



Agenda Item

OVERVIEW AND SCRUTINY BOARD

21 SEPTEMBER 2010

FINAL REPORT OF THE SOCIAL CARE AND ADULT SERVICES SCRUTINY PANEL

PERSONAL BUDGETS

PURPOSE OF THE REPORT

1. To present the findings of the Social Care and Adult Services Panel's review of Personal Budgets.

AIM OF THE SCRUTINY INVESTIGATION

2. The overall aim of the Scrutiny investigation was to look at whether the Council is well placed to meet the milestones set out by the Department of Health in respect of delivering personal budgets.

TERMS OF REFERENCE OF THE SCRUTINY INVESTIGATION

3. The terms of reference for the Scrutiny investigation were as outlined below: -
 - (a) To gain an understanding of personal budgets in Middlesbrough.
 - (b) Consider examples of good practice and how the views of service users who are currently in receipt of a personal budget have been used to develop the system.
 - (c) Examine how the introduction of personal budgets will impact on in house and commissioned services.
 - (d) Consider what systems are in place to address risks to individuals who are managing personal budgets.
 - (e) Examine the forms of information, advice, advocacy and forms of brokerage that will be offered to support individuals in planning and commissioning their own care.

- (f) Consider who the Council's key partners are in delivering personal budgets and how they work with the Council.

METHODS OF INVESTIGATION

4. Members of the Panel met formally between 25 February 2010 and 1 July 2010 to discuss/receive evidence relating to this investigation and a detailed record of the topics discussed at those meetings are available from the Committee Management System (COMMIS), accessible via the Council's website.
5. A brief summary of the methods of investigation are outlined below:-
 - (a) Detailed officer presentations supplemented by verbal evidence
 - (b) Evidence received from meetings with service users and carers
 - (c) Best practice evidence received from officers at Hartlepool Borough Council
 - (d) Evidence received at the Personalisation – What it means for the Voluntary and Community Sector event
6. The report has been compiled on the basis of this evidence and other background information listed at the end of the report.

MEMBERSHIP OF THE PANEL

7. The membership of the Panel was as detailed below: -

Councillor P Purvis (Chair), Councillor F McIntyre (Vice Chair), Councillors S Biswas, E Dryden, A Majid, J Walker, M Whatley and E Briggs (co-opted member).

BACKGROUND

8. The introduction of Personal Budgets presents new challenges in the delivery of social care support and has prompted debate throughout the country. Although there can be no doubt that the choice and control introduced via Personal Budgets will transform the lives of many service users, with increased choice comes greater risk and responsibilities. Numerous concerns have been raised in relation to the safeguarding of vulnerable adults and the monitoring of financial resources.
9. Handing over public funds and allowing service users to choose how they wish to spend their resource allocation on meeting their needs is a real challenge. Not only for the professionals working within social care but also for service users and their families, local providers and the voluntary and community sector. Concerns have also been raised in respect of what is deemed to be a legitimate use of a Personal Budget, as well as how service users can have confidence in the services they purchase or arrange when non traditional services fall outside of current regulatory arrangements.
10. In Middlesbrough £17million per year is spent on community based services, which includes home care and day centre provision. At present £3.5million of that annual spend, which equates to 19% of the budget is spent on Personal Budgets and Self-

Directed Support, with 540 service users now in receipt of a Personal Budget. The average amount people receive in Middlesbrough in the form of a Personal Budget is a £6,500.

11. Given the level of change that the implementation of Personal Budgets and the Personalisation agenda presents the Panel opted to consider this topic as its main topic of review for 2009/2010.

SETTING THE SCENE – GAINING AN UNDERSTANDING OF PERSONAL BUDGETS

8. Prior to agreeing its terms of reference for the review the panel wished to gain an understanding of what Personal Budgets are and how having a Personal Budget differs from the way in which social care support was previously provided. The Head of Planning and Performance within the Department of Social Care attended the panel's first meeting to provide this overview.
9. In 2007 the Department of Health published a cross party Government Concordat entitled "Putting People First", which built on the principles of choice and control outlined in the 2006 White Paper, "Our Health, Our Care, Our Say". The Putting People First Concordat set out a vision and commitment to transform the way adult social care services are delivered by 2011. It set out a requirement that all Councils with social care responsibilities move to a system of Personal Budgets for anyone who is eligible for social care support. It also set out a requirement for Councils to provide improved information, support and advocacy to anyone who needs services, whether they are eligible for funding or not.
10. The panel was advised that the introduction of Personal Budgets represents a significant shift in the way social care support is provided.
11. Traditionally, anyone in receipt of social care services will have been assessed by a social care professional, who then arranged a package of care to meet the needs identified for that particular individual. The introduction of Personal Budgets represents a major shift in that;
 - (a) The individual concerned undertakes their own assessment of their needs. This can also be facilitated by someone who the individual chooses to assist them.
 - (b) A social care professional does not have to be involved in the whole of this process, although it is expected that they will be for more complex cases. A social care perspective on the self-assessment is however, always required.
 - (c) The assessment then leads to the identification of a resource allocation (a personal budget) provided to the individual to purchase services to meet their need via
 - i. A Direct (cash) Payment to purchase services external to the Council.
 - ii. A "managed account", whereby the individual can access services either commissioned or delivered by the Council.
 - iii. A mixture of the above.
12. The process by which an individual's personal budget is determined is known in its entirety as the Resource Allocation System (RAS) and at its most basic level the process consists of 4 steps:

- The individual completes a **Self Assessment Questionnaire**

- Based on the level of their need the individual is given an indicative social care budget. This is determined by matching the individual's needs to a **Resource Allocation Table**
- The individual builds their **Support Plan** which outlines how they want their needs to be met
- **Agreement** for that Support Plan is then needed from the Department of Social Care

13. Individuals in receipt of a Direct (cash) Payment must also sign a legal agreement.

14. In cases where the cost of providing the services identified in the Support Plan is more than the indicative budget, the assessment would be referred to a Panel specifically set up to consider such cases. It was emphasised that when an individual is given a Personal Budget the money they receive must be spent in line with their Support Plan.

15. Milestones and targets have been issued by the Department of Health (DoH), which assist in considering the steps that need to be taken in implementing 'Putting People First'. Those that relate to Personal Budgets are outlined in the table below.

Description	Timescales
The move to Personal Budgets is well underway and local service users are contributing to the development of local practice.	April 2010
A strategy is in place to provide universal information, advice and advocacy services.	April 2010
That local Service Users understand the changes to Personal Budgets and that <u>many</u> are contributing to the development of local practice.	October 2010
That all new Service Users / Carers (with assessed need for support) and those subject to review, are offered a Personal Budget.	October 2010
Arrangements for universal information, advice and advocacy are in place.	October 2010
Providers know how they can respond to the needs of people using PBs.	October 2010
That every Council has in place at least 1 user led organisation who are directly contributing to the transformation to Personal Budgets.	December 2010
That at least 30% of eligible service users / carers have a Personal Budget.	April 2011
The public know where to go for information, advice and advocacy.	April 2011
Stakeholders are clear of the impact PBs have on Council and PCT procurement.	April 2011

16. The key milestones that the Panel is primarily interested in for the purpose of this review are as follows;

- The move to Personal Budgets is well underway and local service users are contributing to the development of local practice by April 2010
- That all new service users / carers (with assessed need for support) and those subject to review, are offered a Personal Budget by October 2010
- That arrangements for universal information, advice and advocacy are in place by October 2010
- That at least 30 per cent of eligible service users / carers have a personal budget by April 2011

17. The panel recognises that the introduction of Personal Budgets not only represents a change in the way in which a person's needs are assessed but also gives individuals much greater choice and control over the way in which their needs are met. Through

the use of a Personal Budget two individuals with the same identified needs can have their needs met in completely different ways. This contrasts significantly with the way in which social care support was previously provided.

