

## **DASL DIRECT PAYMENTS PEER SUPPORT GROUP**

**3<sup>RD</sup> MAY 2017**

### **Attendees:**

**Service users** – SB, MR, SW, VLM, MN, JH, RH, MO, MB.

**Staff** – Richard Pargeter, Joseph Healy, Seán McGovern (DASL) & Svetlana Kotova (Inclusion London)

### **Apologies:**

MM, LT, HBW, Malvina Edwards-Drayton (Lambeth Council), AB and MS.

### **Matters Arising from April meeting**

- SB queried whether her mum should be paying for pendant alarm system. It was suggested that SB liaises with a social worker or OT
- Malvina is recommending an increase in the adult rates for PAs
- Service users are fighting cuts in social care packages

### **General Discussion**

Currently it is the council who make all policy decisions with little or no service user input. Joseph alerted the meeting to a service user's benchmark group. Such a group would be able to participate in the council's policy making decisions, decisions that have an immediate impact on their day-to-day living.

Some time ago the DP Peer Support Group decided to take up Councillor Meldrum's proposal of creating a DP Charter. This document would lay down the responsibilities of all parties involved in the direct payments system. The following parties make up this system:

- Social workers
- Financial Assessment Team (FAST)
- Adult Money Management Team
- CYPS Team

- DASL's DP Team

Thus far, DASL has produced its portion of the DP Charter and is waiting on the other parties to complete their portion of the work. It was agreed that Seán should once again approach the parties involved asking if they would complete the task and send their contributions to DASL's DP Team.

Malvina Edwards-Drayton, Lambeth Commissioner Adult Services, has asked for volunteers from the DP Peer Support Group to tell their stories of direct payment's journeys. SW, SB, VLM and MN volunteered to speak to Malvina.

**Svetlana Kotova, Disability Justice Project Co-ordinator from Inclusion London**, spoke to the group on Social Care Support.

### **Social Care Support – key duties and top tips**

Local authorities (LA's) still have to **assess, decide** and **provide**.

Local authorities must promote the well-being of individuals:

- Make sure the person takes part as far as possible in decisions about their support and has information and help they need to do so;
- Think about both the well-being of the person and the well-being of carers;
- Protect people from abuse and neglect.

Local authorities must:

- Begin with the idea that the person knows best;
- Think about the person's views, wishes and beliefs;
- Put things in place to stop the person's needs getting higher.

### **Assessments**

- It should be easy to get an assessment (or a re-assessment);
- They shouldn't refuse to assess because of whether or not you would have to pay for care;
- It should normally be a face-to-face assessment – not a self-assessment questionnaire;
- LA's must provide in advance, and in an accessible format, the list of questions to be covered in the assessment;
- Independent advocacy.

**In an assessment the LA has to:**

- Speak to you;
- Speak to a carer **if you agree**;
- Think about how your needs impact on your well-being and what you want to achieve in day-to-day life;
- Think about what services, information, advice or other things in the community could benefit you;
- Try and agree with you (and your carer if needed) about what services will meet your needs
- Tell you about the amount of charge you may have to pay for any services

### **Assessment Tips**

- Make sure you clearly flag up all your needs - otherwise they will not be funded. Include the lesser needs as well as the more important ones because they can add up and need to be looked at as a whole.
- Explain how your needs affect your well-being
- Make sure you emphasise the worst risks that might happen if your needs aren't met – don't just think about how you are on a good day.

### **Assessment – the record**

- It's VITAL that everything you discuss in the assessment is recorded – get a copy and check it. Ask for missing details to be added.
- After the assessment there will be a decision about your eligible needs and what support is to be provided and this needs to be made clear on the record too
- With personal budgets/direct payments, it is even more important to get a clear record of everything that has been discussed and agreed

### **Eligibility**

LA is only required to meet eligible needs.

To be eligible for support, you must meet three requirements:

- 1.** Your needs must be the result of a physical or mental impairment or illness
- 2.** As a result you must be unable to achieve two or more of the outcomes set out in the eligibility criteria, and
- 3.** As a consequence there is likely to be a significant impact on your well-being

The Care Act Guidance says: 'Significant impact' means an important effect on your daily life, independence and well-being.

## Eligibility and help from carers

- NB the decision about your eligible needs must be 'carer-blind'
- This means any help you are getting or could get from carers, whether paid or unpaid, must be ignored when determining whether your needs are eligible
- The assessment should record if there is unpaid help that family or other carers are willing to give, **and you agree with this**
- This can be taken into account when the authority decide what support they will provide
- But not when deciding what your eligible needs are!

## Support planning – how your eligible needs will be met

This is where you have the chance to exercise choice and control about how your needs can best be met - **but**

- the local authority can take a strict approach to only meeting eligible needs, and
- in choosing between different practical options for meeting your needs, it may be able to decide to offer an option that is cheaper even though it is not your preferred option.

## Support planning – challenging cheapest options

- The authority may ...include the cost as a relevant factor in deciding between suitable alternative options for meeting needs. This does not mean choosing the cheapest option; but the one which delivers the outcomes desired for the **best value.**' Paragraph 10.27 of the Care Act
- The concept of **well-being** is all-important – link your needs and your preferred support back to the specific elements of well-being listed and show how your preferred support best delivers your well-being .
- Remember the assumption that you are best placed to judge your well-being

## Support planning –what should you get?

- Local authorities can't have 'blanket policies'
- They can't impose an upper limit on help
- If nothing suitable is available locally for you, ask for evidence that your council is taking steps to arrange or commission a new service
- Your support plan must be in writing and address all the 'how, who, what and when' and be clear

## Dealing with problems

- If you believe that the Council has acted wrongly, you should ask them clearly in writing to sort things out and explain why
- Think about how quickly it needs to be dealt with: if it is urgent, explain why and say clearly when you expect an answer
- If necessary make a formal complaint. Ask for a copy of the Council complaints procedure and make sure you follow it
- A template complaint letter is available from:  
[www.lukeclements.co.uk/resources/index.html](http://www.lukeclements.co.uk/resources/index.html) (click on 'precedent complaint letter')
- If the situation is serious, urgent or you are not getting anywhere with the other options, you can seek legal advice from a community care solicitor
- There are deadlines for legal action so if in doubt get advice early.

## Inclusion London's Campaigning Work

- Inclusion London (IL) is doing campaigning work around the general election. They're promoting voting registration within the disability community
- Grave and systematic violations to disabled people's rights – IL's UN Inquiry briefing and responses
- Monitoring ex-ILf users as they are re-assessed
- Clinical Commissioning Groups are pushing disabled people who need more than eight hours of long-term healthcare a day should be pushed into residential care rather than being allowed to continue living at home.