

---

# Direct Payment Policy

---

<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	8 February 2024
<b>Portfolio Member:</b>	Councillor Alan Macro
<b>Date Portfolio Member agreed report:</b>	12 January 2024
<b>Report Author:</b>	Jo England
<b>Forward Plan Ref:</b>	EX4495

---

## 1 Purpose of the Report

1.1 This report is to introduce the Direct Payment Policy.

## 2 Recommendation

2.1 It is recommended that this policy is adopted.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	There are no financial implications as we already have Direct Payments in place. This is a new policy.  Tracy Thorne
<b>Human Resource:</b>	N/A
<b>Legal:</b>	N/A
<b>Risk Management:</b>	N/A
<b>Property:</b>	N/A

**Direct Payment Policy**

<b>Policy:</b>	Care Act 2014			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			
<b>Environmental Impact:</b>		X		
<b>Health Impact:</b>		X		
<b>ICT Impact:</b>		X		
<b>Digital Services Impact:</b>		X		
<b>Council Strategy Priorities:</b>		X		
<b>Core Business:</b>		X		
<b>Data Impact:</b>		X		

<b>Consultation and Engagement:</b>	Paul Coe, Executive Director – People Laura Knowles/Leigh Hogan – Legal Tracy Thorne - Finance
-------------------------------------	--

## 4 Executive Summary

4.1 This report is to introduce the Direct Payment Policy as following an audit of Adult Social Care policies we discovered that we only had a draft policy.

## 5 Supporting Information

### Introduction

5.1 Local Authorities have a duty to provide direct payments.

5.2 The legislative framework to make adult direct payments is contained within Sections 31, 32, and 33 of the Care Act 2014, the Care and Support (Direct Payments) Regulations 2014, s117 (2c) of the Mental Health Act 1983, and the Care and Support Statutory Guidance.

### Background.

5.3 Every adult or carer who is eligible for care and support will have a personal budget identified. This is equivalent to the amount of money that the Council believes is reasonable to buy services to meet those eligible needs. The person who requires the support can then choose how that budget is spent.

5.4 They can request that the Council makes all the arrangements for meeting those needs and manage the budget on their behalf; or they can ask for a direct payment to be paid to themselves or to a nominated person or a 3rd party.

5.5 A direct payment is the mechanism for personalised care and support and is one of the available options offered by West Berkshire Council when there is assessed but *unmet* eligible needs stated within an individual's support plan.

5.6 A direct payment has to be used to meet the needs and outcomes that have been agreed with a social care practitioner, in a way which they can exercise choice and control over who provides their support, and when and how it's provided. The direct payment should be used to support the strengths-based approach; to protect and enhance the individual's wellbeing, independence, resilience, and ability to make choices.

5.7 There are other forms of personal budgets, for example, a personal health budget. The Council will work with individuals who are, or will be, in receipt of a personal health budget and a Council direct payment to ensure that a joined health and social care budget works in the best way for them. For information about personal health budgets visit the NHS website <https://www.england.nhs.uk/personal-health-budgets/>

## Direct Payment Policy

5.8 The Council cannot compel anyone to accept a direct payment but can encourage and support as many people as possible to take control over their own care support by use of a direct payment. If individuals wish, Councils can arrange mixed packages with some directly provided services and direct payments for other needs. This can, for example, give somebody the opportunity to familiarise themselves with managing direct payments before taking on responsibility for arranging support to meet all their needs.

## 6 Other options considered

6.1 To do nothing, although it is a legal requirement for the Council to offer a direct payment to anyone with a personal budget.

## 7 Conclusion

7.1 It is recommended that this Policy is adopted.

## 8 Appendices

8.1 Appendix A – Equalities Impact Assessment

8.2 Appendix B – Direct Payment Policy

---

### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

**Wards affected:** All

### Officer details:

Name: Jo England  
Job Title: Joint Interim Service Director - ASC  
Tel No: 01635 519006  
E-mail: jo.England@westberks.gov.uk

## Appendix A

### Equality Impact Assessment (EqIA) - Stage One

<b>What is the proposed decision that you are asking the Executive to make:</b>	To adopt the new Direct Payment Policy
<b>Summary of relevant legislation:</b>	The legislative framework to make adult direct payments is contained within Sections 31, 32, and 33 of the Care Act 2014, the Care and Support (Direct Payments) Regulations 2014, s117 (2c) of the Mental Health Act 1983, and the Care and Support Statutory Guidance.
<b>Does the proposed decision conflict with any of the Council's priorities for improvement?</b> <ul style="list-style-type: none"> <li>• Ensure our vulnerable children and adults achieve better outcomes</li> <li>• Support everyone to reach their full potential</li> <li>• Support businesses to start develop and thrive in West Berkshire</li> <li>• Develop local infrastructure including housing to support and grow the local economy Maintain a green district</li> <li>• Ensure sustainable services through innovation and partnerships</li> </ul>	<b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b> <b>If yes, please indicate which priority and provide an explanation</b>
<b>Name of Budget Holder:</b>	<b>Marion Angas</b>
<b>Name of Service/Directorate:</b>	<b>Adult Social Care</b>
<b>Name of assessor:</b>	Jo England
<b>Date of assessment:</b>	30/10/2023
<b>Version and release date (if applicable):</b>	

Is this a .... ?		Is this policy, strategy, function or service ... ?	
<b>Policy</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>New or proposed</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Strategy</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Already exists and is being reviewed</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Function</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<b>Is changing</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Direct Payment Policy

Service	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
---------	---

**(1) What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?**

<b>Aims:</b>	To implement a new Direct Payment Policy
<b>Objectives:</b>	
<b>Outcomes:</b>	To ensure that we have a robust policy in place should we be challenged
<b>Benefits:</b>	

**(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?**

*(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation)*

Group Affected	What might be the effect?	Information to support this
Age	This proposal could affect any client over the age over of 18 who receives a non-residential Adult Social Care service by ensuring they have the option to take their personal budget in as a direct payment.	
Disability	This proposal could affect any client who receives a non-residential service from Adult Social Care by ensuring they have the option to take their personal budget as a direct payment.	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	N/A	
Religion or Belief	N/A	

**Direct Payment Policy**

Sex	N/A	
Sexual Orientation	N/A	
<b>Further Comments:</b>		

<b>(3) Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a EqlA 2.

If an EqlA 2 is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the EqlA guidance and template – <http://intranet/index.aspx?articleid=32255>.

<b>(4) Identify next steps as appropriate:</b>	
<b>EqlA Stage 2 required</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Owner of EqlA Stage Two:</b>	
<b>Timescale for EqlA Stage Two:</b>	

**Name: Jo England**

**Date: 30 October 2023**

**Please now forward this completed form to Pamela Voss, Equality and Diversity Officer (pamela.voss@westberks.gov.uk), for publication on the WBC website.**