18. An older person who is socially isolated, for example, would previously only have had the opportunity to access day care services. With a Personal Budget older people are opting to do very different things including employing a Personal Assistant to help them visit the bingo or access the gym. Personal Budgets are enabling people to be much more creative. The whole ethos of Self-Directed Support and Personal Budgets is about moving away from a 'tick box' approach to one where people identify their own needs and how they want those needs to be met as an individual.
19. Members were concerned that older people can sometimes underestimate their own needs. It was explained that within the process, as is the case currently, the assessor's view is also taken into account and the necessary safeguards are in place. If an individual approaches the Department of Social Care at the point of crisis a package of care is put in place automatically. Individuals will go through the Personal Budget process for longer-term care packages.
20. The panel was interested to gain a greater understanding of how the Council would ensure that the Direct (cash) Payment people receive is spent on meeting their needs. It was explained that prior to receiving the Direct (cash) Payment a bank account has to be set up. The Council commissions an external provider A4e to monitor the use of those accounts (to report any issues / build up of surpluses) and also to provide employment support and advice to individuals who wish to employ a Personal Assistant (PA). The Council can place limits on the account and generally the money individuals receive is paid on a monthly basis.
21. In the event of an individual being unable to open a bank account A4e manage those cases. Of the 540 service users in receipt of a Direct (cash) Payment in Middlesbrough at present approximately 160 do not have a bank account. The Department of Social Care is investigating the possibility of introducing prepaid cards in the future, which would be loaded with funds on a monthly basis and used like a debit card, to alleviate this problem.
22. With regard to the services provided by A4e the panel heard that the financial monitoring element of the contract was soon to be brought back in house and that the contract was due to go out to tender. Members heard that there are very few alternative providers in the market at the current time but that efforts were being made to stimulate the market. The panel is pleased to note that monitoring of commissioned services is effective and that action has been taken to address concerns raised in relation to the financial monitoring of Direct (cash) Payments by A4e.
23. The panel was advised that Personal Budgets do generally create greater risk both in terms of safeguarding and financial management. Despite many of the concerns and apprehensions that have been raised in relation to the specific issues of safeguarding and financial management, as well as uncertainties about the boundaries of what resources allocated to individuals for the purposes of social care support can be used for the delivery of Personal Budgets is the direction the Council has to take. Personal Budgets are about putting the individual in control of how their needs are met and all political parties are fully supportive of this approach.

24. In changing how people's needs are assessed and how they can have those needs met Self-Directed Support and Personal Budgets also presents a challenge for providers. The introduction of Personal Budgets gives people greater choice and control over the services they receive. If providers fail to meet the needs of those in receipt of their services then people can choose to purchase a service from elsewhere or recruit a PA.
25. At the panel's initial meeting on the topic, in February 2010, it was advised that 80 people out of the 5000 in receipt of social care community support services in Middlesbrough were in receipt of a Personal Budget. The target for April 2011 is for 1,600 to be in receipt of a Personal Budget, which equates to 30 per cent of service users. It was acknowledged that a significant amount of work will need to be undertaken to reach this target. To date a deliberately cautious approach has been adopted whilst the necessary building blocks are put in place.
26. The panel was advised that by October 2010 the number of service users in receipt of a Personal Budget would be significantly higher, as all new service users / carers (with assessed need for support) and those subject to review would be offered a Personal Budget.

Future Issues

27. In terms of the issues still to be addressed Members were informed that at present the Council has adopted a standard Self Assessment Questionnaire, which applies to all client groups (Learning Disabilities, Mental Health, Physical Disabilities and Older People) there are however four separate Resource Allocation Tables, which recognise the difference in unit costs of service delivery for each of the client groups. Nationally it has been suggested that this may be inequitable. The long-term aim is for the Council to move to a single Resource Allocation System.
28. Another issue the Council needs to consider is that the introduction of Personal Budgets will lead to an increase in demand. Under the new system assessment and support planning must be offered to those who do not qualify for publicly funded social care support (self-funders and those below the FACS criteria substantial). There is a much greater emphasis on arrangements for universal information, advice and advocacy and preventing people with lower level needs developing higher level needs.
29. In terms of making Personal Budgets as accessible for people as possible the panel was informed that a citizens portal will be developed. This will enable those in receipt of a Personal Budget to have access to their Personal Budget information in the same way as they may currently access their online banking account. The portal will provide people with access to their Self Assessment Questionnaire and Support Plan, as well as enable them to access a directory of services displaying the unit costs of services available to really give people power and control over how they spend their Personal Budget.
30. The substantial growth in the employment of Personal Assistants is another matter of consideration for the Department of Social Care and there is a need for the Department to link in with Personal Assistants as a workforce.

EXAMPLES OF GOOD PRACTICE AND HOW THE VIEWS OF SERVICE USERS WHO ARE CURRENTLY IN RECEIPT OF A PERSONAL BUDGET HAVE BEEN USED TO DEVELOP THE SYSTEM

31. The panel was keen to hear as part of its review from service users and their carers who are currently in receipt of a Personal Budget. The panel heard from three families about how they had found the process and the difference that having a Personal Budget has made to them.

Ann and Michael

Ann is a carer for her ex partner Michael. Michael suffered a stroke four and a half years ago at the age of 40 and now requires 24 hour care.

With assistance, encouragement and support from Michael's Social Worker Ann decided to use a Personal Budget to help Michael participate in community activities. Ann explained that the flexibility to use a Personal Budget to enable Michael to access different activities has completely changed his life, increasing both his confidence and quality of life.

With his Personal Budget Michael purchases 11 hours of Personal Assistant support per week and the flexibility to vary these hours between three different carers is a huge advantage. Ann explained that it is also very helpful that the hours can be saved up to enable Michael to be cared for over a weekend if required.

Michael has used some of his Personal Budget to purchase gym membership. Originally this was at the Thistle Hotel but Michael recently decided to move to a different gym, as this means he has more money left to spend on other support services. Ann explained that they are keen to obtain the best value for the money Michael is allocated and they are very happy to have any money left returned to social services at the end of the year.

Ann stated that she felt she had been lucky in finding people to employ as Personal Assistants for Michael and has experienced no problems with the monitoring process.

Ann advised that her experience of working with Personal Budgets has been very positive. Ann was given all the information she needed to access support via a booklet, which contained copies of suggested job descriptions for Personal Assistants and information regarding CRB checks. Ann explained that she employed the Personal Assistants through A4e and had found the whole process very easy to manage. A4e had provided advice on employer liability insurance, managed the payroll process for her and also offered support and advice regarding CRB checks and other issues.

Monica and Peter

Monica cares for her husband Peter. Peter has osteoporosis and has suffered three fractures in his spine. Peter also suffers from Chronic Obstructive Pulmonary Disease (COPD) and is housebound.

Monica was referred to the Social Services Crisis Team by a district nurse who recognised the strain that caring for Peter had placed on Monica and her family. A crisis package of support was provided in the first few weeks, which was very effective. After that initial period, home care support was introduced and this was provided by a local home care agency. Unfortunately home care support was not very effective for Monica and Peter, as there was little flexibility in the system. It was difficult to make alternative arrangements such as changing the days and times when care workers visited and the care workers were never the same. Monica decided to stop the service and was subsequently offered a Personal Budget.

Monica advised that the flexibility offered by a Personal Budget is ideal for their situation. Peter receives 19 hours of support per week. It was agreed that the following elements would be included as part of his support plan:

- Help from a personal assistant
- A service to help Monica complete the household chores – cleaning and ironing to free up her time so that she can provide care for Peter when she's not at work
- Making the garden accessible for Peter – Peter had loved taking care of the garden but is now unable to do so
- Some of the budget to be used to employ a gardener

One of the problems Monica identified in managing the Personal Budget was the provision of employment support information. Monica decided to employ a Personal Assistant directly rather than using the services of A4e. A lot of the information required to manage a Personal Budget was given at different times and this caused delays in accessing Peter's Personal Budget. Monica advised that ideally it would be useful to receive a booklet, which includes the following information:

- How to employ a Personal Assistant,
- An example of an employers' contract,
- How to undertake a health and safety assessment,
- The provision of training in the correct use of all equipment for the disabled, wheelchair, stair lift, walk in showers etc.
- An example of a job description,
- Details of how to take out employers liability insurance,
- Details of how to check if your Personal Assistant is ISA registered,
- How to undertake a CRB check

Lisa and Family

Lisa is 25 years and has been diagnosed with tourette syndrome (TS). Her condition is mostly controlled by medication but having TS has affected Lisa's confidence.

