

Personalisation – Information for Providers

Sheet 3: Safeguarding and Support for Personal Budgets Users

FAQ

Q: How will service user's Personal Budgets be monitored to ensure the money is being spent appropriately?

A: Solihull Care Trust have already been monitoring Direct Payments for some time. Service users keep records of how their money was spent, which are then checked by Social Workers. The Care Trust has been adapting this monitoring to the wider sphere of Personalisation. It is also very important that safeguarding against abuse or misuse of monies forms part of the early stages of setting up an individual's Personal Budget. Proposed Support Plans are subject to approval by the Care Trust who must ensure that a robust support plan (which includes safeguarding measures) is in place.

Q: What happens in cases where Personal Budgets money is overspent or spent inappropriately, leading to financial difficulties for the service user?

A: Although money is sometimes misused, this is actually quite rare - evidence shows that the majority of Direct Payments users tend to underspend rather than overspend. In cases of misspending or overspending, the monitoring Social Work team would address the issues and consider alternative ways of managing the person's care if necessary. There are a variety of ways of managing a Personal Budget and the Direct Payment option is not suitable for everyone. Review occurs annually (or more often in some cases), however where a change in needs or concerns arise, a review should be arranged without delay.

Q: Who decides on the service user's level of capacity to make decisions on how a Personal Budget is spent?

A: If there was reason to doubt the service user had the mental capacity to make these decisions, a Social Worker would make a judgement about this by completing a Mental Capacity Assessment.

Q: What support is there for people who are not able to communicate very well?

A: Some people will need particular support to communicate. This may take a number of forms. People who need support to communicate may decide to use part of their Personal Budget to facilitate communication. Support is available from advocates, as well as social workers and from the Shaw Trust (to help write Support Plans) as well as from informal relationships.

Q: Are care providers subject to regulators such as the CQC?

A: The statutory checks at the third stage of applying for a Personal Budget should be looking at ensuring the service user is safeguarded, including recommending any regulatory checks that may be needed. Some areas are using a 'kite mark' to measure services approved and regulated by the Local Authority (this is something currently being considered by SCT).

Q: If a service provider does not turn up to deliver the care or support service in the service user's home, what happens? How is this monitored?

A: Emergency planning should be built into the service users Support plan (for example who to call if the provider does not turn up). The service user should know how to contact SCT if things go wrong. Service users should be reimbursed if the support they have paid for is not delivered. This can be an issue for people who self-direct or have a service managed on their behalf.

Q: What safeguards are in place for Personal Budgets users employing PAs?

A: PAs employed by Personal Budgets users are not subject to the same regulations as care services commissioned by statutory bodies. However, safeguarding issues around this should be being identified by Social Workers and service users will be referred to services that can support them in the complex business of becoming an employer. The Shaw Trust supports Direct Payment users to assist them with staff recruitment, advertising, references and CRB checks as well as advice on their legal obligations as employers. The training needs of PAs are very different to those of care staff working for organisations and Solihull Care Trust provides a Skills Training Broker Service to work with employers and their PAs to address training needs. Proposals to

employ a PA must be approved by the Social Work team and progress reviewed on a regular basis.

Q: Who will pay for CRB checking of Personal Assistants?

A: Solihull Care Trust pays the costs of CRB checks of Personal Assistants employed by Direct Payment users. The checks are carried out via the Shaw Trust, who have a contract with Solihull Care Trust to provide support to people who use Direct Payments.

Q: Who supports the service users who don't fit the funding criteria or who do not have a Social Worker?

A: Personal Budgets have to operate within the same funding criteria that apply to other services (known as 'Fair Access to Care'). Those people who don't meet these funding criteria receive sign-posting and other support from the Care Trust's Care Managers/Social Workers. Some fund their own social care services whilst others may receive the support of third sector organizations.

Q: Who supports service users to understand how the system works, complete assessments and to pick the right provider for them?

A: Social workers and review officers provide support and explain the new system to service users. Solihull Care Trust has also invested in increased advocacy services for people using Personal Budgets and Enable-Solihull has been funded to raise awareness with service users about Personal Budgets and to develop a web portal of care and support services available in the borough.

Q: Will care services brokerage be provided by an independent organisation?

A: The Shaw Trust is providing independent Support Plan facilitation to help people devise Support Plans. This service covers many aspects often referred to as brokerage services, including considering which services are most appropriate to meet someone's outcomes and what they cost.

Q: Is there an appeals process if a proposed support plan is turned down by the Care Trust? What happens if agreement cannot be reached between service user and the Care Trust?

A: Yes there is an appeals process. Agreeing the Personal Budget is a process of negotiation between the service user and Solihull Care Trust. The panel looking at the proposed support plan must consider it in a holistic and flexible manner, however SCT has responsibilities and there may be activities proposed which SCT cannot authorise. The Personal Budget cannot go ahead until approved, however alternative support would be commissioned in the meantime. SCT would be clear on why the support plan cannot be approved and suggestions would be offered on how the plan might be modified to achieve agreement.

Support Available for Personal Budgets Users in Solihull

Apart from the service user's immediate Social Worker or Care Manager, the following organisations are able to provide support and information in regards to Personal Budgets:

The Shaw Trust

Supports Direct Payment users who employ PAs to assist them with staff recruitment, advertising, reference and CRB checks as well as advice on their legal obligations as employers.

Tel - **0845 605 2008**

Solihull Action for Advocacy

Advocacy services for adults with Learning Disabilities as well as help with Personal Budgets users from other client groups.

Tel - **0121 603 5576**

DIAL

Disability information, advice and advocacy for people with disabilities.

Tel – **0121 770 0333**

PA Training Brokerage Service

Works with employers and their PAs to identify the appropriate training for PAs to meet their employer's needs.

Tel – **0121 713 8960**

Solihull Carers Centre

A range of support for carers of people with disabilities and illnesses.

Tel – **0121 713 8960**

Enable-Solihull

Provides information and awareness for service users, carers and care and support organisations.

Tel – **0121 788 1544**

A directory of care and support organisations as well as information on Personal Budgets are available on or web portal:

www.solihullcaredirectory.co.uk

Solihull One Front Door

A new telephone service for first time users of social care services and those not currently in contact with Social Services.

Tel - **0121 704 8007**