

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION SCHEDULE



Monday 16th January, 2006

at 9.30 am

in Committee Room “C”

Councillor R Waller, Cabinet Member responsible for Adult and Public Health Services will consider the following items.

1. KEY DECISIONS

1.1 None

2. OTHER ITEMS REQUIRING DECISION

2.1 Direct Payments – Equipment - *Director of Adult and Community Services*

3. ITEMS FOR INFORMATION

3.1 None

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

4.1 None

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

5. KEY DECISION

5.1 None

6. OTHER ITEMS REQUIRING DECISION

6.1 None

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO

Report To Portfolio Holder

16th January 2006



Report of: Director of Adult and Community Services

Subject: DIRECT PAYMENTS - EQUIPMENT

SUMMARY

1.0 PURPOSE OF REPORT

To seek Portfolio Holders approval to the extension of the Direct Payments Scheme in Hartlepool to cover items of equipment.

2.0 SUMMARY OF CONTENTS

The report outlines the policy context and the key issues in respect of the introduction of Direct Payment for items of equipment, and includes Policy and Procedure guidance for staff.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Direct Payments are an important method of service delivery and for promoting choice and independence for service users.

4.0 TYPE OF DECISION

Non key.

5.0 DECISION MAKING ROUTE

Adult Services Portfolio

5.0 DECISION(S) REQUIRED

That the scheme be extended to cover equipment based on the recommended course of action regarding cost, model and ownership.

Report of: Director of Adult and Community Services

Subject: DIRECT PAYMENTS - EQUIPMENT

1. PURPOSE OF REPORT

- 1.1 The report advises of the key issues relating to the extension of Direct Payments to cover items of equipment and proposes a methodology for calculating payment.

2. BACKGROUND

- 2.1 The existing Direct Payments scheme was introduced in March 2001 and provided the opportunity for service users to manage some or all of their care using a Direct Payment in lieu of directly provided services. The scheme originally covered the provision of Personal Assistants in lieu of homecare either provided in house or by the Independent Sector, short breaks and day opportunities. Since the introduction of the scheme some 40 individuals have benefited from receiving a Direct Payment. The use of Direct Payments was strongly ratified as an approach to increasing choice and independence in the Green Paper 'Independence, Well-being & Choice' and is expected to feature highly in the White Paper regarding care outside of hospital.
- 2.2 The Green Paper highlights the opportunities to develop potential greater benefits for services users via the introduction of individual budgets. These would offer the choice and control of Direct Payments without some of the potential burdens. The In Control pilots testing out this approach with people with a learning disability have provided encouraging results for the benefits of a more person centred and transparent allocation of social care funds. The budget could be held by the Local Authority on behalf of the person using services or their carer. People would have the individual support to identify the services they wish to use, which might be outside the range of services traditionally offered by social care.

2.3 POLICY CONTEXT AND PROPOSED PROCEDURE

The Department of Health Direct Payments guidance issued in 2003 advised that the councils may make Direct Payment to enable people to purchase for themselves services that otherwise would have been provided by the social services department. Direct Payments cannot be made, however, to purchase services or equipment for which the council is not responsible, for example, services that the NHS provides. Nor are Direct Payments a substitute for the disabled facilities grant.

- 2.4 The policy guidance also states that when making a Direct Payment for the purchase of items of equipment, local councils will need to satisfy themselves that the person's needs for the services will be met by the user's own arrangements. In particular, local councils will wish to ensure that the Direct Payment recipient is adequately supported by specialist expertise. This is particularly true in the case of major items, when advice may be needed to ensure that equipment purchased is safe and appropriate.
- 2.5 In Hartlepool, we have ensured that adequate advice is provided to ensure that equipment is safe and appropriate. The policy and procedure guidance (attached as **APPENDIX 1** to the report) reflects that the assessment and support will be given by Care Managers with appropriate Occupational Therapy input.
- 2.6 The policy advice also advises that Local Authorities need to clarify the ownership of the equipment. The proposed way forward is that the item is owned by the Direct Payment recipient, and is thus the responsibility for maintenance which lies with them (para 8.1 of Appendix 1 refers)
- 2.7 The cost of the Direct Payment for equipment is proposed as a price that reflects the equivalent cost of an item from Tees Community Equipment Services catalogue. If an item is not available through TCES, the cash equivalent would be calculated on the basis of two quotations to evidence best value (para. 5 of the Policy and Procedure Guidance)