With her Personal Budget Lisa employs a Personal Assistant for 8 hours a week to help her access social activities. Lisa has started going to the gym and out on bike rides. Lisa explained that she really wanted to use some of her Personal Budget to help her lose weight. Since March 2010 Lisa has lost 2 stone and dropped 3 dress sizes. This has helped Lisa to feel better and has also increased her confidence. Lisa is socialising more and using some of her Personal Budget to attend the local bingo and cinema.

With regard to how Lisa has found managing her Personal Budget overall she and her family stated that they had found the process very straightforward. They identified an individual who has an NVQ in Health and Social Care, First Aid Training and Fitness Training to employ as Lisa's PA. Lisa's parents emphasised that they would only employ an individual with experience and recognised qualifications.

Lisa lives at home with her parents and they helped her to find and employ her Personal Assistant. Lisa's parents made the following comments,

"the difference a Personal Budget has made has been remarkable and has taken the pressure off us. It has not only improved our daughter's quality of life but also our quality of life. Having a Personal Budget has given our daughter choices about the services she receives that take into account her age and preferences."

32. In terms of whether there was anything that the Council could have provided that would have been of benefit when deciding how to use their Personal Budgets the service users put forward the following suggestions.
33. In the information received by service users / carers some real life case studies should be included and a sort of 'starter pack' developed to highlight what other people have used their Personal Budget to purchase. This would help to give people an idea about the possibilities, as at present it is difficult to know what the parameters are and what can / cannot be included in the support plan. It is also difficult to put forward a case to show that if the money is spent on maintaining the garden, for example, how this will deliver real benefits for the personal budget holder.
34. It was advised that in addition to the above clearer guidance could also be provided at the start of the process detailing specifically what an individual's resource allocation can and cannot be spent on. For example, the money can be spent on employing a Personal Assistant to enable you to access the gym or partake in activities. However, the money cannot be spent on purchasing a drink or having something to eat whilst partaking in the activities identified in your support plan. A frequently asked question section would also be really beneficial.

35. Members commented that it appeared that Personal Budget holders who used the services of A4e to employ Personal Assistants, receive more information, support and advice than those Personal Budget holders who chose to employ their own Personal Assistant support. Members emphasised that it was important not to have a two-tier system for people accessing Personal Budgets.
36. Members emphasised the need for Personal Budget holders to be fully aware of how to report any safeguarding issues.
37. The Panel was advised that the Personal Budgets Team frequently consults all stakeholders for feedback on the management of Personal Budgets. The Team has recently reviewed the process following feedback from a service user from Mental Health Services. The service user had advised that he found the process time consuming and repetitive. As a consequence the Personal Budgets Team has revised the paperwork and amended procedures.

LOCAL AUTHORITY BEST PRACTICE – IMPLEMENTATION OF PERSONAL BUDGETS

38. The Panel was keen to consider some examples of best practice in terms of the delivery of Personal Budgets. The Panel heard that Hartlepool Council had been involved in testing the practical application of Personal Budgets prior to the national roll out. The Transforming Social Care Manager and the Head of Finance/Transformation Lead from Hartlepool Council were therefore invited to attend a meeting of the Panel to provide an overview of the work undertaken in Hartlepool in implementing Personal Budgets.
39. The Panel was advised that in 2006, Hartlepool Council became a total transformation pilot, overseen by In Control, a registered charity and social enterprise dedicated to Self-Directed Support. The Panel heard that In Control describes the transformation of the social care system using a jigsaw and has categorised the four corner pieces as leadership, legitimacy (or understanding), resource allocation and support systems.

Leadership

40. It was emphasised that to introduce Personal Budgets and Self-Directed Support there needs to be a clear vision, strong leadership and a good communication strategy from the outset. The Director of Social Care and the Chief Executive at Hartlepool Council were involved from the very beginning of the process. It was acknowledged that there was a need to manage the process of Personal Budgets up as well as down the organisation and to be flexible in approaching what is essentially a very challenging task. The Panel heard that Direct Payments were identified as an initial lever in the delivery of Self-Directed Support and Personalisation and the Director of Social Care led from the front.

Legitimacy / Understanding

41. All political groups within the Council received briefings and information packs, which included examples from other local authorities of how Personal Budgets could be used and what issues Members could face with constituents affected by the introduction of Personal Budgets. Senior Managers held training events for Team Managers and other

council departments featuring national speakers, drama presentations and personal stories.

42. The Transforming Social Care Manager acknowledged that the terminology used to describe the transformation of social care including Personalisation, Personal Budgets and Self-Directed Support can be confusing and that people can 'get lost in the message'. It was advised that keeping the information provided as simple as possible and staying true to the values of Self-Directed Support is extremely important.

Resource Allocation

43. The Panel heard from the Head of Finance / Transformation Lead that Self-Directed Support will not work without a robust system to put money into the hands of ordinary citizens. It was emphasised that it is vital to ensure that the supported Self Assessment Questionnaire (SAQ) and Resource Allocation System (RAS) are right from the very beginning. The contribution policy is also seen as a key achievement in Hartlepool in that it ensures that people are paying what they can afford and no more. The Panel heard that the message Hartlepool Council has communicated is that the local authority and service user are sharing the costs; hence the service users share is called a "contribution" and not a charge.

Support Systems

44. The Panel was informed that Self-Directed Support is premised on there being good support systems in place that will help people to make plans and think through how best to get what is in those plans. In 2006 the brokerage available in Hartlepool was limited. Brokerage is defined as a system to help people get what is in their support plan.
45. A further aspect of support is what is referred to in Hartlepool as "financial brokerage", which is defined as services to help someone manage their money and purchase support. It was recognised that the in-house support services in Hartlepool were inadequate for providing this service, as they were unable to help with payroll or develop 'indirect payments', a contract was therefore tendered and awarded to A4e.
46. Another system, which was deemed by Hartlepool Council as a form of 'support' was the Direct Payments system already in place. The Panel heard that it was this arrangement that enabled Hartlepool Council to move the culture in the department and in the wider Council to the next level. In November 2008, Hartlepool Council was judged to be the third best performing authority in England in terms of Direct Payment take-up and this was seen as a basis from which Personalisation could grow.

Developing the tools

47. In order to deliver Personal Budgets the Panel was advised that finance and IT systems had to be developed to enable the Council to monitor the impact of introducing Personal Budgets both in terms of the quality of life outcomes for individuals, as well as cost implications for the authority. The Panel was advised that the financial and IT systems in place were not designed to look at individuals and therefore the monitoring of outcomes when services are being delivered in a very personal way is quite challenging. Hartlepool Council has worked with the University of Lancaster to assess how the delivery of Personal Budgets is working but it was acknowledged that

reviewing learning, checking consistency and sharing best practice are important parts of the development process.

48. It was emphasised by the Transforming Social Care Manager that the most important testimony of all is the evidence that the lives of ordinary citizens can and do change as a result of Self-Directed Support. The Panel acknowledged that promoting real life stories both within the Council and to the wider public is important in helping people to realise that the changes are necessary and worthwhile. Generating positive press and providing details of the more innovative ways in which service users have used their Personal Budgets is an important factor in increasing understanding and generating support. The Panel heard that the introduction of Personal Budgets signifies a huge cultural change and that the level of change required can not be underestimated.
49. The Panel was informed that 45% of service users in Hartlepool are currently in receipt of a Personal Budget. The target that the authority had initially set was 70% and it was advised that there was still much work to do to achieve this target.

