

**Stockton on Tees Borough Council
Self Directed Support**

Individual Budget Delivery Policy

Lead Director:	Corporate Director of Children, Education and Social Care		
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Title of Policy:	Self Directed Support: Individual Budget Delivery Policy v1.3
Purpose of Policy:	To underpin the various means of delivering resources to individuals and carers as part of the Stockton on Tees Borough Council (SBC) Adult Social Care Personalisation Agenda
Type of Policy:	Draft Operational Policy
Target Audience:	Managers and staff in Adult Social Care, particularly those involved in assessment and review of individual's support needs, Support Planning and delivery of Individual Budgets.
Implementation Date:	TBC
Action required:	Adult Team Managers and Practitioners to adopt principles and process and ensure it is adhered to by all staff in relation to delivery of Individual Budgets.
This policy supersedes:	n/a
This policy should be read alongside:	The existing Direct Payments Policy and Procedure until such time as all individuals have moved over to the Self Directed Support Model. It should also be read alongside the <u>Non-Residential Charging Policy</u> , <u>Debt Recovery and Income Collection Policy</u> and other policies governing the Self Directed Support (SDS) model.
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Individual Budget Delivery Policy

1. Policy Statement

- 1.1 Stockton on Tees Borough Council (SBC) Adult Social Care has a duty to facilitate the assessment and provision of social care support services to meet the eligible assessed needs and agreed outcomes of eligible individuals and carers.
- 1.2 Stockton-on-Tees Borough Council and its strategic stakeholders are committed to the transformation of adult social care and the personalisation of services and as part of this is introducing a system of self directed support (SDS). Under SDS, eligible individuals and carers will be offered an Individual Budget to use to meet their assessed needs and agreed outcomes.
- 1.3 In order to meet an individual's assessed needs and agreed outcomes, Stockton-on-Tees Borough Council can provide or commission services, or make cash payments in lieu of services, for the purpose of purchasing goods and services to meet assessed needs and agreed outcomes.
- 1.4 Stockton-on-Tees Borough Council can make cash payments in lieu of services directly to individuals or carers, or can make payments to a third party to be used or managed on behalf of the individual or carer, to meet their assessed needs and agreed outcomes.
- 1.5 Payments in lieu of services enable independence, health and well being by giving individuals more choice and control over planning and managing their support.
- 1.6 The aim of this policy is to underpin the various means of managing resources with individuals and carers as part of the SDS model.
- 1.7 The policy aims to enable independence, health and well being of individuals and carers by providing them with greater choice over how they use and control their allocated funds.

2. Guiding Principles

- 2.1 Individuals, as citizens, should have control and choice over how they live their lives, including how their support is delivered and their needs met.
- 2.2 Support services should be personalised and designed to meet the individual assessed needs and agreed outcomes of citizens.
- 2.3 The role of Adult Social Care is to enable people to maintain or regain their independence, regardless of age, impairment, ethnicity, sexual orientation or personal circumstances.
- 2.4 Individuals have more responsibility for planning and managing their support.
- 2.5 Adult Social Care has a duty to offer payments in lieu of services to individuals who are eligible.
- 2.6 Adult Social Care will ensure that individuals are able to access support services which enable them to exercise choice and control over managing their Individual Budget.
- 2.7 Not all individuals have the desire or capacity to plan for and meet their own assessed needs and agreed outcomes, using direct or indirect payments and in these cases alternative options will be made available.
- 2.8 The ability to use resources flexibly enables individuals to tailor their support to best suit their individual assessed needs and agreed outcomes.

3. Scope and exclusions

- 3.1 This policy applies to individuals and carers who meet all the following criteria
 - Assessed as eligible for services from Stockton-on-Tees Borough Council Adult Services.
 - Have a current formal assessment of need in place.

4. Outcomes

- 4.1 It is intended that this policy will assist The Vision for Adults: A Strategy for Adult Health & Care Services in Stockton on Tees 2009 / 2014 by enabling independence and well being through the establishment of arrangements for the delivery of Individual Budgets that allow individuals and carers control over the management and use of the resources they are entitled to, to meet their assessed needs and agreed outcomes.

