

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **SOCIAL CARE, HEALTH AND HOUSING CABINET BOARD**

**18 FEBRUARY 2016**

### **REPORT OF THE DIRECTOR OF SOCIAL SERVICES, HEALTH AND HOUSING – N. JARMAN**

#### **SECTION A – MATTER FOR DECISION**

##### **WARD(S) AFFECTED:**

All Wards

##### **TITLE OF REPORT**

#### **Provider Support for administering Direct Payments (DPs)**

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

The purpose of the report is to seek member approval to establish a Framework Agreement for the provision of Payroll Services (including Pension Auto Enrolment), Managed Account Services/Enhanced Managed Account Services and a Direct Payments 'Suitable Persons' Service.

## **Executive Summary**

In conjunction with City and County of Swansea (CCS), Bridgend County Borough Council (BCBC), Neath Port Talbot County Borough Council (the Council) tendered for a new Direct Payment Support Service (DPSS) in May 2014. Tender evaluations and interviews took place in July 2014 and a new provider, Dewis CIL, won the tender and was notified to that effect in August 2014. The contract commenced on the 1st November 2014 for Dewis CIL to provide a Western Bay wide regional DPSS. New legislation and provisions in Statutory Guidance have subsequently required the Council to make new arrangements to ensure that people who need services are offered a wider choice of provision. Consequently, the Council received approval via an Officer Executive Urgency Action on 8th October 2015 to withdraw from the contract. The Council has since given the City & County of Swansea 6 months' notice and the current contract with Dewis CIL will cease on 31st March 2016. Therefore, the Council needed to establish alternative arrangements to deliver Direct Payments as soon as possible. This requirement was met through the mechanism of the Urgency Action Report referred to above, and temporary arrangements were put in place to ensure continuity of service. This arrangement expires in April 2016 but will, in the interim, have supported many more people to access a DP.

Parallel to these developments, a new 'in-house' Council DP Support Team was established. Discussions with the Council's internal payroll service were also commenced with a view to them becoming one of the providers of payroll services for DP recipients. This is a promising development but due to the requirement to develop a specific computer software programme to enable the service to be offered, is unlikely to come on stream until Summer 2016 at the earliest. In order to deliver upon the Welsh Government's aspiration that the widest possible choice of service provision and support provider should be available to people requesting a DP, officers assess that an Approved List of Providers should be put in place.

This report seeks Members' approval to establish an Approved List from April 2016 onwards via a modified e-tender Wales action for the provision of Payroll Services (including Pension Auto Enrolment), Managed Account Services/Enhanced Managed Account Services (these are types of supported bank accounts for those who cannot manage them without support) and a Direct Payments Suitable

Persons Service. The establishment of an Approved List which can be regularly refreshed as new providers (including the Council's own services) come on stream will stimulate new, person-centred, services and offer economies in cost. A 'Suitable Person' is required in legislation to act as the employer where a person using services lacks the mental capacity to take on the role. As of January 2016, the Council has established the first 'Suitable Person' service in Wales which means that people who might otherwise be unable to access a DP will be able to do so.

## **Background**

The requirements of the new Social Care and Wellbeing (Wales) Act 2014 have to be implemented from 1st April 2016. The Act has eleven parts. Part 2 refers to general duties, including promoting the well-being of people who need care and support and carers who need support; requires the promotion by local authorities of social enterprises, co-operatives, user led services and the third sector in the provision in their areas of care and support and support for carers.

Part 4 (meeting needs) provides for: the circumstances in which needs for care and support or support for carers may or must be met by local authorities. How needs are to be met with DPs as one arrangement for meeting needs and also referring to the support which a local authority must provide or arrange for persons to whom it makes direct payments. DPs provide a number of distinct benefits in satisfying the requirements of the new Act, particularly in promoting well-being, by increasing choice of service provision, in particular:

- Flexibility of use of funds for whatever community services best suit assessed needs (i.e. not just homecare at set times)
- Can match carer with same interests as service user
- Continuity of carer
- Reviewing and understanding costs of care

DPs are the largest single item in the Council's saving schedule for 2016-17. The Council, therefore, is targeting a significant increase in the future take up of DPs and needs arrangements in place which will

be able to accommodate this increase in demand. To this end and owing to the constraints of the contract notice, Members decided on the 26th of November 2015 at Social Care, Health and Housing Cabinet Board that it was in the best interests of the Council and people using services to bring the advice and development areas in house and to have the payroll and managed accounts service delivered by a third party. This is due to the complexity and resource demands a payroll and managed accounts service would bring to the Council in the short term. Looking further into the future, it is intended the Council will establish a payroll and managed accounts service in-house, but setting up this service will take a little longer than setting up the advice, Personal Assistant Register and development areas as we do not currently have the necessary IT and processes in place to start this service now.

The Council will offer DPSS providers the opportunity to put their service offer on to an Approved List. The Approved List gives no guarantees of business as people using services will choose their own support provider, information about which will be available to them on the DP pages of the Council approved 'info - engine' website. The Council will not be contracting with any of these organisations, we will instead be adopting a criteria that all organisations will have to comply with if they wish to be appointed to the Approved List.

### **Financial Impact**

The proposals within this report have no impact on the Council's Financial Estimates.

### **Workforce Impact**

This arrangement will support jobs within the Council as new in-house Direct Payment support services come on stream. In addition, the arrangements will stimulate employment in the community with the growth of new opportunities for flexible working and the development of new small businesses in the DP support sector.

