

**NORTH LANARKSHIRE COUNCIL
REPORT**

TO: Social Work Committee	Subject: COMMUNITY CARE (DIRECT PAYMENTS) ACT 1996: DRAFT GUIDANCE FROM THE SCOTTISH OFFICE
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE:	
REF:	

1. PURPOSE

- 1.1 The purpose of this report is to inform committee of the content of an interim response (appended) to The Scottish Office to the draft policy and practice guidance on the Community Care (Direct Payments) Act 1996.

2. BACKGROUND

- 2.1 On 28th November 1996 Social Work Services Group produced draft policy and practice guidance on the Community Care (Direct Payments) Act 1996 which the Government intend to bring into force from 1st April 1997. Comments on the draft guidance were requested by 10th January 1997. Despite an acknowledgement of the very short timescale The Scottish Office were unable to grant an extension to the deadline for comments because of the requirements of the parliamentary programme. Unfortunately, insufficient time was therefore available to report to Committee prior to 10th January 1997.

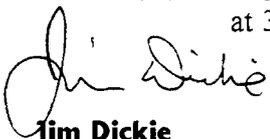
3. THE ACT

- 3.1 The Act is a very significant piece of legislation which empowers, but does not require, local authorities to make direct cash payments to disabled people under the age of 65 in lieu of the provision of services.
- 3.2 At an early date a fuller report will be brought before Committee with proposals on how the Council should respond to the powers conferred by the legislation.

4. RECOMMENDATIONS

- 4.1 Committee is asked to:

- (i) note the content of the interim response to The Scottish Office;
- (ii) approve any amendments to the response;
- (iii) request that at an early date the Director bring forward a full report as outlined at 3.2 above;



Jim Dickie
Director of Social Work
8th January 1997

North Lanarkshire Council - Social Work Department

Community Care (Direct Payments) Act, 1996
Response to the Scottish Office on the Draft
Policy & Practice Guidance Issued on 28th November, 1996

- Direct payments are likely to create an increase in demand for services.
- There is a need for very clear eligibility criteria to ensure that the scheme is equitable, otherwise variations in the level of direct payments may be the subject of complaint and appeal, but Local Authorities would be unable to offer explanations because of client confidentiality.
- Costs will be incurred in providing support to clients to manage direct payments.
- The Act raises a number of issues in relation to quality standards;
 - (i) there is likely to be an increase in the number of unregulated providers;
 - (ii) it will be difficult for Councils to monitor standards effectively where a personal assistant is employed directly by the client;
 - (iii) Where the service user is satisfied with the standard of service but the Local Authority is not, the latter will be unable to influence standards directly;
- The probable increase in complaints and appeals is likely to overburden existing systems.
- It is not clear why elderly people, and children and young people with special needs, are not eligible - in the latter case it may make sense for a family member to receive the direct payment.
- The guidance refers to the use of agents by certain clients but does not indicate how this support should be funded - should it, for example, be included in the direct payment?
- Local Authorities will need to agree standard charges for the range of services they purchase in order to demonstrate fairness.
- There is no ceiling on the level of a direct payment and the absence of government direction on this will leave the door open to complaints/appeals.
- The scheme will impact on the number of people who are willing to care for others on a voluntary unpaid basis. Over time direct payments are likely to undermine this tradition and will therefore lead to an increase in services to be funded by Local Authorities.

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- There will be considerable resource implications in setting up suitable monitoring and review arrangements. Failure to put these in place could lead to widescale abuse.
- In order to ensure adequate monitoring the Local Authority should have a say in the nature of any employment contract between an individual and their personal assistant.
- In addition to long stay residential care, residential respite should also be excluded.

BMcG/HS - 8.1.97