5. Regulatory and Policy Context

- 5.1 The statutory framework for adult social care is set by Central Government. Policy and strategic direction of adult social care is generally defined by the Department of Health.

New National Policy Priorities

- 5.2 In *Independence, Well being and Choice* and *Our Health Our Care Our Say* Central Government highlighted the need to develop new ways of delivering allocated resources to individuals to enable greater control, open up the range and availability of services to better match service requirements, and stimulate the market to respond to the demands of individuals.
- 5.3 In the Putting People First concordat, Central Government, councils, health authorities, professional bodies and voluntary organisations all committed to a shared ambition to radically reform adult social care to deliver more choice and control to individuals and carers.
- 5.4 Central Government has identified the making of direct payments in lieu of services as the preferred means of delivering allocated resources to individuals and carers within the new model.
- 5.5 Central Government has also highlighted the importance of introducing greater flexibility in how individuals are enabled to use and manage the resources they are entitled to.
- 5.6 To date, Central Government has not made any changes to existing legislative and regulatory arrangements establishing and regulating the delivery of allocated resources to individuals and carers to give effect to its policy priorities.

6. Policy Background

- 6.1 Stockton-on-Tees Borough Council, as a Local Authority with responsibility for adult social care, has a statutory duty to assess adults and carers in the Authority's area who may be in need of services and, once assessed, to provide social care services to meet their eligible social care needs.
- 6.2 In accordance with the strategic direction articulated in the Putting People First concordat, Stockton-on-Tees Borough Council is in the process of transitioning towards a model of SDS, in which the eligible individual or carer is allocated an Individual Budget and enabled to take more control of their own support.
- 6.3 In order to meet assessed needs and agreed outcomes, Stockton-on-Tees Borough Council can provide or commission services, or make cash payments in

lieu of services, for the purpose of purchasing goods and services to meet assessed needs and agreed outcomes.

New Delivery Option: Giving Effect to National Policy Priorities

- 6.4 A key priority of Stockton-on-Tees Borough Council's new model of adult social care is to give effect to national policy priorities by enabling individuals and carers greater choice and control over how their support is delivered and how their needs are met.
- 6.5 In order to deliver the Putting People First agenda, Stockton-on-Tees Borough Council will ensure that individuals and carers are enabled to use the resources they are entitled to more flexibly, in order to better meet their assessed needs and agreed outcomes.
- 6.6 Stockton-on-Tees Borough Council will therefore offer individuals and carers a new option for the receipt of resources as part of their Individual Budget, called a **Personal Budget**.

7. Policy Requirements

7.1 Options for Delivery of Personal Budgets under SDS

- 7.1.1 Stockton-on-Tees Borough Council is committed to providing individuals and carers greater flexibility and choice over how they use the funds they are entitled to and how they choose to manage their Personal Budgets under the SDS model, in order to provide more personalised services.
- 7.1.2 Options for delivery of Personal Budgets under SDS are cash payments in lieu of services via the four following possible methods
- Personal Budget: Direct Payment
 - Personal Budget: Third Party Payment
 - Personal Budget: Managed Service
 - Or a mix of one or more of the above

7.2 Eligibility for Support

- 7.2.1 To be eligible to receive any form of support from Stockton-on-Tees Borough Council, individuals and carers will require a formal assessment to determine eligibility.

- 7.2.2 Individuals will also be required to undertake a financial assessment to establish whether they will be required to make a financial contribution towards their Personal Budget
- 7.2.3 The assessments will determine eligibility in line with the Fair Access to Care Services (FACS) Guidelines, the Fair Access to Care Services (FACS) Policy and Guidance, and the Non-Residential Charging Policy.
- 7.2.4 An individual carer's eligibility will be established through application of the Carers and Disabled Children Act 2000.