3. RECOMMENDATION

- 3.1 Portfolio Holder is requested to authorise:
- i) The extension of Direct Payments to cover equipment (para 2.2)
 - ii) The ownership of the item will remain with the Direct Payment recipient (para 2.5)
 - iii) That the amount of the Direct Payment is calculated on the basis of the TCES price or two quotations (para 2.6)

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HARTLEPOOL POLICY & PROCEDURE FOR OFFERING DIRECT PAYMENTS FOR EQUIPMENT

1. INTRODUCTION

- 1.1 The following document sets out the policy and process for offering direct payments (DP) in respect of daily living equipment. The policy has been drawn up following consultation with a number of interested parties including OT, DP and finance leads, the Integrated Community Equipment Service (ICES), and the DP Working Group.

Direct Payments may be offered for Sensory Services Equipment but the guidance and procedure for these will be different.

- 1.2 A summary of associated legislation is provided as well as the specific process and issues concerned with offering direct payments for equipment.
- 1.3 Appendix 1 offers some example case studies to assist staff in determining whether a client would be eligible to apply for a direct payment.
- 1.4 Appendix 2 details the process map for issuing equipment via a direct payment.

2. LEGISLATION

- 2.1 The Health and Social Care Act 2001, and associated regulations, set out the legal ability of local authority social services departments to make direct payments – in respect of community care services, carers' services and children's related services.
- 2.2 In April 2003 legislation came into force, which made the offering of direct payments a legal duty, rather than a power. In addition to this the Department of Health published revised guidance on direct payments in September 2003.
- 2.3 The Health and Social Care Act does not cover the provision of NHS services by means of direct payments. However, in relation to integrated working, under Section 31 of the Health Act 1999, and the delegation of functions, a PCT could make a direct payment for equipment on behalf of a local authority – but only insofar as it related to equipment which could reasonably be categorised as 'social care' as opposed to health or registered nursing care equipment.

3. PRINCIPLES

- 3.1 The idea of direct payment is that once an eligible person has been assessed as requiring services or equipment, which would be

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provided under local authority eligibility criteria, then he or she can receive a payment to purchase the service or equipment, instead of having it provided directly by the local authority.

- 3.2 With regard to 2.3 above, many items of equipment fall into the grey area between health and social care, and may not be characterised as one or the other. For example, a profiling bed could equally be regarded as health care or social care, depending on the context in which it is required. This means that direct payments might potentially be used on a number of items of equipment, so long as the equipment could reasonably be characterised as meeting a social care need, and thus be the legal responsibility of social services.

- 3.3 An individual may choose to obtain some services by way of a direct payment but arrange to have other services and equipment arranged by the statutory services through direct provision.

4. CONSENT AND ABILITY TO MANAGE THE PAYMENT

- 4.1 To qualify legally for a direct payment, the service user must consent, and be able to manage the payment with, or without, assistance. The assistance could be in connection with various administrative matters but, overall, the service user must remain in control of the payment.

5. AMOUNT OF DIRECT PAYMENT

- 5.1 Guidance published in 2004 by the Department of Health and the Chartered Institute of Public Finance and Accountancy (*DH CIPFA 2004. 'Community care direct payments: accounting and financial management guidelines'*) states that the direct payment should reflect the 'true cost to the individual of acquiring the service' so long as it was satisfied that the cost would bring additional benefits. In this case, the local authority may not claim best value in that it is not able to offer a payment equivalent to the bulk purchase price that is achieved by the Integrated Community Equipment Service.

