely with only a few gaps in place due to the staffing issue. This did not impact people using the service. Annual servicing of utilities in the service is up to date and we saw certificates in place for gas, electricity, and fire safety. There are personal emergency evacuation plans (PEEPS) in place in personal files so people residing in the service can obtain the required support if there is an evacuation of the building.

The service uses hygienic practices to minimise the risk of cross infection. We saw the providers infection control policy and saw that it had been updated to include the up to date Covid -19 guidance, we were told that care workers wear appropriate Personal Protective Equipment (PPE) whilst carrying out personal care support with people. Hand sanitiser is available on entry to the property and around the service and visitors are required to show negative lateral flow test results prior to entering the premises along with signing in the visitor's book. We saw that the service is clean and domestic staff are visible.

## Leadership and Management

The provider has arrangements in place for the effective oversight of the service through ongoing quality assurance. The responsible individual visits the service routinely and completes a report after each visit. These reports reflect feedback from people, relatives and care staff and assist in the process of driving improvements in the service. We saw that in addition to these visit reports, bi-annual quality of care reports are also completed which evidence what the service are doing well and areas in need of improvement and action points of when and how these actions should be completed.

The service provider has systems in place to support the smooth operation of the service, to ensure the care and support of individuals enables them to achieve their personal outcomes. We saw the services statement of purpose (SOP) accurately reflects the service. We looked at policies and procedures in place and we saw these are reviewed to reflect current guidance and legislation where applicable. The manager has good oversight of the service. The provider has its own internal auditing team who routinely visit the service and ensure that all paperwork and checks are completed in care and personal files and general administration in the service. This ensures consistency of documentation in the service.

Trem Y Mor has a dedicated and consistent staff team who are skilled and trained to support people appropriately to meet their needs. We looked at five personnel files and saw that most documentation required for safe recruitment is in place prior to employment. We noted that there were references missing in three of the files however as the service uses the local authority recruitment department these documents were stored in the HR files and not on site and were forwarded to the inspector following the visit. Up to date Disclosure and Barring Service (DBS) checks are in place. We saw the training matrix and noted that care staff attended regular training and a planned three-day training session was booked imminently to ensure mandatory training was up to date. There are good systems in place to ensure that care staff receive routine supervisions and annual appraisals. Staff turnover in the service is low and many have been in post for a long time.

The provider has good oversight of financial arrangements and investment in the service. Staffing levels on the day of the inspection were appropriate and care workers were visible throughout the visit. The manager confirmed that staffing levels changed from day-to-day depending on the needs of people in the service at the time. There are good facilities in the service and good procedures in place to maintain these. We saw people participating in community activities and utilising the services transport vehicle.

### Summary of Non-Compliance

Status	What each means
<b>New</b>	This non-compliance was identified at this inspection.
<b>Reviewed</b>	Compliance was reviewed at this inspection and was not achieved. The target date for compliance is in the future and will be tested at next inspection.
<b>Not Achieved</b>	Compliance was tested at this inspection and was not achieved.
<b>Achieved</b>	Compliance was tested at this inspection and was achieved.

We respond to non-compliance with regulations where poor outcomes for people, and / or risk to people's well-being are identified by issuing Priority Action Notice (s).

The provider must take immediate steps to address this and make improvements. Where providers fail to take priority action by the target date we may escalate the matter to an Improvement and Enforcement Panel.

### Priority Action Notice(s)

Regulation	Summary	Status
N/A	No non-compliance of this type was identified at this inspection	N/A

Where we find non-compliance with regulations but no immediate or significant risk for people using the service is identified we highlight these as Areas for Improvement.

We expect the provider to take action to rectify this and we will follow this up at the next inspection. Where the provider has failed to make the necessary improvements we will escalate the matter by issuing a Priority Action Notice.