Embedding deeper

50. At 45% of service users in receipt of a Personal Budget it was explained that Hartlepool Council is now looking to the wider Putting People First agenda and how people can be helped to live independently in the community for longer without the need for social care support. Prevention and reablement are key features in the delivery of this agenda.
51. In terms of the delivery of Personal Budgets one of the main areas of concern for the Panel throughout the review has been in respect of safeguarding. The Panel is aware that at present there is no legal requirement for any individual in receipt of a Direct Payment who opts to employ a Personal Assistant to have that individual CRB checked. Given the high percentage of Personal Budgets delivered in Hartlepool the Panel was interested to find out what measures Hartlepool Council have put in place to minimise any risk that this could pose to service users.
52. The Panel heard that the new legal framework for Personal Budgets still complies with the Community Care legislation but embeds the principles of personalisation, choice and control. Social Workers have a duty to assess needs as well as risks and an individual's Support Plan must ensure that the person is kept healthy, safe and well. Local authorities retain a 'duty of care' for vulnerable adults and it was advised that one of the key safeguarding mechanisms is through the process of signing off Support Plans. The Panel was informed that although an individual can write their own Support Plan the financial resources will not be allocated until the Plan has been validated by the local authority.
53. It was acknowledged that if the local authority commissioned a contract with an agency; everyone within the agency is required to have a Criminal Records Bureau (CRB) check. Hartlepool Council tries to ensure that Personal Assistants appointed by Personal Budget holders have had a CRB check undertaken and service users are asked to provide reasons if they decide to employ individuals who have not undergone the appropriate checks.
54. Reference was made to the employment of family members by service users and it was advised that there was not huge number of people who wanted to employ a family

member as a Personal Assistant. The Panel heard that help already received from family members is taken into account as part of the individual's assessment of need before a Personal Budget is awarded. The amount of money paid per hour for a Personal Assistant is monitored and a Support Plan will not be signed off if a service user is paying below the minimum wage limit or at a rate much higher than the normal rate of pay. The key aim of introducing Personal Budgets is to give service users choice and control over how their allocation is spent but at the same time ensure that the appropriate safeguarding mechanisms are in place to protect the service user.

55. In terms of managing the financial allocation the Panel recognised that there will be Personal Budget holders who do not have the time, energy or inclination to manage a budget themselves. It is important to ensure that these people are not excluded from the process or treated as second class Personal Budget holders. In Hartlepool there is a range of different mechanisms to enable everyone to control but not necessarily manage their Personal Budget. Individuals can do this directly via a Direct Payment; or through family or friends; using a professional; or a service provider; or through an independent organisation; or a representative.
56. The Panel was advised that to facilitate better monitoring, an individual's resource allocation is usually broken down into weekly payments. When an individual is provided with upfront knowledge about how much money they have been allocated and what the cost of service provision is then the individual can start to examine whether they are getting the best value they can and how much a service is worth to them. For example, whereas previously a service user may have accessed the in-house day care services on offer they may decide to use their allocation to access services in the community that they feel is more valuable to them.
57. The Panel was advised that Hartlepool Council have very few in-house providers, with only two day-centres, one for service users with physical disabilities and one for service users with learning disabilities. The Panel heard that it is much more difficult for a local authority with a lot of in-house provision to introduce Personal Budgets without discontinuing services. Hartlepool was in a good position from the start to help people access more person centred care.
58. The Panel was informed that there are a number of imaginative uses of Personal Budgets in Hartlepool and some groups have pooled elements of their Budgets to provide more flexible services tailored around what people want.
- Hartlepool United Disabled Supporters Association, for example, has purchased an adapted caravan at Primrose Valley and many service users have opted to take respite at the caravan rather than access Greenfields Lodge, which is a respite centre.
 - Roaring Mouth Drama Group has rented their own building and employed staff to carry out productions and hold drama groups.
59. It was advised that one of the most positive outcomes has been that new providers have emerged although it is recognised that there is still a need to create the market place with sufficient choice for everyone to live the life they choose. An important part of the commissioning task for local authorities is the promotion and stimulation of small services (or micro providers) that can meet emerging needs.

60. The Self-Directed Support in Hartlepool 2006-2009 document produced by In Control highlights the need for local authorities to engage with micro providers in their area but acknowledges that these providers can be hard to identify and engage. It is also emphasised that whereas previously there had been a view that new services will emerge and existing services adapt in response to the growing number of people in receipt of a Personal Budget evidence suggests that this does not happen so easily.
61. In terms of how the market has developed along with commissioning strategies in Hartlepool a new Dementia Support Group has been established and new providers have emerged in Learning Disability services. In terms of in-house day services staffing levels and working practices have been restructured to deliver a more personalised service and a revised costing structure has been developed to enable in-house provision to compete with services offered by external providers. An integrated Transport Unit has also been established to reduce running costs.
62. The Panel was advised that in Hartlepool work has also been undertaken with Children's Services to inform young people in transition of their indicative resource allocation when they reached the age of 18 and move into Adult Services.
63. With regard to the impact that personalisation has had on staff the Panel was advised that it has necessitated a change in role and this has required further value based training and more flexibility. Social Workers are much more aware of costs and are more able to question value from providers and whether the provision is the best option for the service user. Service Users are also able to challenge the cost of services and see the impact that their own contribution has within the overall allocation and support planning process.
64. Reference was made to the impact on home care providers and the Panel heard that there was a need to work closely with providers. The local authority did not want to lose these providers but it did want them to be more flexible. Contracts with home care agencies needed to be much more outcome focused by asking those in receipt of services what it is they want to achieve.
65. Personal Budgets have introduced more competition into the market place and whereas previously home care workers may have arrived and left as quickly as possible service users now have control over whether they opt to receive services from a home care provider or employ someone directly. One of the major changes has been that Personal Budgets have helped to drive up quality by giving people much more choice and control.
66. It was acknowledged that it is too early for Hartlepool Council to measure the financial impact that the introduction of Personal Budgets has had at present, as although the current year indicates that the service is within budget, additional funding was received via the Social Care Reform Grant and other additional funding streams.
67. In terms of measuring outcomes for service users, Hartlepool Council has used Quality of Life questionnaires, random sampling of service users through the customer journey project, file audits, caseload supervision, research projects and active involvement with individuals, carers and their families.
68. The Panel was advised that with hindsight, Hartlepool Council would have done a number of things differently. The contributions policy would have been in place much

earlier and a more streamlined evaluation system would have been established to measure the quality of life and economic impact. More emphasis would have been placed on the structure of the workforce to ensure the right mix of skills to deliver and manage the implementation of Personal Budgets.

69. The Panel was advised that a regional group consisting of 12 local authorities has been established and reference was made to the benefits gained from being part of the group.

70. In relation to future work Hartlepool has highlighted the following areas to be developed:

- A broader based peer support service and a new advocacy service are needed
- Further work is underway to develop a fully interactive Personal Budget monitoring area which will allow individuals to access information via a customer portal
- A quality rating system by individuals, which will encourage and gather feedback about specific services is being considered

HOW THE INTRODUCTION OF PERSONAL BUDGETS WILL IMPACT ON IN HOUSE AND COMMISSIONED SERVICES

71. The panel recognised that as in Hartlepool the introduction of Personal Budgets has implications for the future of both in house and commissioned services in Middlesbrough. The number of people in receipt of a Personal Budget is set to increase significantly and this will present both challenges and opportunities.

72. It was confirmed that Personal Budgets are not offered to individuals in receipt of residential or nursing care. The commissioning impact is therefore predominately in relation to the Council's preferred providers of home care. It was highlighted that the implementation of Personal Budgets is still at a very early stage and although numbers are increasing on a weekly basis, in April 2010 they still represented less than 2 per cent of clients in receipt of services. As a consequence much of the detail surrounding the commissioning implications of the impact of Personal Budgets cannot be fully considered until further evidence / information emerges.

Impact on the Council's preferred providers of home care

73. The panel heard that as customer purchasing power increases through the implementation of Personal Budgets home care providers will need to focus on what the individual in receipt of the service wants to achieve.

74. It will become increasingly important for home care providers to recognise that the types of support that people who use services say they need may not be confined to personal care and may include a much wider range of tasks. In response to this challenge systems and training will need to be developed by providers to enable staff to expand their skills and to work in creative, person centred ways.

75. The aim of the personalisation agenda is to deliver outcome focused services that are tailored to meet the needs of the individual. An important aspect of outcome focussed services is that service users have more control over the choice of tasks and visit times. The Council's relationship with home care provider organisations will need to be

developed so that providers have the freedom to innovate and use budgets flexibly, as agreed with the person in receipt of services.