7.3 Personal Budgets: Overview

- 7.3.1 Where an individual or carer chooses to receive a cash payment, less any assessed financial contributions, in lieu of services, Stockton-on-Tees Borough Council will ensure that the individual has the support and means by which to independently secure the support services they require.
- 7.3.2 The council will no longer be responsible for the arrangement, direction, management or day to day organisation of those services.
- 7.3.3 Once an individual or carer agrees to receive payments in lieu of services they assume the responsibilities associated with managing their support.
- 7.3.4 In the case of payments to third parties, the third party assumes responsibilities associated with managing the support of the individual or carer.
- 7.3.5 Individuals, carers and third parties assume responsibility for:
- Employing staff and risks associated with employment of staff.
 - Establishing a separate bank account for the receipt of payments.
 - The outcomes of support choices.
 - Informing Stockton-on-Tees Borough Council if their circumstances, assessed needs or agreed outcomes change.

7.4 Personal Budgets: Direct Payment

- 7.4.1 A Personal Budget: Direct Payment is made by Stockton-on-Tees Borough Council, less any assessed financial contribution to individuals and carers to be used to meet their assessed needs and agreed outcomes.
- 7.4.2 Providing Personal Budget: Direct Payments will promote and improve the well being of individuals and carers by giving them more control and flexibility in how

they use their Personal Budgets to meet their assessed needs and agreed outcomes.

- 7.4.3 Personal Budget: Direct Payments are Stockton-on-Tees Borough Council's preferred means of delivering Personal Budgets under SDS.
- 7.4.4 Stockton-on-Tees Borough Council will promote take up of Personal Budget: Direct Payments as a means of increasing well being by enabling individuals and carers to exercise greater choice and control over how they use their funds and how they choose to manage their Personal Budgets.
- 7.4.5 Stockton-on-Tees Borough Council will encourage eligible individuals and carers to explore the option of taking all or part of their Personal Budget as a Direct Payment.

Basis for the Provision of Personal Budget: Direct Payments

- 7.4.6 Stockton-on-Tees Borough Council considers that offering individuals and carers Personal Budget: Direct Payments will improve the economic and social well-being of individuals and enable them to obtain a broader range of more tailored goods and services to more effectively meet their assessed needs and agreed outcomes.
- 7.4.7 Provision of Direct Payments is governed by the Health and Social Care Act 2001.
- 7.4.8 Stockton-on-Tees Borough Council will continue to meet its statutory obligations regarding Direct Payments, as set down in relevant legislation and regulations.

Permitted and Prohibited Uses of Direct Payments

- 7.4.9 Stockton-on-Tees Borough Council requires that Direct Payments are used to meet assessed needs and agreed outcomes of individuals and carers, in accordance with their validated Support Plan and Direct Payment Agreement.
- 7.4.10 Payment and use of Direct Payments must be in accordance with requirements set down in relevant legislation and Regulations.
- 7.4.11 Stockton-on-Tees Borough Council will apply the Support Planning, Support Plan and Personal Budget Validation Policy and Risk Enablement Policies which require that any proposed use of a Direct Payment is formally assessed and approved by Stockton-on-Tees Borough Council
- 7.4.12 In cases where there is a dispute about a decision, the matter will be addressed in line with the Support Plan and Personal Budget Validation Policy and Risk Enablement Policies.
- 7.4.13 Further directions on the permitted and prohibited uses of Direct Payments will be contained in the Direct Payments practice guidance.

Eligibility for Personal Budget: Direct Payments

Statutory Requirements

7.4.14 To be eligible to receive a Personal Budget: Direct Payment, individuals and carers must meet the legislative eligibility requirements for receipt of Direct Payments as established by the Health and Social Care Act.

Consent, Capacity and Capability

7.4.15 In order to be eligible for a Personal Budget: Direct Payment individuals and carers must consent to receive such a payment.

7.4.16 Individuals and carers should be assumed to be able to validly consent and to be able to make their own decisions, unless there is evidence to the contrary.

7.4.17 In cases where there is uncertainty about whether an individual has sufficient capacity and/or capability to consent to or manage a Personal Budget: Direct Payment, it will be necessary to undertake an assessment of capacity in accordance with the Mental Capacity Act 2005.