However, the guidance is conflicting in that it also states that the direct payment must only be made if the cost is 'no more than the cost to the local authority of securing the equivalent service'.

- 5.2 For Hartlepool, the value of the direct payment will be calculated based on the price that reflects the equivalent cost, of an item for TCES. The direct payment will include a cost for maintenance, if required – this will depend on the item purchased.
- 5.3 If an item is not available through TCES we would provide the cash equivalent based on two quotes to evaluate best value.
- 5.4 If VAT is subsequently charged, for whatever reason, this can be reclaimed by the service user using the claim form based on HM Customs and Excise guidance – contained at appendix 5. The service

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user may claim back VAT on items that are purchased to specifically address an assessed need, resulting from a disability or illness. For further information on VAT exemption see HM Customs & Excise Notice 701/7 '*VAT Reliefs for Disabled People*'.

6. ASSESSMENT

- 6.1 The decision to offer a direct payment can only be made following an assessment of need based on Hartlepool's Fair Access to Care criteria and on the basis that those needs fall within the 'Critical', 'Substantial' or 'moderate' bandings. The duties in legislation to carry out an assessment, to apply eligibility criteria and to reach a decision, about the needs and equipment required, remain the same irrespective of whether or not the individual wants a direct payment.
- 6.2 As Hartlepool develops more integrated ways of working through the various partnership agreements, and work with the voluntary sector, it should be recognised that there is potential for any member of the multidisciplinary locality teams deemed to be competent to assess individuals for equipment. However, in children's services, where equipment is often highly specialised, this is likely to remain within the domain of Occupational Therapists.
- 6.3 A programme of training will therefore be implemented to ensure that all assessors understand the principles and process for offering direct payments for equipment.
- 6.4 It is proposed that, in the initial stages of implementation of the policy that only community Occupational Therapists will be able to offer direct payments, as they are the professional group most familiar with equipment provision. It is expected that the training, particularly in adult and older peoples' services, will be rolled out to other professional groups as the initiative develops.
- 6.5 If a service user is deemed ineligible for a Direct Payment, the reasons for this will be explained to them by the assessor and followed up with written confirmation. The individual will be also be provided with a copy of the policy and Fair Access to Care eligibility criteria. If the service user considers that either the policy or the criteria have been wrongly applied in their case, then they may lodge a complaint under the Social Care complaints procedure.
- 6.6 Equipment provision, via direct payment, may not be appropriate for individuals being discharged from acute hospital beds as there is the potential that this could contribute to the numbers of delayed transfers of care as direct provision of equipment is likely to be quicker, and more appropriate for this client group. Once discharged, the service user may wish to pursue the direct payment route, in which case they will be reassessed in the community setting.

- 6.7 If a person's needs change, such that alternative, or additional equipment would have been supplied by the local authority had there been direct provision, so too would there be a need for a further assessment and direct payment, should they so choose, to allow purchase of the alternative or additional equipment.

7. MAINTENANCE AND REPAIR OF EQUIPMENT

- 7.1 A direct payment may need to include a sum of money to enable the setting up of a maintenance contract. This would need to include emergency call out procedures in the case of an item breaking down. This would apply particularly in the case of powered items of equipment, for example bath lifts. It is not expected that maintenance contracts would be required for standard daily living equipment such as perching stools and toilet frames. These are more likely to require replacement due to wear and tear over time in which case another direct payment could be offered.
- 7.2 For items requiring maintenance the direct payment will include the cost of setting up a maintenance and repairs agreement for that item, in line with the manufacturer's instructions and guidelines. In this case the service user will be responsible for all arrangements associated with setting up the maintenance arrangements and would be liable for any accident resulting from inadequate maintenance of the equipment. The direct payment will include the cost of maintenance for the first year. Thereafter, maintenance payments will be made on an annual basis following review of the assessed need for equipment and the management.

8. RE-USE OF EQUIPMENT

- 8.1 As the equipment is the legal property of the individual it is not proposed that the option to return to stores is given.