76. The panel was informed that a potential area of opportunity for home care providers arises from the expansion of the Personal Assistant (PA) workforce. Home care providers could diversify their services by offering training, management and employer support services for people employing their own PA's or providing PA back-up services. In addition there may also be opportunities for home care providers to set up local PA registers, including information on Criminal Records Bureau (CRB) status, training or qualifications and level of experience to help people look for suitable PAs.
77. The panel heard that there is also an increasing need for specialised services such as those for people with dementia and diversifying into these markets will provide a further opportunity for providers. Services offering a combination of health and social care may also have a bigger role to play in the future.
78. In addition to the challenges and opportunities for home care providers it is clear that the introduction of Personal Budgets also presents a number of risks or threats to providers. The panel was informed that in the future fewer block home care contracts are likely to be commissioned, as large scale standardised services do not fit well with individual care, choice and control. It was noted that the drive for efficiency, however, creates conflicting pressures towards large scale contracts and there will be a continuing demand for conventional services. The potential impacts from a reduction in contracts will be as follows: -
- Financial viability threatened through loss of a steady income stream.
 - Value of business affected by loss of contracts
 - Increased difficulty in obtaining finance
 - Need to reform business model for some providers
79. The panel was advised that the experience of people who use services of home care providers commissioned primarily to save costs – as inflexible, unresponsive and rushed may mean that many of those with Personal Budgets will opt to employ a PA rather than purchase conventional home care. However, some people may still prefer home care support from a provider but on a more individualised and flexible basis. Not all those in receipt of home care support services will want to employ a Personal Assistant.
80. Reference was made to the potential for home care providers to lose staff to Personal Budget holders as a result of Personal Budget holders being able to offer better conditions of service including higher wages, more flexible hours and consistent work. The panel was informed that the situation in relation to Personal Budget holders being able to offer a higher hourly rate of pay in Middlesbrough was rectified in March 2010 with a recommendation that PAs are paid at £6.70 an hour in line with the pay of those employed by preferred providers.
81. It was noted that capacity, recruitment and retention are increasingly important issues for home care providers but that personalisation also offers a good opportunity for providers to increase job satisfaction for staff by making the work more interesting and satisfying.

82. In terms of the shape of the current market in Middlesbrough the panel heard that the introduction of Direct Payments (as a forerunner to Personal Budgets) has already resulted in a significant change in the shape of the home care market. Whilst the number of hours of home care being delivered is steadily increasing (in line with local, regional and national expectations) preferred providers are delivering far less of the market (59%) in comparison to (38%) delivered by PAs and (3%) delivered in-house.
83. The panel was advised that there are currently 540 Personal Budgets / Direct Payments in payment in Middlesbrough. Meeting the Department of Health milestone of 30 per cent of eligible service users in receipt of a Personal Budget by April 2011 would result in approximately 1,000 more people taking up a Personal Budget. It was highlighted that this could have a massive impact on the current market share and potentially require the Council to decommission one or more of the current preferred providers.
84. The panel recognised that ultimately the future home care market will be shaped by service users deciding what services they want to purchase using their Personal Budget and how they want those services to be delivered.
85. It was acknowledged that those providers delivering specialist services will not face the same threats and risks from the introduction of Personal Budgets, as those delivering a more general service to clients with less complex needs.

Impact on In-House Day Services

86. The panel was interested to find out how the increase in numbers of people in receipt of a Personal Budget will impact on the in-house services currently provided by the Council, specifically day care services. The panel was advised that essentially in-house day services face the same challenges as those faced by home care providers.
87. With the implementation of Personal Budgets all eligible service users will have much more choice and control over the types of services they access. Those providing day care services for people with less complex needs will therefore need to consider whether the services they currently provide are meeting customer expectations and offering good value for money.
88. In the future a young person with learning disabilities, who is in receipt of a Personal Budget, may decide to employ a PA to help them access services in the community such as a gym or nightclub, for example, rather than use their Personal Budget to attend a day centre. Similarly an older person who currently attends a day centre to play bingo may instead decide to employ a PA to accompany them to the bingo hall they used to attend prior to becoming frail. It was noted that day care services could be seen by service users as expensive when compared to alternative provision.
89. Reference was made to the current rates for day care provision in Middlesbrough, which were highlighted as follows:-

Type of Service	Daily Cost
Older People Mental Health	£53.87
Learning Disability	£26.84
Mental Health	£20.82

Physical Disability	£54.58
---------------------	--------

90. It was advised that those day care services, which provide for individuals with the most complex needs are well positioned, in that the service they provide is very specialist in nature and it is therefore likely that there will always be demand for those services.

91. The Panel was advised that the Social Care Commissioning Unit is currently working with the managers of the in-house services to develop their business skills. A greater focus on unit costs will be developed to ensure value for money. The panel accepted that if usage of a particular service declined as a result of the introduction of Personal Budgets then the provision of that service would need to be reviewed. The Panel heard that consultation with current users of in-house day services has been undertaken to establish if the services provided are in line with what service users require, with a view to adapting current services if necessary.

Impact on the viability of the local market place and new services potentially commissioned

92. The panel was interested to find out how the scale of these changes will impact on the viability of the local market place and what potential new services the Council may need to commission in the future as more people receive a Personal Budget.

93. The panel was advised that although there is insufficient Personal Budgets/Direct Payments in payment at present to provide a sufficient evidence base from which to draw conclusions what is certain is that the market place will change.

94. It was advised that with the introduction of Personal Budgets new services will have to be developed to meet customer demands and there will be a far greater emphasis placed on services that offer: -

- Information and advice
- Advocacy
- Support in completing self-assessment questionnaires
- Support in completing support plans/brokerage
- Support in sourcing and employing a PA

95. The panel heard that analysis on the types of new services that are being purchased via a Personal Budget is undertaken and updated weekly. Currently this analysis demonstrates that:

- Over 90 per cent of people employ a PA
- Just over half of these requiring social inclusion choose community activities rather than day services
- Just over half of these requiring respite chose alternatives to the traditional offering of residential care

96. It was advised that there is a requirement for the Council to ensure that there is the right balance of investment between specific interventions, universal services and self-directed support. It was acknowledged that achieving the right balance could require some services to be decommissioned in order to ensure that other high quality, flexible and responsive services are available.

97. The Panel was advised that a Personalisation Forum is to be established, which will examine the types of services that Personal Budget holders are currently using and requesting, with a view to examining the possibility of procuring new services where a gap exists in provision.
98. It was highlighted that in situations where an individual purchases a service direct the Council has no jurisdiction to monitor or review that service. The types of service this may apply to include the employment of a PA, attendance at community activities as an alternative to day services and short breaks taken as an alternative to residential respite care.

Opportunities for the voluntary and community sector

99. The panel was advised that a vast amount of community activities are provided by the voluntary and community sector and that the implementation of Personal Budgets will enable the sector to further develop.
100. The panel heard that an Asian Ladies Group, for example, which is based at the Meath Street Centre and provides social inclusion activities, had recently been exploring ways to secure the necessary funding to maintain the services they deliver. With the introduction of Personal Budgets, however, service users in receipt of a Personal Budget can choose to spend their budget accessing the services offered by the group, rather than attending traditional day care services. By building up its client group the Asian Ladies group is able to secure its longevity. If 50 ladies in receipt of a Personal Budget choose to attend this group then an ongoing funding stream is secured.
101. The panel was advised that once a certain level of take up is achieved the Council would need to consider whether it would be more beneficial to develop a contractual relationship with the provider. This would mean that the provider would receive payment directly from the Council rather than having 50 individual service users paying for the service directly from their Personal Budget.
102. In line with the Department of Health's milestone that by April 2011 stakeholders will need to be clear of the impact that the introduction of Personal Budgets has had on the procurement of services the Council will commission and decommission services based on the demands of service users. It was advised that the Council is not yet shaping the market, as is not known what services people will want to purchase using their Personal Budgets or where the gaps are in terms of provision.
103. It was acknowledged however that the voluntary and community sector will have a critical leadership role to play in ensuring a personalised approach to service delivery and in monitoring person-centred outcomes for the individuals using the services.
104. The requirement for every Council to work with User Led Organisations (ULOs) creates further opportunities for the voluntary and community sector. ULOs are defined by the Department of Health as:-

“organisations led and controlled by the very people who they help – disabled people, carers and other people who use services. They provide a range of services including information and advice, advocacy and peer support, support in using direct payments

and individual budgets, and disability equality training.” (*Putting people first: working together with user led organisations, March 2009*)

The guidance specifies that a ULO must be a voluntary and community sector provider. It was emphasised that one of the key areas the department is hoping to stimulate within the voluntary sector is the provision of peer support and peer advocacy.