Area(s) for Improvement		
Regulation	Summary	Status
N/A	No non-compliance of this type was identified at this inspection	N/A



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Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNCIL NEATH PORT TALBOT SOCIAL SERVICES, HOUSING AND COMMUNITY SAFETY CABINET BOARD**

**26<sup>th</sup> January 2023**

**Report of the Director of Social Services, Health & Housing -  
Andrew Jarrett**

### **Matter for Information**

**Wards Affected: All**

### **SOCIAL SERVICES COMPLAINTS AND REPRESENTATIONS ANNUAL REPORT 2021-22**

#### **Purpose of Report**

To report on the operation of the Directorate's Complaints and Representation procedures from 1<sup>st</sup> April 2021 - 31<sup>st</sup> March 2022, including comparisons, where relevant, against activities in previous years.

#### **Executive Summary**

Social Services Departments have been required by statute to operate a complaints and representation procedure since 1991. Neath Port Talbot Council operates its procedure in line with Welsh Government guidance.

The Annual Report, attached as Appendix 1, provides Members with a summary of the complaint and representation activities during 2021-22.

### **Financial Impacts**

No Implications.

### **Integrated Impact Assessment**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

### **Valleys Communities Impacts**

No Implications.

### **Workforce Impacts**

There are no workforce impacts associated with this report.

### **Legal Impacts**

There are no legal impacts associated with this report.

### **Risk Management Impacts**

There are no known risks associated with this item.

### **Crime and Disorder Impacts**

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have “due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);
- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending the area”.

There is no impact under the Section 17 of the Crime and Disorder Act 1998.

### **Counter Terrorism Impacts**

There is no impact on the duty to prevent people from being drawn into terrorism.

### **Violence Against Women, Domestic Abuse and Sexual Violence Impacts**

Section 2(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 introduced a general duty where a person exercising relevant functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which:

- (a) increase the risk of violence against women and girls, or
- (b) exacerbate the impact of such violence on victims.

There is no impact on the above duty.

### **Consultation**

There is no requirement for external consultation on this item.

### **Recommendation**

This item is for monitoring purposes and is for noting.

### **Reasons for Proposed Decision**

Not applicable.

### **Implementation of Decision**

Not applicable.

### **Appendices**

Appendix 1 - Social Services Complaints and Representations Annual Report 2021-22.

## **List of Background Papers**

A Guide to Handling Complaints & Representations by Local Authority Social Services – Welsh Government (August 2014).

### **Officer Contact**

Leighton Jones, P.O. Governance & Policy Support (Designated Complaints Officer) Tel. No. 01639 763394 email: [l.jones@npt.gov.uk](mailto:l.jones@npt.gov.uk)

Lisa Cody, Governance & Policy Support (Complaints Team) Tel. No. 01639 763445 email: [l.cody@npt.gov.uk](mailto:l.cody@npt.gov.uk)

**NEATH PORT TALBOT COUNCIL**

**SOCIAL SERVICES  
COMPLAINTS  
AND  
REPRESENTATIONS**

**ANNUAL REPORT  
2021 / 2022**

**SOCIAL SERVICES  
COMPLAINTS AND REPRESENTATIONS 2021-22**

**CONTENTS**

1. Introduction
2. Why do people complain?
3. Summary of the complaints procedure
4. The Public Services Ombudsman for Wales
5. Member referrals
6. Safeguarding of children and adult protection
7. Statistical information 2021/2022
8. Lessons Learned
9. Achievements in 2021/2022
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## **1. INTRODUCTION**

This report covers the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022 and relates to the Children's Services and Adult Services, within the Directorate of Social Services, Health and Housing, which jointly comprise the social services function within Neath Port Talbot County Borough Council.

Legislation requires social services authorities to maintain a procedure for considering complaints and representations and the purpose of this report is to provide a review and statistical analysis of the complaints, comments and compliments received by Social Services during the reporting period.

## **2. WHY DO PEOPLE COMPLAIN?**

The most common reasons reported for making a complaint include:-

- to be heard;
- that concerns be recognised, acknowledged and taken seriously;
- that appropriate action be taken to remedy problems and avoid similar incidents in the future;
- to receive an apology.