9. TOPPING UP

- 9.1 There may be cases where a service user might chose to 'top up' a direct payment in order that they may obtain an item of equipment that meets needs in addition to these identified as essential. This is their choice but assessors must be confident that the item will meet the individual's assessed need.
- 9.2 In this case, the value of the direct payment will reflect the cost of the equivalent standard item from the TCES catalogue. The individual will then be able to top up that amount to purchase the item of their choice. See case study 1.

10. THE FORMAT AND USE OF THE PAYMENT

- 10.1 To receive a Direct Payment in Hartlepool it is required that the recipient set up a bank account in order to receive the payment and for care managers, and admin staff to monitor its use. Direct payments for equipment will generally be in the form of a one-off payment and will therefore not require a separate bank account. Service users will need to provide proof of purchase as per the Agreement Form – see Appendix 3
- 10.2 The direct payments legislation allows for the local authority to seek repayment of money by the recipient, to the local authority, if it has not been used to obtain the type of service or equipment for which it was intended.
- 10.3 It remains the assessor's responsibility to ensure that the item of equipment purchased with the direct payment meets the service user's assessed needs.
- 10.4 The payment will be made to the individual in the form of a cheque. Following acquisition of the item, the individual will be required to provide proof of purchase in the form of an original receipt from the retail outlet, clearly identifying what equipment has been purchased. This must be sent to the assessor. See process map at appendix 2 for full procedure.

11. PERFORMANCE INDICATORS

- 11.1 The D54 Key Performance Indicator, concerning the delivery of equipment within 7 working days of assessment cannot be applied as it stands to direct payments. The Department of Health has advised that reporting of equipment issued via a direct payment will come under the direct payment indicators.

12. MONITORING

- 12.1 The reporting and monitoring of direct payments in respect of equipment will be coordinated by the Direct Payments Team in conjunction with the Management Information Team.

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APPENDICIES

- 1 Case examples**
- 2 Process Map**
- 3 Direct Payments Agreement Form**
- 4 Direct Payments Covering Note for finance / accounts
department**
- 5 VAT Claim Form**

CASE STUDY EXAMPLES**Case Study 1**

Mrs A is 80 yrs old and has been assessed as needing items of equipment to assist her with transferring on and off her toilet. She requires a grab rail to be fitted on the wall beside the toilet and a 4" raised toilet seat to be fitted on her toilet. She has no one who could fit a rail for her so is happy for the assessor to arrange for the Integrated Community Equipment Service to fit the rail.

However, on discussion with Mrs A, she is made aware of the fact that the raised toilet seats issued by ICES do not include lids. She would prefer a toilet seat with a lid and therefore opts to receive a direct payment to the value of a standard 4" raised toilet seat on the understanding that she will provide the amount of top-up necessary to acquire one with a lid.

This example demonstrates that a client may chose to have a mixture of direct provision and direct payment as referred to in 3.3 of the policy. The provision of a toilet seat with a lid is not a requirement, as a seat without a lid will equally meet her needs therefore the value of the payment only has to reflect the value of the standard stock item..

Case Study 2

Miss B is 34 and has MS. She has made a direct request to her Occupational Therapist for a direct payment to help her purchase an ergonomic, and more supportive office chair to provide her with more comfort when seated at her desk and using her home computer. The chair she has in mind will cost approximately £200.

Miss B was declined both direct provision and a direct payment on the basis that she did not meet the Fair Access to Care eligibility criteria.

This example demonstrates the importance of understanding that clients must meet eligibility criteria in terms of assessed Social Care need, and that DPs for equipment cannot be viewed as a gateway to receiving a range of items, not previously available.

Case Study 3

Ms D is 55 and is severely disabled due to chronic, but stable, rheumatoid arthritis and has been assessed as needing a powered bath lift. Under direct provision, Ms D would be supplied with the standard model (X) issued through ICES. This has a fixed hard seat and back but would adequately meet her needs. However, she would prefer a bath lift with a padded seat and back. She is therefore offered a direct payment to the value of the standard model and is informed that she may 'top-up' the payment in order to acquire the model (Y) that she wants. The maintenance would become the responsibility of Ms D to organise, funded by the Direct Payment.