7.4.18 The assessment will evaluate the capacity of the individual to make the kind of decision necessary for the intended use of their Personal Budget: Cash Payment or Direct Payment. The level of capacity required will vary according to the complexity of the issues and processes that the individual will be required to manage.

7.4.19 Where an assessment of capacity determines that an individual does not have sufficient capacity, a decision may be taken on their behalf about whether a Personal Budget: Direct Payment is appropriate and about how any Direct Payment should be managed.

7.4.20 The decision must be in the best interests of the individual and made in accordance with the Mental Capacity Act 2005 .

Risk Assessment

7.4.21 For individuals and carers who are eligible for services, a risk assessment must be carried out to establish relevant issues, as part of the support planning process and in line with the Support Planning and Risk Enablement Policies.

Determination of Eligibility

7.4.22 The final decision about whether a Personal Budget: Direct Payment is appropriate will be made on a case-by-case basis by Stockton-on-Tees Borough Council as part of the risk assessment that occurs during support planning and validation. Stockton-on-Tees Borough Council will take into account a range of factors including the particular circumstances of each case, the relevant past conduct of

the individual or carer and the views of all relevant parties as well as all formal and informal support networks when making a decision.

7.4.23 If the Stockton-on-Tees Borough Council assessor decides that a Personal Budget: Direct Payment is inappropriate, the reasons for this will be clearly recorded and shared sensitively with the individual and any informal support networks, with the consent of the individual.

7.4.24 In cases where there is a dispute about a decision, the matter will be addressed in line with the Support Plan and Personal Budget Validation Policy and Risk Enablement Policies.

7.5 Operational Requirements: Personal Budget: Direct Payments

Formal Agreement

7.5.1 To receive a Personal Budget: Direct Payment an individual or carer must enter into a formal contractual agreement with Stockton-on-Tees Borough Council

Form of Agreement

7.5.2 The contractual arrangements between Stockton-on-Tees Borough Council and the individual or carer must be established in a formal, written Direct Payment Agreement.

Payment of Funds

7.5.3 Stockton-on-Tees Borough Council will require that individuals and carers establish a separate bank account for the receipt and use of a Personal Budget: Cash Payment or Direct Payment, in order to assist auditing and review and to protect the privacy of individuals and carers.

Individual Contributions

7.5.4 Where an individual who receives a Personal Budget: Direct Payment from Stockton-on-Tees Borough Council is required to make a financial contribution towards their Personal Budget, the payment will be paid net of any contribution from the individual.

Payment of VAT

7.5.5 Through the application of the Resource Allocation System (RAS) and the process of support planning and validation, Stockton-on-Tees Borough Council ensures that the validated Support Plan and Personal Budget: Direct Payment are sufficient to meet the eligible assessed needs and agreed outcomes of individuals and carers.

7.5.6 Stockton-on-Tees Borough Council is unable to recover VAT on goods and services which are purchased via use of a Personal Budget: Direct Payment. Any goods and services purchased are regarded as being purchased directly by the individual or carer and they are liable for any VAT that is incurred.

Equality and Diversity Safeguards

7.5.7 Stockton-on-Tees Borough Council will ensure that safeguards are in place to ensure that eligible individuals and carers can fully understand and agree to a Direct Payment Agreement, regardless of age, impairment, ethnicity, sexual orientation or personal circumstances.

Suspension and Termination of a Personal Budget: Direct Payment

7.5.8 An individual or carer can choose to terminate a Direct Payment Agreement at any time.

7.5.9 If an individual or carer chooses to terminate a Direct Payment Agreement and requires Stockton-on-Tees Borough Council to arrange alternative services, a minimum of four weeks notice to make appropriate arrangements may be required.

7.5.10 If an individual or carer chooses to end a Direct Payment Agreement, Stockton-on-Tees Borough Council will undertake a review to determine how best to meet their assessed needs and agreed outcomes.