## **3. SUMMARY OF THE COMPLAINTS PROCEDURE**

The Social Services Complaints and Representations Procedure is based upon the good practice guidance issued alongside the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representation Procedure (Wales) Regulations 2014.

The procedure is available to ensure that everyone who makes a complaint about social services in Neath Port Talbot has a right to be listened to properly. Their best interests must be safeguarded and promoted. Their views, wishes and feelings must be heard. Their concerns should be resolved quickly and effectively.

The procedure is a positive response by the Directorate to create an atmosphere of partnership and participation with users of services. They are also established to protect the rights of the service users.

It is the Directorate's policy that all complaints must be resolved as quickly as possible and as close to the point of delivery as is possible. The aim is to resolve complaints, informally at a local level with speed, fairness and understanding.

There are two formal stages to the procedure, which covers both adult and children's complaints.

### **Stage 1: Local Resolution**

The policy and procedure aims to ensure that people who complain have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally.

The complainant/service user is provided with the opportunity to discuss their concerns with local staff and management. A response must be provided by the manager within 10 working days of the date of receipt of the complaint. The timescale can be extended with the agreement of the complainant (usually a further 10 working days).

### **Stage 2: Formal Consideration**

Where a complaint cannot be resolved at Stage 1, it will be referred to Stage 2. An Independent Investigating Officer (I.I.O.) is appointed by the Director (or their representative) to investigate the matter. In the case of children's complaints, an Independent Person (I.P.) is also appointed to oversee the investigation process in accordance with statutory requirements. Both individuals are not permitted to be employees of the local authority.

The I.I.O. produces an investigation report. A formal written response (which will include reference to any recommended action(s)) is then provided to the complainant by the Director of Social Services.

Completion of the investigation and the accompanying report should be achieved within the statutory timescale of 25 working days; again, an extension can be made with the agreement of the complainant.

#### **4. THE PUBLIC SERVICES OMBUDSMAN FOR WALES**

The Public Services Ombudsman for Wales provides an external independent service for the purpose of considering complaints made by members of the public in relation to all local authority services, including social services. The Public Services Ombudsman also has jurisdiction to examine and determine complaints of injustice as a result of maladministration on the part of the local authority.

The Ombudsman will normally require complainants to have sought redress, in the first instance, via the local authority's complaints procedure prior to accepting and investigating a complaint of maladministration on the part of the local authority.

#### **5. MEMBER REFERRALS**

The Complaints and Representations Procedure does not preclude the right of an individual to approach their Local Councillor, Assembly Member or Member of Parliament. They undertake an important role in handling concerns and queries that individual constituents may have. Collectively, these are called Member referrals and they can range from comments and queries to complaints.

If an elected Member does not consider it to be appropriate to deal with a concern, the matter can be referred to be dealt with under the Complaints Procedure.

#### **6. SAFEGUARDING OF CHILDREN AND ADULT PROTECTION**

Protecting children and vulnerable adults from abuse has to be the paramount consideration. Child abuse or the abuse of vulnerable adults will include in this context physical abuse, sexual abuse, psychological or emotional abuse, financial or material abuse, and neglect. Appropriate guidance is available relating to both adult and child protection.

Any complaint or representation that raises concerns about child protection the protection of a vulnerable adult should be referred immediately to the appropriate safeguarding officer or where a criminal act is known or suspected, the police. There should be no complaints investigation while there is any chance of

compromising the child or adult protection investigations. This does not rule out aspects of the complaint being pursued at a later date where and when this is right.