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However, as an alternative to the above...

Case Study 3A

Ms E is assessed as needing a powered bath lift with padded seat and back due to her levels of pain experienced when her rheumatoid condition has 'flared-up'. She would not be able to tolerate sitting on a hard seated bath lift nor leaning against a solid back rest. Therefore, she would be entitled to receive model (Y) as a special order, if it was felt this is the only model that would meet her needs. This would therefore be provided for her through direct provision via TCES. However, she could still opt for a direct payment in which case the value of the DP would have to reflect the value of model (Y), as that is her assessed need. If she chooses to go the DP route, she would still have to decide on the options regarding maintenance of the item.

Comment:

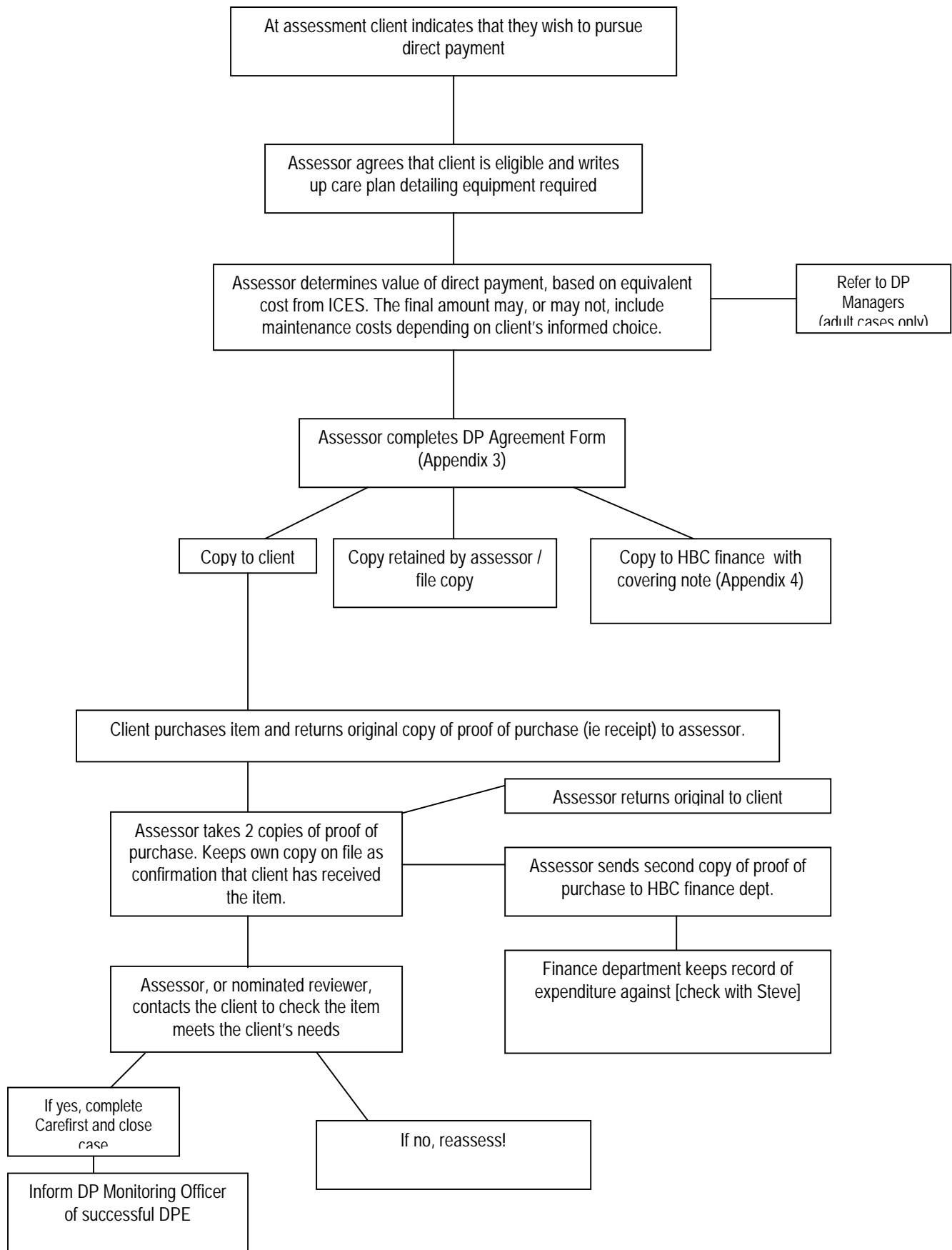
It is hard to see why anyone would wish to decide on a direct payment in this case (4A), as the item of equipment received is likely to be exactly the same whether it's provided via direct provision or by DP.