THE SYSTEMS IN PLACE TO ADDRESS RISKS TO INDIVIDUALS WHO ARE IN RECEIPT OF A PERSONAL BUDGET

105. Given the number of concerns raised in relation to the introduction of Personal Budgets and the risks posed both in terms of safeguarding and financial monitoring the panel was keen to gain an understanding of the measures taken by the department to protect and safeguard vulnerable service users.
106. With regard to the financial monitoring of Direct (cash) Payments the panel was informed that the contract with A4e had been re-specified and the financial monitoring element was to be undertaken in-house. The employment support / payroll service would continue to be delivered by an external provider and was due to go out to tender in the near future. In respect of the employment support service the specification was much tighter and there would be a requirement for the provider to assist clients with PAYE obligations rather than just advise them. Ongoing assistance would also be made available to clients through the contract, rather than initial advice at the beginning.
107. The panel was advised that in terms of the frequency of financial monitoring at present reports are provided on a quarterly basis. However, the possibility of introducing pre-paid cards is being explored. This would mean that the Direct (cash) Payment would be paid onto a debit card and transactions monitored in real time, allowing any concerns to be identified at an early stage.
108. The panel queried what would happen in cases where a service user was not using their Direct (cash) Payment in line with what was detailed in their support plan. It was confirmed that where financial abuse was detected a managed account would be arranged in place of a Direct (cash) Payment. This would ensure that the money allocated was being spent on meeting the individual’s identified needs.
109. In terms of ensuring that service users are in receipt of the services they are supposed to be receiving the panel was informed that Direct (cash) Payments, like any other social care services, are initially reviewed after a six week period and are subject to annual review once established. The review takes into account the views of the service user, whether their support plan is meeting their needs and any concerns they may have. In the event of a service user raising concerns outside of the review schedule it was emphasised that an unscheduled review could be arranged at any time.
110. With regard to safeguarding issues and particularly the concerns raised in relation to there being no legal requirement for PA’s to be CRB checked the panel was informed that these concerns have been raised nationally by the Association of Directors of Adult Social Services (ADASS). The panel was advised that given that approximately 50 per cent of those employing a PA opt to employ a friend or relative this is an obvious area of concern. The panel heard that A4e do facilitate CRB checks

for those receiving a Personal Budget and that there is provision within an individual's budget to pay for CRB checks to be undertaken. Personal Budget holders employing a PA are also required to take out employers' liability insurance and again there is provision within an individual's budget to pay for this requirement.

111. The panel acknowledged that those employing a close friend or relative may not feel it necessary for a CRB check to be undertaken. However, the panel was concerned that this creates the potential for safeguarding issues to arise in respect of vulnerable service users. The panel queried the percentage of people who opt to conduct a CRB check when employing an individual they do not know. It was confirmed that the vast majority of people do accept the advice offered and CRB checks are undertaken when a PA is employed. Reference was made to the Protection of Vulnerable Adults list (POVA) and the fact that although an individual may have been CRB checked there could still be sufficient concerns for them to be included on the POVA list, which details those barred from working with vulnerable adults.
112. In October 2009 the ISA registered Vetting and Barring Scheme (VBS) was launched and replaced the POVA list. In addition to maintaining a list of those barred from working with vulnerable adults the intention of the new scheme had been for those who have frequent contact with vulnerable adults to also be registered with the scheme. The commencement of voluntary registration for the VBS was due to commence on 26 July 2010, however, on 15 June the coalition government announced that the scheme is to be reviewed and scaled back. The Independent Safeguarding Authority (ISA) will continue to maintain a list of those barred from working with vulnerable adults, against which checks can be made.
113. It was confirmed that all service users who employ a PA do have the opportunity to learn about safe recruitment and selection practice and are advised to undertake a CRB check when employing a PA. Given that ISA registration is currently on hold CRB checks will remain a key feature in ensuring that service users employing a PA are safeguarded from harm. It was recognised by the panel, however, that the Council cannot make it a requirement of a Direct (cash) Payment for a CRB check to be undertaken when a PA is recruited.
114. The panel was reassured that in order to access a Personal Budget service users will work with a Social Worker / Care Co-ordinator or Care Manager and that one of their key roles within the assessment process is to ensure that all risks are assessed and action taken to mitigate such risks. This involves detailed discussions with the service user and their family to ensure that people fully understand the risks they may be taking on.
115. It was highlighted that if safeguarding concerns regarding the employment of a PA or any other service being provided were raised, then the employment or service would be stopped immediately. A regulated agency or commissioned service would be bought in to provide the service user with the support they required until the investigation into the concerns raised had been completed. The panel was reassured that service users are provided with the contact details of the Social Care Department and the Direct Payments Support Service in case they have any concerns in relation to safeguarding issues.
116. The Panel was advised that all Social Care Practitioners, Community Health Staff, the Direct Payment Support Staff and commissioned service providers have received

training in Safeguarding procedures and in raising safeguarding alerts in relation to concerns with regard to vulnerable adults. Reference was made to the “No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse”, issued by the Department of Health and Home Office in March 2000. It was confirmed that the guidance was currently being reviewed. The consultation period for the review of the guidance had recently ended and it was anticipated that new guidance would be issued in the near future.

117. Reference was made to the work that has been carried out with the Tees Valley Social Care Alliance to develop a care competency framework for Personal Assistants. The panel heard that work is also ongoing with the Real Opportunities Centre (ROC) and other User Led Organisations with a view to them providing services, including the recruitment of Personal Assistants who have been trained in the core competencies. A key aspect of the training would include raising awareness of what constitutes abuse of a vulnerable adult and what actions should be taken if abuse or mistreatment of a vulnerable adult is suspected. It was emphasised that the development of ULO's is key to increasing the options available to service users when seeking support in sourcing and employing a PA.
118. Another area the panel was interested in finding out about was how the department is responding to the challenge of ensuring that service users have confidence in the services they purchase using their Personal Budget without affecting their independence or choice.
119. The panel heard that a citizens' portal is to be developed, which would provide information on Personal Budgets, Direct (cash) Payments and would host a Directory of Services. The Directory of Services would hold details of local services, which could be purchased and details of Personal Assistants available for employment. It is anticipated that the Directory of Services would include an accreditation / vetting element prior to any service or PA's details being placed on the site. Service users in receipt of a Personal Budget would still however, have the choice to arrange services independently of this facility.

THE FORMS OF INFORMATION, ADVICE, ADVOCACY AND BROKERAGE THAT WILL BE OFFERED TO SUPPORT INDIVIDUALS IN PLANNING AND COMMISSIONING THEIR OWN CARE

120. Given the evidence the Panel has received and the fact that through the implementation of Personal Budgets service users will be making decisions about the types of services they purchase, who they purchase them from and how the support they receive is delivered the Panel was interested to find out what support individuals will be offered in planning and commissioning their own care. The Head of Performance and Planning was invited to attend a meeting of the Panel to provide this information.
121. The Panel heard that currently Social Workers and Care Co-ordinators provide the information and assist individuals in compiling a Support Plan that outlines how the individual would like to use their Personal Budget to meet their needs. Social Workers, Team Managers and Service Managers then advise and agree on the ideas people have come up with to meet their assessed needs.

122. It was highlighted that a database of services and activities is being compiled by Social Workers to assist service users when choosing what support they can access via their Personal Budget. It was noted that when a Support Plan is being compiled however, it is not the job of the Social Worker to prescribe what activities people should be doing or what care they need, although they can provide advice. The Personal Budget Team also offers service users advice on the management of the financial aspects of their Personal Budget. It was confirmed that in the future, other forms of independent advocacy and brokerage will be available through a network of User Led Organisations.
123. The Panel was advised that the Social Care Department has achieved, through their communications strategy, the Putting People First Milestone of ensuring that the public is made aware of the transformation agenda and the benefits to them.
124. Reference was made to the wide range of public information available regarding Personal Budgets including leaflets, a DVD and a dedicated section on the Social Care part of the Council's Website. A demonstration of the content of the Website was given to the Panel and Members have also had the opportunity to view the DVD during the course of the review. The Website contains a Directory of Services, which lists details of the voluntary and statutory organisations across Middlesbrough and the Tees Valley. It was acknowledged that the Directory of Services is an interim measure and that consideration is currently being given to national and regional best practice on how best to get information out to service users.
125. In terms of the Directory of Services the Panel was informed that local authorities throughout the country are developing different ways in which service users can find out about what services are available in their local area and how much these services cost. The provision of this information in an accessible format enables service users to have real choice and control about the services they purchase. One model that has been adopted by a number of local authorities is 'shop4support', which is effectively an online supermarket for social care. The Panel heard that Harrow Council has adopted this model, which enables service users in Harrow to have access to an online Community Catalogue where they and their carers can view details of the various free and community based services available and can even purchase these using their Personal Budget online.
126. It was advised that Hartlepool Council has used some of their Social Care Reform Grant to design a separate website, hartlepoolnow.co.uk, which is used to signpost people to services. The site uses personal stories to highlight people's experiences and enables users of the site to access further information in respect of the parts that are relevant to them. Stockport Council and Kensington and Chelsea were also mentioned as having developed a number of different ways to provide people with the universal information and advice they need. The Panel heard that in Middlesbrough the department of social care is looking into ways in which information can be displayed in more creative ways and is developing the Directory of Services to enable people to find out about non-traditional services, as well as enabling them to compare and contrast the services available.
127. It is envisaged that in the future every service user will have access to their Personal Budget information including their Self Assessment Questionnaire and Support Plan. Individuals will also be able to access a Directory of Services displaying

the unit costs of services available that will really give people power and control over how they spend their Personal Budget.