## 7. STATISTICAL INFORMATION 2021/2022

### Number of Representations Received

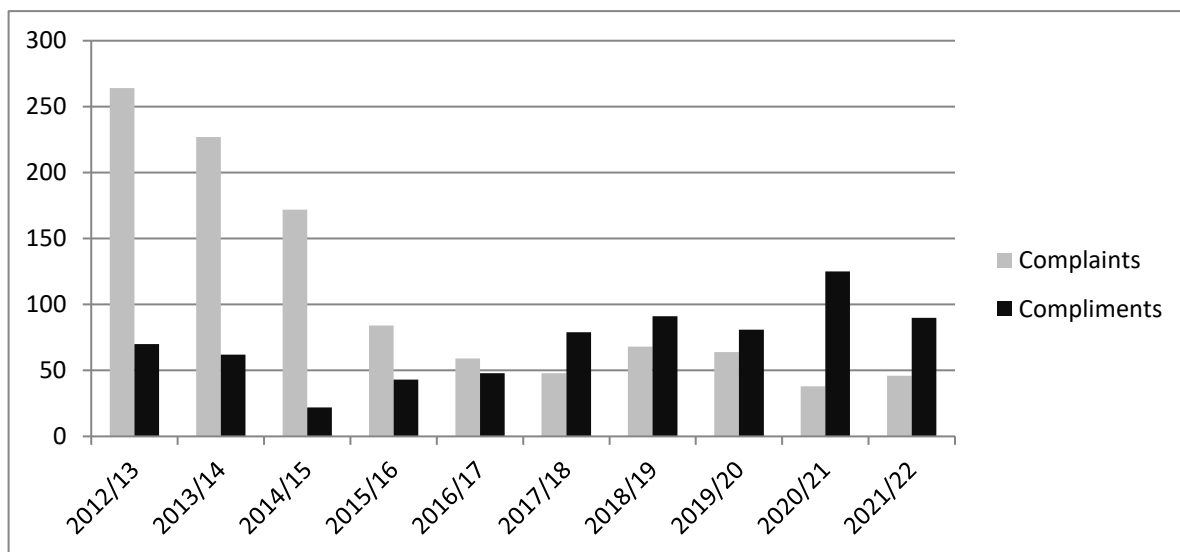
The following information provides details of the number of representations (complaints and compliments), received in relation to the delivery of social services during the reporting period:

**Table 1 – Number of Representations Received 2021/2022**

	Complaints	Compliments	Total
<b>Adult Services</b>	24	43	<b>67</b>
<b>Children’s Services</b>	19	50	<b>69</b>
<b>Business Strategy</b>	3	6	<b>9</b>

The following table provides a comparison with previous reporting periods.

**Table 2 - Number of Representations Received - Year-on-Year Comparison**



### Stages at which complaints were resolved

Table 3 - Statutory Complaints Procedure 2021/22

	Adult Services	Children's Services	Business Strategy
Stage 1	21	18	3
Stage 2	3	1	0

### Timescales for Completion of Complaints (Stage 1)

As mentioned earlier in the report, the timescale for completion of Stage 1 complaints is 10 working days, with a further 5 working days for a written response (15 working days in total).

Table 4 - Timescales for Completion of Stage 1 Complaints

	Response within (working days):	
	2021/22 15 days	2021/22 15+ days
Adult Services	9	12
Children's Services	9	9
Business Strategy	2	1
<b>Total</b>	<b>20</b>	<b>22</b>

As can be seen from Table 4, 48% of formal Stage 1 complaints during 2021/22 were responded to within the agreed extension time.

It should be noted that there are genuine reasons for being unable to meet the prescribed timescales, for example, some cases can take longer due to the complexity of the issues raised and the need to ensure that cases are thoroughly investigated. In these cases, an extension to the timescale (of a further 10 working days) is normally agreed with the complainant.

Clearly 2021/22 continued to bring its challenges as front-line services recovered from the COVID pandemic, and in many circumstances continued to battle with it; this has also impacted on the response times; that said, performance has improved on the previous year, 2020/21 (40%).

The Complaints Team continues to work closely with managers to improve response times and encourage staff to give high priority to achieving swift and effective resolution whilst also linking an understanding of the procedure to quality and service improvement.

