



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **CABINET**

**2<sup>nd</sup> October 2024**

### **Report of the Head of Adult Services – Ms A. Thomas**

#### **Matter for Decision**

#### **Wards Affected:**

All wards.

**Report Title:** Direct Payments Policy

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

To approve the amended Direct Payments Policy in accordance with the Social Services and Well-being (Wales) Act 2014 ('the Act').

#### **Executive Summary:**

Direct Payments are monetary payments made to individuals to meet some or all of their eligible care and support needs. This can increase a person's independence and choice by providing control over ways in which assessed needs are met and/or enable carers to continue in their caring role.

The purpose of this policy is to meet Neath Port Talbot Council's ('the Council') statutory obligations under the Act and to provide a framework for the assessment for and use of Direct Payments.

The existing policy, dated November 2019, has been amended to include further clauses in relation to the clawback of Direct Payments underspends in certain circumstances.

### **Background:**

Under the Act, and the Regulations and Codes of Practice issued under it, the Council has an obligation to offer Direct Payments as an alternative to a person with assessed eligible needs receiving care and support commissioned or provided by the Council.

After receiving a needs assessment people eligible for care and support from the Council will receive a financial assessment, following which they may be asked to pay a charge towards the cost of the care and support. People will only be required to pay what they can afford in accordance with regulations, further outlined in the Council's Residential and Non-Residential Care Charging Policy.

The policy's intention is to maximize individuals' choice and control in how they receive social care and support, whilst also taking the Council's resources into account when assessing an individual's eligible needs to ensure services are provided on a fair and equitable basis as far as possible.

In all cases the Council, following a Financial Assessment, will fund a service that meets the eligible assessed needs of, and agreed desired outcomes for, the person, or will provide Direct Payments at a level which it estimates to be equivalent to the reasonable cost of securing the provision of that care and support, and a person will be asked to contribute towards the cost of that service solely in accordance with

regulations made under the Social Services and Well-being (Wales) Act 2014.

Recent audits of Direct Payments recipients' accounts have revealed instances of underspend, i.e. where a client has been assessed as needing a Direct Payment but has not spent the full amount allocated, thereby requiring the Council to seek a refund from each individual.

There are two main reasons for an underspend: either an individual has experienced delays in recruiting a Personal Assistant (PA) but the amount continues to accumulate pending employing a PA; or, where the individual's needs are being met but at a lower overall cost to that in their assessment.

In order to better manage Council resources, additional clauses will be added to the Policy establishing a limit of 8 weeks' equivalent individual DP before 'freezing' payments. This will be done on a case by case basis and only in consultation with the individual concerned (or their appointed representative). The 8-week threshold will ensure an individual has sufficient contingency funds.

When an individual is successful in recruiting a PA their payments will return to the assessed level. Where someone has been identified as not requiring the full initial amount their needs will be re-assessed and a more suitable level of payments will be made thereafter.

By implementing these clauses it will reduce the amount of underspend and by implication the need to seek refunds. This will improve financial management and ensure in a more timely manner that individuals do not receive a DP excessively greater than that suitable to their assessed needs.

**Financial Impacts:**

The Direct Payments Policy has been developed on the basis of the Directorate's budgetary savings for 2024-25.

### **Integrated Impact Assessment:**

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016). The first stage impact assessment has indicated that a more in-depth assessment was required.

An overview of the Integrated Impact Assessment has been included below in summary form only and it is essential that Members read the Integrated Impact Assessment, which is attached to the report at Appendix 3, for the purposes of the meeting.

The aim of this amended policy is to improve fairness of access to services, as well as the long term sustainability of service provision in line with the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

When commissioning services, the Council will make a determination as to what interventions can best meet the person's identified assessed needs and agreed desired outcomes in a way that is equitable and sustainable, whilst offering maximum choice and control in regards to the care they receive. Assessed need will take into account various protected characteristics.

The aim of the Direct Payments Policy is to promote flexibility in service provision so that recipients can access care and support other than via services provided or commissioned by the Council.

It also promotes safeguarding of vulnerable clients and contributes towards service sustainability to meet the outcomes of a growing population with adult social care needs.

It is concluded that overall the policy will have a neutral impact on protected characteristics. The purpose of the policy is to help protect Neath Port Talbot's most vulnerable citizens. The policy's intention is

to make access to services to be as flexible, fair and equitable as possible for all those with an eligible assessed need. It will also ensure long term sustainability of services in line with the Well-being of Future Generations (Wales) Act 2015.

**Valleys Communities Impacts:**

No implications.

**Workforce Impacts:**

No implications.

**Legal Impacts:**

The Policy has been developed in line with the Social Services and Well-being (Wales) Act 2014, associated Regulations and Codes of Practice.

**Risk Management Impacts:**

None.

**Consultation:**

The vast majority of the policy document is a readable explanation of the Direct Payments system, rather than being a policy in the sense of setting and explaining the approach which the council has chosen to adopt within a legal framework. The sole item which involves a decision on the part of the Council is to require DBS checks in situations beyond those required by the regulations. This is a decision the Council is entitled to take as a matter of safeguarding potentially vulnerable people, under the general power in the regulations to impose conditions. It is concluded that this is not of sufficient importance and impact upon the general public to warrant formal consultation before adoption.

Therefore, there is no requirement for external consultation on this item.

**Recommendations:**

- It is recommended that Members approve the Direct Payments Policy attached as Appendix 1 and 2 to this report.

**Reasons for Proposed Decision:**

To comply with the requirements of the Social Services and Wellbeing (Wales) Act 2014 and Part 4 Code of Practice (Meeting Needs) and Part 4 & 5 Code of Practice (Charging and Financial Assessment).

To improve service sustainability as well as management of Council resources.

**Implementation of Decision:**

The decision is proposed for implementation after the three day call in period.

**Appendices:**

Appendix 1 – Direct Payments Policy.

Appendix 2 – Easy Read Version.

Appendix 3 – Integrated Impact Assessment.

**List of Background Papers:**

Social Services and Wellbeing (Wales) Act 2014 and associated Regulations (Part 4 and 5 Code of Practice).

<http://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

Fairness of Service Provision Policy.

<http://moderngov.neath-porttalbot.gov.uk/documents/s53688/Appendix%201%20-%20Fairness%20of%20Service%20Provision%20Policy%20-%20Final%201st%20October%202019.pdf>

NPT Residential and Non-Residential Care Charging Policy.

[https://democracy.npt.gov.uk/documents/s36079/050418%20Charging%20Policy%20Report\\_.pdf](https://democracy.npt.gov.uk/documents/s36079/050418%20Charging%20Policy%20Report_.pdf)

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