128. The Panel heard that the department is currently working on the key milestone regarding the production of an information and advice strategy. It was advised that nationally there has been discussion as to the scope of the strategy and there is a need for good quality information that ranges across social care, health, housing, employment, leisure and commerce. It was acknowledged that in the initial stages, most local authorities would wish to focus on a core of adult social care and to making key links across to other areas.
129. The Panel was interested to find out what advocacy arrangements will be in place to support people where this is required. The Panel was advised that the Social Care Department currently has a contract with Citizens Advice Bureau to carry out advocacy services. However, the department is working to develop peer advocacy through user led organisations.
130. In terms of whether the complaints systems is being adapted to accommodate the transformation agenda and the Panel was advised that the department does not intend to review the Social Care complaint procedures, as the procedures are based on national guidelines and legislation. The Panel heard that all complaints logged through the process are monitored and if any patterns emerge with regard to complaints in relation to the implementation of Personal Budgets, it will be reported to the departments TMT and the Head of Service will be responsible for ensuring any improvement required to systems and procedures are implemented.
131. The Panel was keen to find out some more information about brokerage and what this means in Middlesbrough. It was advised that they key functions of brokerage, include providing assistance in completing assessments; designing support plans and exploring what services are available are currently undertaken by an individual's care manager. However, it is anticipated that in the future user led organisations will facilitate this on a more independent basis.
132. Reference was made to a Tees wide bid to provide support to existing community and voluntary organisations to develop their business structure and skills to offer brokerage, amongst other services. The Panel heard that a pilot project is currently taking place with Redcar Rok and the Maine Project to skills match individuals to job specifications for the recruitment of Personal Assistants. It was acknowledged that the User Led Project is in its infancy, however, it is anticipated that it will generate a "kitemark" for organisations who can categorise themselves as user-led, and in addition it will support a wide range of organisations to promote accessibility for all.

WHO THE COUNCIL'S KEY PARTNERS ARE IN DELIVERING PERSONAL BUDGETS

133. A joint event was held by Middlesbrough Voluntary and Development Agency and Middlesbrough Council in March 2010 to look at the issue of Personalisation and what it means for the VCS in Middlesbrough. The Chair attended the event on behalf of the Panel to gain an insight into how personalisation will impact on the voluntary and community sector locally.
134. The event was very much a starting point in terms of joint working between the Council and VCS with specific regard to the personalisation agenda. A number of

workshops were held during the event and the focus within the workshops was on the need for the VCS to be involved in the personalisation agenda and how that can be best achieved.

135. The VCS organisations around the table felt that the personalisation agenda would provide an opportunity for them to gain a greater share of the market, if they could be supported by the Council perhaps with a small amount of funding to develop their services further, particularly with regard to User Led Organisations (ULO's).
136. One of the aims of the personalisation agenda is to increase the choice available to people in respect of the services they receive. Under previous commissioning arrangements Councils tended to block purchase services, which tended to exclude the smaller VCS / private sector organisations.
137. A gentleman within the workshop who had previously misused drugs/alcohol but who now volunteered for an organisation managed by ex users advised that the Council could help to support this type of service provision to further widen the choice of service providers available for those needing to access services.
138. Many of the same issues in respect of safeguarding and the risks presented by personal budgets and particularly the employment of Personal Assistants (PA's) were raised by people around the table, as have been raised by the panel. Another perspective was provided by a young gentleman who is currently and has worked previously as a PA for people with severe physical / learning disabilities. One of his main concerns related to the fact that there is no support mechanism for people employed as a PA and many PA's are working with extremely vulnerable people. If problems arise there is nowhere for the PA to seek advice / support.
139. It was emphasised that there needs to be a mechanism whereby service users can see the different types of services on offer across Middlesbrough, how much those services cost and how other users rate them. In a similar way to online comparison sites for other commercial services. It was advised that how that portal is managed / updated is yet to be determined but that the VCS need to be involved. The possibility of awarding some form of kite mark / accreditation by the Council to providers, particularly with regard to safeguarding could also be highlighted via the portal.
140. People around the table were very supportive of establishing a mechanism for the VCS to be involved in the personalisation agenda. It was felt that the formation of a VCS Personalisation Forum made up from representatives from the Council and VCS would be a way for the VCS to be involved directly in shaping and influencing the personalisation agenda.

CONCLUSIONS

141. Based on evidence given throughout the investigation the Panel concluded:
 - a) The introduction of Personal Budgets represents a significant change in the way social care support is provided. The introduction of a system that enables services users to assess their own needs, design their own support plan and be made aware of how much money is available to them to meet their needs is radically different from the way in which social care support was previously

provided. The take up of Personal Budgets is due to increase significantly and service users are set to become active consumers in the social care market.

- b) It is clear that service users will be able to exercise much greater choice and control over the types of activities in which they participate. An element of risk is inherent in a system where service users are given the right to determine the activities that feature in their support plan. Understandably this generates apprehensions specifically with regard to safeguarding and financial monitoring. This has been an area that the panel has focussed on throughout the review. Members are confident based on the evidence presented that the necessary safeguarding measures are in place to ensure that individuals in receipt of a Personal Budget are kept healthy, safe and well.
- c) Over the course of the review Members have concluded that Personal Budgets represent a step forward enabling people to receive the support they want and not what professionals think they want. The Chief Executive of Age UK Teesside, who sits as a co-opted Member on the panel, has expressed the view that Personal Budgets are the best thing that's come up in a very long time. Other Members of the Panel have commented that whereas previously people in receipt of social care support attended a day care centre and made hanging baskets the world has changed so much and attitudes have changed - Personal Budgets are a very different concept when you see them for real.
- d) The Department of Health has set very clear milestones for local authorities with regard to the implementation of Personal Budgets. As of 31 March 2010 8% of eligible service users in Middlesbrough are in receipt of a Personal Budget. The Government target for April 2011 is for 30% of eligible service users to be in receipt of a Personal Budget. The panel has been assured that the target of 30% will be met, as all eligible service users will be offered a Personal Budget from October 2010. The panel notes that the Self-Assessment Questionnaire and Resource Allocation tables have been developed but recognises that there is a need for the system to be equitable. It is recognised that the long-term aim is for the Council to move towards developing a single resource allocation system.
- e) The panel appreciates that the implementation of Personal Budgets not only presents a real challenge for the Council. It also provides a real challenge for home care providers. It is clear that the Council's relationship with home care providers will need to change to enable the providers to be more flexible in the support they offer to service users. Not everyone will want to employ a Personal Assistant and there is a need to retain the services offered by the Council's preferred home care providers. The panel accepts that ultimately the future of the social care market will be shaped by the choices made by service users and the ability of providers to respond flexibly to the needs of service users.
- f) In terms of in-house day centre provision the panel acknowledges that the challenges faced by the Council's in-house providers are similar to those faced by home care providers. The panel is pleased to note that the commissioning unit is working closely with the in-house day care centre managers to ensure that the services currently on offer are in line with what service users want and best value for money is achieved. It is inevitable that the implementation of Personal Budgets will introduce competition into the market. The panel is

mindful that there will be a need to commission and decommission services in response to the type of services people want to purchase with their Personal Budget and this could include reducing the in-house day care centre provision currently provided.