**Outcomes**

The Directorate records outcomes to complaints, therefore, each complaint outcome is generally identified within one of the following categories:-

- Upheld
- Partially Upheld
- Not Upheld

The focus upon outcomes is seen as an important aspect and is utilised in measuring performance, learning from complaints and continuously improving services. Outcomes for each service area have been recorded as follows:

**Table 5 – Complaint Outcomes 2021/22**

	<b>Adult Services</b>	<b>Children’s Services</b>	<b>Business Strategy</b>
Not Upheld	6	13	2
Partially Upheld	5	1	0
Upheld	4	1	0
Other	6	3	1

A total of 5 complaints were upheld in 2021/22 which equates to 12% of complaints received. A further 6 (14%) were partially upheld.

**How Complaints were resolved**

A variety of methods were used to resolve complaints. Each complaint was considered separately and the most appropriate method of resolution applied.

Methods include:

- liaison by complaints officers with senior managers to identify/agree immediate resolution;
- managers meeting with complainants to discuss their concerns;
- provision of explanation (written) as to reasons for decisions;
- provision of an apology (written), where appropriate;

- action taken to change a decision;
- independent investigation; and
- mediation.

All statutory complaints received a written response offering an explanation, outlining recommendations and/or identifying corrective action. Those complaints found to have been upheld or partially upheld received a written apology, where appropriate.

Complaints found to have been not upheld did not normally involve provision of a written apology, although, in some cases, it was appropriate to apologise for a particular aspect if there was a need to focus upon individual learning issues highlighted as a result of the complaint.

### **Nature/Range of Complaints**

Examples of the most common complaints received were as follows:

- quality / level of service / standard of care
- staff attitude / conduct
- lack of / poor communication
- disagreement with assessment / care plan / reports / statements
- unacceptable delays
- missed / late appointments /times of visits

### **Corporate Complaints Procedure**

There are instances whereby aspects of a complaint do not fall within the remit of the social services statutory complaints procedure and in such cases, the Authority's Corporate Complaints Procedure is utilised.

### **Complaints Resolved at the pre-Complaints Procedure stage**

The Complaints Team also carries out a significant amount of work in dealing with and resolving concerns at source, for example, in cases whereby the issues raised are able to be immediately resolved and do not require being formally addressed at Stage 1. This involves Complaints Team staff ensuring that they liaise quickly with appropriate Team Managers to identify and agree swift actions to be taken to resolve concerns immediately.

This is an area where significant improvements have been made by the individual service areas to ensure these complaints are dealt with appropriately and effectively.

### **Welsh Language**

There have been NO complaints received during this reporting period that have been communicated via the medium of Welsh, nor has there been any complaints in relation to the Welsh language/Welsh standards.

### **Compliments**

Compliments are also regarded as important information that can be used to identify good practice. Compliments are therefore, reported centrally and the statistics included in management reports.

### **Table 6 – Compliment Examples**

A selection of the compliments received during 2021/22 are set out below:

<b>Adult Services</b>
<p><i>“I just wanted to let you know that it has been 1 year today that X [mum] returned home.</i></p> <p><i>It has been quite the success with X, recovering beyond expectations and it is evident this was the right decision.</i></p> <p><i>With the invaluable support of the Community Wellbeing Team, the District Nurses, the Occupational Therapists, and of course yourself, X continues to thrive and flourish. Please pass on my thanks to all involved.”</i></p> <p><i>(received by the Team Manager, Network Team from a relative)</i></p>
<p><i>“Probably felt a bit apprehensive initially. Cause again, I was apprehensive as I wanted to know how long this was going to take me and I hope that I’m not going to be put into a waiting queue of two hours and understanding what kind of questions I needed to ask but actually by the time I got through to that phone call, the person on the other end was very helpful in directing me through the process that I felt much more reassured by the end of it</i></p> <p><i>(received by the Single Point of Contact from a service user)</i></p>