Case Study 5

Mr and Mrs F have a 10 year old son, Ben, with severe cerebral palsy. At home he either sits in his wheelchair or lies on the settee. Mr and Mrs F are requesting home seating for Ben to enable him to sit in a corrective and supportive position, for safety, to be able to play and to participate with family at mealtimes. Ben falls asleep regularly throughout the day and therefore would benefit from a reclining model. His seating needs are so specialized that the therapist recommends a highly specialist system with tilt in space options. A hydraulic model is recommended as meeting Ben's needs, Mr and Mrs F would prefer an powered option as adjustment for the chair would be quicker and easier. Mr and Mrs F therefore request a direct payment to enable them to 'top up' and therefore purchase their preferred electric powered option.

Appendix 2

DIRECT PAYMENTS FOR EQUIPMENT – PROCESS MAP





DIRECT PAYMENTS SCHEME

**YOUR INDIVIDUAL AGREEMENT FOR THE
PROVISION OF A DIRECT PAYMENT FOR THE
PURCHASE OF EQUIPMENT**

Name

Address

Carefirst no.

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This document should be read alongside
DIRECT PAYMENTS SCHEME
INFORMATION ABOUT RESPONSIBILITIES AND DUTIES

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DIRECT PAYMENTS SCHEME

YOUR INDIVIDUAL AGREEMENT

This individual agreement tells you how much Direct Payment you will receive and how you are expected to use it.

This individual agreement should be read in conjunction with the accompanying document “Direct Payments - Information about responsibilities and duties” which forms parts of this agreement.

Either of us may terminate this agreement by giving to the other party 1 month's prior notice in writing in which case any Direct Payment made in advance will be reclaimed directly from you and you will have to reimburse us for any overpayment

Payment amount

| | |
|--|-----------|
| The equipment which, following assessment and care planning, you wish to obtain through a Direct Payment is: | Cost £ |
| | |
| | |
| | |
| | |
| | |
| | |
| The total cost of the equipment package you wish to receive as a Direct Payment is | £ |
| The amount of the Direct Payment which will be paid to your is | £ |

The money will be paid into your bank account.

Bank/building society account details

Name of bank/building society

Address:

..... Postcode.....

Account name

Account number

Sort code - -

Purpose of payments

You must use the money to meet your assessed social care needs by purchasing the equipment which has been discussed with you during the formulation of your care plan and is detailed on the previous page.

Your responsibilities

It is your responsibility to ensure that in meeting your community care needs, you purchase the equipment as specified in your care plan and listed on the previous page.

You must keep receipts to show how the money has been spent and any guarantee documents provided by the supplier and/or manufacturer. You are required to give the Social Service Department a copy of the receipt(s).

You are responsible for the safe keeping and use of the equipment. Should the equipment develop any fault you must contact the supplier and/or manufacturer about replacement/repair under guarantee and/or warranty.

Where a Direct Payment is made to purchase equipment to meet your assessed needs the equipment will become your property and responsibility.