- g) During the course of the review the panel heard from a number of service users who are in receipt of a Personal Budget. The panel found the contribution made by the service users to be particularly beneficial to the panel's review. Based on the evidence received it is apparent that all of the service users feel that the flexibility, choice and control offered by Personal Budgets, as opposed to the more traditional social care support provided, has had a positive impact on their lives. The service users have put forward some suggestions in terms of increasing people's awareness of the types of services people can purchase using their Personal Budget and what a Personal Budget can / cannot be used to purchase.
- h) The panel wanted to hear from a local authority recognised as demonstrating best practice. In Hartlepool 45% of service users are currently in receipt of a Personal Budget. One of the areas highlighted by Hartlepool, as presenting a real challenge has been the monitoring of outcomes for people in receipt of a Personal Budget. The panel acknowledges that owing to the individual approach of service delivery that Personal Budgets offer designing an effective mechanism to monitor the outcomes achieved is a real challenge. This is an area that the panel believes is of key importance in terms of realising the impact that Personal Budgets are having on peoples' lives.
- i) The main area of concern throughout the review has been in respect of safeguarding and the financial monitoring of the Direct (cash) Payment service users receive. The panel accepts that there is no legal requirement for any service user in receipt of a Direct (cash) Payment who opts to employ a Personal Assistant to have a CRB check undertaken. The panel has focussed on this element throughout the review but is reassured that the signing off process in respect of an individual's support plan and the risk assessments undertaken by the department do offer the necessary safeguards to help protect vulnerable adults. The panel maintains the view however, that a legal requirement for CRB checks to be undertaken when Personal Assistants are employed would offer further protection.
- j) In respect of the financial monitoring element the panel is satisfied that the current arrangements are ensuring that the expenditure of individual's Direct (cash) Payments are being monitored effectively. In relation to managed accounts and the proposal that in the future prepaid cards could be introduced to enable monitoring of Personal Budget expenditure in real time the Panel is fully supportive of this approach.
- k) The panel acknowledges that there will be an increased role for the Voluntary and Community Sector in the delivery of the personalisation agenda and that there is a requirement for every Council to work with a User Led Organisation. New services will need to be developed and the Panel is supportive of the development of a Personalisation Forum to help enable the VCS to shape and influence the agenda.

- l) Throughout the review the panel has been interested to learn about the support that will be offered to people in planning and commissioning their own care. It is envisaged that in the future a citizens' portal will be developed that will provide information on Personal Budgets and Directs Payments, enable people to access a directory of services displaying the unit costs of services available, as well as details of Personal Assistants available for employment. Work in this area is ongoing but further developments are needed to give people real power and control over how they spend their Personal Budget. There is a need to develop peer support and peer advocacy, as well as other forms of independent advocacy and brokerage services.
- m) There has been a view that with the introduction of Personal Budgets new services would emerge creating greater choice for service users. The evidence suggests however that this does not happen so easily and that in order to generate the benefits offered by a more diverse market place part of the commissioning task will involve the promotion and stimulation of User Led Organisations and small service providers. The panel is pleased to note that funding has been secured to provide support to existing community and voluntary organisations in order to develop their business structure and services further for the benefit of service users in Middlesbrough.
- n) Finally, under the new system there is greater emphasis on the provision of universal information, advice and advocacy and preventing people with lower level needs developing higher level needs. Assessment and support planning must now be offered to those who do not qualify for publically funded support and the department is currently working on the key milestone regarding the production of an information and advice strategy. The panel is firmly of the view that access to good information and advice is essential to ensuring that people can live independently and choose the best support regardless of how that support is funded. At present the panel recognises that often people are unsure what information is available and where it can be accessed from. It is anticipated that the advice and information strategy will seek to address these issues.

RECOMMENDATIONS

142. That the Social Care and Adult Services Scrutiny Panel recommends to the Executive:

- a) That a starter pack be developed in partnership with service users which contains real life case studies and provides advice on helping people to find local reliable services that help individuals to stay safe and make the most of their Personal Budget.
- b) That a universal Information, Advice and Advocacy Strategy be developed to enable anyone in need of services / support to be aware of what information is available in Middlesbrough and where people can access it from. Helping people to remain independent and prevent them developing higher level needs is of key importance in delivering this agenda.
- c) That a citizens' portal be developed to enable service users to see the different types of services on offer in Middlesbrough, how much those services cost and how other service users rate them. Provision of this information in a brochure

format to also be developed. The structure of the citizens' portal will enable an accreditation or kite mark to be awarded by the Council to user led organisations, with a view to providing assurances to service users that they can shop with confidence from the services listed via the portal.

- d) That as part of the portal mechanism and work undertaken with the Voluntary and Community Sector that a section be created within the portal to provide information on employing a Personal Assistant. This could involve creating a space where people can advertise for a Personal Assistant, as well as highlight user led organisations with banks of trained / specialised Personal Assistants for meeting the specific needs of service users.
- e) That given the benefits offered by peer support and peer advocacy further work be undertaken in partnership with the Voluntary and Community Sector to develop these types of services for service users to access on an independent basis. In addition efforts to develop user led organisations and micro providers are to be continued to enable service users to benefit from the offer afforded by a more diverse social care market place.
- f) That a mechanism be developed to measure the quality of life outcomes for service users in receipt of a Personal Budget. These arrangements need to assess how safe people feel, whether they are receiving the level of service they expect and whether the support they are receiving is helping to improve their quality of life. A mechanism that monitors the effectiveness of assessment support and advice offered to those who partake in the assessment process but who are not eligible for publicly funded social care support to also be developed.
- g) That to ensure an equitable provision of service for all client groups a single resource allocation system be developed, as at present there are four separate resource allocation tables. These reflect the unit costs of service delivery for each of the client groups (Learning Disabilities, Mental Health, Physical Disabilities and Older People) and it has been suggested nationally that this may be inequitable.
- h) That in line with the panel's previous recommendation on training for Personal Assistants that a record is maintained of the number of Personal Assistants who have participated in any training offered by and on behalf of the Council, as well as the number who have been subject to CRB checks. All service users are to be encouraged to undertake a CRB check when employing a PA and the reasons as to why CRB checks are not undertaken by service users employing a PA are to be recorded.

ACKNOWLEDGEMENTS

143. The Panel is grateful to all those who have presented evidence during the course of our investigation. We would like to place on record our appreciation, in particular of the willingness and co-operation we have received from the below named:-

Tony Parkinson, Head of Planning and Performance, Social Services
Tom Boyd, Putting People First Manger, Social Services
Sandra Conway, Self Directed Support, Project Officer

Jeanette Willis, Principle Finance Manager / Transformation Lead, Hartlepool Council
Sarah Ward, Social Care Transformation Manager, Hartlepool Council
Craig Duerden, Planning and Partnership Officer, MVDA
Bridget Farrend, Strategic Lead, Social Services
Steve Nelson, User / Carer Support Service Manager, Social Services
Elise Williamson, Performance and Public Information Manager
Andy Pickover, Public Information Officer, Social Services
Ann & Micheal, Monica & Peter and Lisa & Family, Social Care Service Users

**COUNCILLOR PETER PURVIS
CHAIR OF THE SOCIAL CARE AND ADULT SERVICES SCRUTINY PANEL**

August 2010

Contact: Caroline Breheny
Scrutiny Support Officer, Legal and Democratic Services
Telephone: 01642 729 711(direct line)

BACKGROUND PAPERS

The following background papers were consulted or referred to in the preparation of this report:

- (a) Putting People First: A shared vision and commitment to the transformation of Adult Social Care
- (b) Self Directed Support in Hartlepool 2006 - 2009 – Andrew Tyson, December 2009
- (c) Social Care Transformation: Elected Member Briefing, PPF Consortium
- (d) Contracting for personalised outcomes; Learning from emerging practice, Department of Health, August 2009
- (e) Putting People First: Council Commissioned Services, Advice Note, January 2010
- (f) Changing lives together: using person-centred outcomes to measure results in social care, Department of Health, January 2010
- (g) PPF Facts and Figures Survey - Regional Data - North East, May 2010
- (h) The personalisation agenda, implications for the third sector, Dr Helen Dickinson and Professor Jon Glasby, February 2010, Third Sector Research Centre
- (i) Personalisation and individual budgets: challenge or opportunity, Helen Taylor Knox, November 2009