*"We would like to express our thanks and gratitude to the Carers and supervisors who provided the care to my late mother.*

*Despite her becoming bedbound, we were able to keep her home and she passed away peacefully thanks to the superb, friendly and professional approach of the carers.*

*They worked well with the District Nurses and towards the end with the ACT team.*

*It would be invidious to name individuals but Sian and Abigail were magnificent.*

*We hope that you will convey our thanks to the teams and individuals."*

*(received by the Community Wellbeing Team from a relative)*

*"I would just like to take this time to say a big thank you to you both for going above and beyond for X, as ever CIS have been the A Team – we would be lost without you all, you always do a grand job. Thank you."*

*(received by the Community Independent Service from a relative)*

### **Children's Services**

*"I don't know where to start, all I can say is thank you for your support from day 1, you've done an amazing job as X's social worker ...*

*you've given us the best possible opportunity to continue this journey as a family ...*

*No one will ever compare to you but I'm sure we'll do just fine 😊 I've always done my best by X and will continue to do so to show you that your faith in me wasn't a wrong choice, I love him unconditionally, he is my world and I couldn't imagine a day without him! Thank you for everything, as I've said before none of this would have been possible without your continued support ... "*

*(received from a Mum to their son's Social Worker–Sandfields CCT)*

*"I'm literally so emotional today, on cloud 9. Just wanted to say a MASSIVE thank you because without you being so humane, genuine and down to earth who shows*

*compassion to families and not just sees us as a tick box exercise , then X would not have come home. It wasn't all my hard work but it was yours and XX too. We appreciate all that you have done for us and you can see he's very happy (he's landed having cupcakes for breakfast as well ha ha) It is acceptable on his birthday.*

*I know your job is tough and most of the times not happy endings and you have to make decisions you don't want to make, but your fantastic at what you do and I know you give families the best chance to succeed. All the challenging days are worth it for days like today."*

***(received from Mum to Team Manager– LAC Team)***

*"I am contacting you to express our appreciation and gratitude for all the advice, support and actions your service has provided to improve the quality of life, safety, security, happiness and future prospects of X and X, our grandchildren and also of our son X. We were blessed with having XX allocated to the family and over the last two years this has changed all our lives for the better.*

*We want you to know that she has been outstanding and a credit to your organisation. Her knowledge, understanding of the true situation, empathy and time were second to none not only for them but also for us as grandparents who have been so worried for many years and desperate to know what to do without making the situation worse for our son who only wanted the best for his children.*

***(received from grandparents to the FAST Team)***

### ***Business Strategy***

*"Good heavens, what a lovely email to receive from you. So helpful, sincere and beautifully written. And so fast. Thank you so much. Please also pass on my sincere thanks to X for passing my email on so promptly and to the right person. I have just plucked up the courage to start this investigation, sent the email to X but thought nothing would come back. A bit like throwing a bottle into the sea, but right away came your great response. Just lovely.*

*Thank you so much for your offer of help ... "*

***(compliment received by the Subject Access Request Team)***

## **8. LESSONS LEARNED**

Evaluation of the information generated from complaints has highlighted a range of actions to be taken to improve services for clients. Action plans, where necessary, are formulated to reflect the actions agreed as part of the resolution process. Monitoring of the action plans is undertaken by each service to ensure that actions are implemented.

## **9. ACHIEVEMENTS IN 2021/2022**

Achievements during 2021/22 include:

- maintaining a responsive service throughout recovery from the COIVD Pandemic;
- good management oversight of Directorate wide compliments and complaints and specific adherence with statutory guidelines;
- continued relationship with Senior Officers, Team Managers and front-line social work teams resulting in quicker resolution at a 'local' level;
- continual review and upgrade of the complaints database;
- regular attendance at All Wales Complaints Officer Group;

## **10. OBJECTIVES FOR 2022/2023**

Plans for 2022/23 include:

- Continue to raise the profile of the Complaints Team both internally and nationally;
- Continuous improvement of information provided to Management Teams;
- Continue to strengthen arrangements surrounding independent investigators, including developing a wider pool of resources.