Where a Direct Payment is made to purchase equipment which requires regular maintenance it will be your responsibility to arrange for and pay for this maintenance.

Hartlepool Adult and Community Services Department's responsibilities

It is the responsibility of Hartlepool Adult and Community Services Department to ensure that you have the means to meet your agreed care needs and that the payment is made within a reasonable time to enable you to purchase the identified necessary equipment.

It is also the responsibility of Hartlepool Adult and Community Services Department to ensure that the payment is used for the purpose intended as identified in your care plan. This will be checked by requiring you to supply a copy of the purchase receipt. You will be required to repay to Hartlepool Adult and Community Services Department any monies paid

to you which have not been spent on meeting your care needs as specified.

If there are problems

If there is a problem with your Direct Payment, such as it not being paid or being paid incorrectly, you should contact Eileann McCarron in the Finance Section (telephone 01429 523949).

If you disagree with the amount to be paid you have the right to complain.

If the equipment fails and its unavailability during repair will cause you problems you may ask Adult and Community Services for the temporary loan of equipment until the repairs on the original equipment are completed. However there can be no guarantee that any particular item of equipment will be immediately available on loan.

Agreement

I confirm that I understand and agree and will comply with the conditions contained in this agreement.

.....
Name of person receiving Direct Payment

.....

Date of agreement

Signature of witness

Name of witness.....

Date

Agreed on Behalf of Hartlepool
Borough Council

.....

Name of social worker or officer

Date

DIRECT PAYMENTS SCHEME

INFORMATION ABOUT RESPONSIBILITIES AND DUTIES

These notes give you basic information about the responsibilities and duties relating to receiving a Direct Payment from Hartlepool Adult and Community Services for the purpose of purchasing equipment to meet your assessed needs.

Assessment and the purpose of Direct Payments

An occupational therapist or social worker will carry out an assessment of your needs and discuss with you how your assessed needs can be met. The result of this will be your care plan, which will state which of your needs Hartlepool Adult and Community Services Department has agreed to meet and how this will be achieved.

A Direct Payment is made if you choose to purchase for yourself equipment to meet the needs identified in the care plan. Hartlepool Adult and Community Services will pay you what it would cost the department to purchase the equipment. Hartlepool Adult and Community Services Department will need to be satisfied that this has happened by requiring you to supply copies of receipts. If you wish to buy a more expensive version of the equipment which has been identified as being necessary to meet your assessed needs you can do so supplementing the Direct Payment with your own funds.

Payment procedure

It is important that you know the details of your payment so you can make plans for the purchase of the equipment. The individual agreement will identify the payment to be made to you and how this payment will be made.

The payment will be made into your bank or building society account through the Banks Automated Clearing System (BACS). You will receive notification of the amount paid.

Your responsibilities

In giving you money to meet your agreed needs Hartlepool Adult and Community Services is devolving some of its responsibilities to you. This means that you must ensure you purchase equipment which will meet your assessed needs. It is your responsibility to ensure that you have the correct equipment to meet your needs. The occupational therapist will give you any advice you require.

Adult and Community Services responsibilities

Hartlepool Adult and Community Services Department will ensure that your Direct Payment is sufficient to meet your needs as identified during your assessment and discussed during the formulation of your care plan. Any concerns you may have should be discussed with your occupational therapist/social worker/care manager.

When being assessed and during the discussions leading to the formulation of your care plan you may choose to have a family member, friend or supporter with you to clarify and present your needs.

Complaints

If you wish to comment about your assessment or on the services provided by Hartlepool Adult and Community Services Department please speak to a member of staff in the first instance. Alternatively if you wish to make a written comment or complaint there is a form for this purpose which is available from all Adult and Community Services offices.

DIRECT PAYMENTS FOR EQUIPMENT

TO: HBC FINANCE DEPT

FROM: (Assessor’s name)

DATE:

Please arrange to provide a direct payment to

See attached Direct Payments for Equipment Agreement Form for details