## **Equality Impact Assessment ("EIA")**

An Equality Impact Screening Form has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. An overview of the EIA has been included in this report in summary form only. It is essential that Members read the Equality Impact Screening Form, which is attached to the report at Appendix 1.

All the Council's DP service users are known to Adult Social Services and Children and Young Peoples Services therefore information on all protected characteristics are held on the Client Index. Based on an analysis of this information to date no adverse impact on any of the known protected characteristic groups is anticipated.

The proposal for the payroll, managed accounts and suitable person's service delivered by a third party will not have a negative impact on the service user's level and type of service.

## **Legal Impacts**

The proposed model of service provision would ensure compliance with the new Social Services and Well-being Act 2014 (Wales).

Although the Council will not in fact be purchasing any services from the organisations being appointed to the proposed Approved List. It does propose advertising the opportunity to ensure opportunities for all organisations, provided they satisfy the requirement of the Council to apply to this list. This will assist the Council in ensuring it is acting in accordance with principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality

## **Risk Management**

Those DP Support Services having the highest level of assessed risk will now be managed in - house in order that the Council can have the highest level of confidence in the arrangements. Externally provided services carry appropriate levels of indemnity and insurance in order to ensure that people using services are fully protected as is the Council itself.

## **Consultation**

This item has been included in the Forward Work Programme

## **Recommendations**

It is recommended that Members approve the establishment of an Approved List of providers for Direct Payment Support Services including the granting of Delegated Authority to Officers to open up access to the list for new providers on a regular basis.

## **Reasons for Proposed Decision**

The decision to grant permission for the establishment of an Approved list of Direct Payment Support Services will ensure that people wishing to have access to a Direct Payment will be able to do so in a way which supports their choices whilst simultaneously ensuring that the Council is able to meet its legal obligations.

## **Implementation of Decision**

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

## **Appendices**

Appendix 1: Equality Impact Assessment

## **Officer Contact**

Paul Davies - DP Support Lead. Cimla Hospital: Email: [p.davies7@NPT.gov.uk](mailto:p.davies7@NPT.gov.uk). Tel: 01639 686812

## Appendix One

### Equality Impact Assessment Screening Form

Please ensure that you refer to the Draft Screening Form Guidance while completing this form. If you would like further guidance please contact Corporate Strategy or your directorate Heads of Service Equality Group Champion.

#### Section 1

What service area and directorate are you from?

Service Area: Community Care & Commissioning

Directorate: Social Services, Health and Housing

#### Q1 (a) What are you screening for relevance?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### (b) Please name and describe below

The proposal is to seek Cabinet approval to establish a Framework Agreement from April 2016 through the putting in place of an Approved List for the provision of Payroll Services both internal and external (including Pension Auto Enrolment), Managed Account Service / Enhanced Managed Account Service and a Direct Payments Suitable Persons Service. Direct Payments are the largest single item in the Council's saving schedule for 2016-17. The Council, therefore, is targeting a significant increase in the future take up of direct payments and needs arrangements in place which will be able to accommodate this increase in demand.

**Q2 (a) What does Q1a relate to?**

Direct front line  
service delivery

Indirect front line  
service delivery

Indirect back room  
service delivery

(H)

(M)

(L)

**(b) Do your customers/clients access this service...?**

Because they  
need to

Because they  
want to

Because it is  
automatically provided to  
everyone in NPT

On an internal  
basis  
i.e. Staff

(H)

(M)

(M)

(L)

**Q3 What is the potential impact on the following protected characteristics?**

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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**Q4(a) How visible is this service/function/policy/procedure/ project/strategy to the general public?**

High visibility to general public <input type="checkbox"/> (H)	Medium visibility to general public <input type="checkbox"/> (M)	Low visibility to general public <input checked="" type="checkbox"/> (L)
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**(b) What is the potential risk to the council's reputation? (Consider the following impacts – legal, financial, political, media, public perception etc...)**

High risk to reputation <input type="checkbox"/> (H)	Medium risk to reputation <input type="checkbox"/> (M)	Low risk to reputation <input checked="" type="checkbox"/> (L)
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**Q5 How did you score?**

*Please tick the relevant box*

MOSTLY **H** and/or **M** → HIGH PRIORITY →  EIA to be completed

Please go to Section 2

MOSTLY **L** → LOW PRIORITY / →  Do not complete EIA

NOT RELEVANT

Please go to Q6 followed by  
Section 2

**Q6 If after completing the EIA screening process you determine that this service/function/policy/project is not relevant for an EIA you must provide adequate explanation below (Please use additional pages if necessary).**

All 275+ NPTCBC Direct Payment service users are known to Adult Social Services and Children and Young Peoples Services therefore information on all protected characteristics are held on the Client Index. Based on an analysis of this information to date no adverse impact on any of the known protected characteristic groups is anticipated. The proposal for the payroll, managed accounts and suitable person's service delivered by a third party will not have a negative impact on the service user's level and type of service.

## Section 2

Screener- This to be completed by the person responsible for completing this screening
Name: Paul Davies
Location: Cimla Hospital, Cimla, Neath SA11 3SU
Telephone Number: 01639 686812
Date: 8 <sup>th</sup> February 2016

Approval by Head of Service
Name:
Position:
Date:

**Please ensure this completed form is filed appropriately within your directorate because it may be required as evidence should a legal challenge be made regarding compliance with the Equality Act 2010.**