## **11. CONTACTS**

**Designated Complaints Officer,**

Neath Port Talbot Council,

Social Services, Health and Housing Directorate,

Neath Civic Centre, Neath, SA11 3QZ

Tel: 01639 763445 email: [complaints@npt.gov.uk](mailto:complaints@npt.gov.uk).

**Care Inspectorate Wales,**  
Welsh Government Office  
Rhydycar Business Park,  
Merthyr Tydfil CF48 1UZ,  
Tel: 0300 7900126  
email: [ciw@gov.wales](mailto:ciw@gov.wales)

**Children's Commissioner for Wales,**  
Oystermouth House,  
Phoenix Way, Llansamlet,  
Swansea, SA7 9FS.  
Tel: 01792 765600  
email: [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

**Older Person's Commissioner for Wales**  
Cambrian Buildings,  
Mount Stuart Square, Butetown,  
Cardiff, CF10 5FL  
Tel: 03442 640670  
email: [ask@olderpeoplewales.com](mailto:ask@olderpeoplewales.com)

**Public Services Ombudsman for Wales**  
1 Ffordd Y Hen Gae,  
Pencoed, Bridgend, CF35 5LJ  
Tel: 03007 900203  
website: [www.ombudsman.wales](http://www.ombudsman.wales)

**Leighton Jones**  
**Designated Complaints Officer**  
**July 2022**



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **Report of the Head of Legal and Democratic Services**

### **Social Service, Housing and Community Safety Cabinet Board**

**26<sup>th</sup> January 2023**

### **ACCESS TO MEETINGS/EXCLUSION OF THE PUBLIC**

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.
<b>Item (s):</b>	12 & 13
<b>Recommendation(s):</b>	That the public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.
<b>Relevant Paragraph(s):</b>	13 & 14

#### **1. Purpose of Report**

To enable Members to consider whether the public should be excluded from the meeting in relation to the item(s) listed above.

Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales)

Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.

Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## **2. Exclusion of the Public/Public Interest Test**

In order to comply with the above mentioned legislation, Members will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it/they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in Appendix A.

Where paragraph 16 of the Schedule 12A applies there is no public interest test. Members are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

## **3. Financial Implications**

Not applicable

**4. Integrated Impact Assessment**

Not applicable

**5. Valleys Communities Impact**

Not applicable

**6. Workforce Impact**

Not applicable.

**7. Legal Implications**

The legislative provisions are set out in the report.

Members must consider with regard to each item of business the following matters.

- (a) Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.

and either

- (b) If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test in maintaining the exemption outweighs the public interest in disclosing the information; or

- (c) if the information falls within the paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test by must consider whether they wish to waive their privilege in relation to that item for any reason.

**8. Risk Management**

To allow Members to consider risk associated with exempt information.

**9. Recommendation(s)**

As detailed at the start of the report.

**10. Reason for Proposed Decision(s):**

To ensure that all items are considered in the appropriate manner.

**11. Implementation of Decision(s):**

The decision(s) will be implemented immediately.

**12. List of Background Papers:**

Schedule 12A of the Local Government Act 1972

**13. Appendices:**

Appendix A – List of Exemptions



## Appendix A

<b>NO</b>	<b>Relevant Paragraphs in Schedule 12A</b>
<b>12</b>	Information relating to a particular individual
<b>13</b>	Information which is likely to reveal the identity of an individual
<b>14</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
<b>15</b>	Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
<b>16</b>	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
<b>17</b>	Information which reveals that the authority proposes: <ul style="list-style-type: none"> <li>• To give under any enactment a notice under or by virtue of which requirements are imposed on a person, or</li> <li>• To make an order or direction under any enactment.</li> </ul>
<b>18</b>	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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By virtue of paragraph(s) 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A  
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