7.5.11 Stockton-on-Tees Borough Council may choose to suspend or terminate a Direct Payment Agreement

- if one or more of the qualifying criteria are breached by the individual or carer.
- for reasons of illegal or fraudulent use or misuse of a Personal Budget: Direct Payment.

7.5.12 The notice required prior to Stockton-on-Tees Borough Council implementing a suspension or termination of a Personal Budget: Direct Payment will depend on the individual circumstances of each case, including the cause of the suspension or termination, an evaluation of risks and consideration of any other relevant factors.

7.5.13 In cases of illegal use, fraud and wilful misuse of a Personal Budget: Direct Payment on the part of the individual or carer, Stockton-on-Tees Borough Council may take action to recover all or part of the monies, where appropriate and in accordance with the Risk Enablement and Income Collection and Debt Recovery Policies.

7.5.14 In such cases, the individual or carer will no longer be eligible for a Personal Budget: Direct Payment

7.5.15 Stockton-on-Tees Borough Council retains the option of taking over the management of the individual's arrangements for a short period of time, in circumstances where

- The individual or carer requests or consents to Council assuming management of their support arrangements.
- The individual or carer has been assessed as no longer having the capacity to manage their payment.
- It is in the best interests of the individual or carer and the individual or carer consents to the action, or in cases where the individual or carer lacks capacity, in accordance with the Mental Capacity Act 2005.

7.5.16 There are circumstances where individuals or carers may not need their Personal Budget: Direct Payment for a short but significant period as a result of hospital admission or some other unforeseen eventuality.

7.5.17 In such circumstances, Stockton-on-Tees Borough Council will, together with the individual, carer and any representatives, review the particular circumstances of the case, including any on-going contractual responsibilities, to determine the most appropriate course of action.

7.5.18 In such circumstances, Stockton-on-Tees Borough Council may choose to maintain, alter, suspend or terminate any Personal Budget: Direct Payment arrangements.

7.5.19 Stockton-on-Tees Borough Council will act in a way that balances regard for the contractual obligations of individuals and carers and promotion of continuity of services with the need to make best use of resources.

Repayment of Personal Budget: Direct Payments

7.5.20 Individuals will be required to return to Stockton-on-Tees Borough Council any portion of their Personal Budget: Direct Payment

- that is surplus to meeting their outcomes as agreed in their validated Support Plan and Direct Payment Agreement.
- that is surplus to the contingency fund stated in the validated Support Plan or Direct Payment Agreement plus an equivalent 8 weeks payment.
- that is not being held in order to save for an agreed purpose, or to make payment on outstanding accounts or taxation liabilities.

7.5.21 If Stockton-on-Tees Borough Council is not satisfied that the Personal Budget: Direct Payment has been used for its intended purpose or if the conditions imposed in the Support Plan and Direct Payment Agreement have not been met, Stockton-on-Tees Borough Council may take action to recover all or part of the monies in line with the Income Collection and Debt Recovery Policy.

7.5.22 In cases of wilful misuse or fraud, Stockton-on-Tees Borough Council may take action to recover all or part of the monies, where appropriate and in accordance with the Risk Enablement and Income Collection and Debt Recovery Policies.

Arrangements in Emergencies

7.5.23 Support Plans for individuals and carers will include contingency arrangements for emergencies in line with the Support Planning and Review Policy and Guidance.

7.5.24 Stockton-on-Tees Borough Council retains a responsibility to ensure individuals and carers obtain the support they require, should an existing support package break down.

Provision of Support

7.5.25 Stockton-on-Tees Borough Council has a responsibility to ensure that individuals and carers have access to appropriate support to manage their budget if required. There are various types of support services available to assist the individual and/or carer while allowing them maximum choice and control over the delivery of their support.

7.5.26 Individuals and carers may choose a support option that best suits them and their needs and capabilities.

7.6 Personal Budget: Third Party Payment

7.6.1 Central Government has indicated a desire to extend the benefits of choice and control.

7.6.2 Stockton-on-Tees Borough Council recognises that the benefits of greater choice and control should be made available to as many individuals and carers as possible.

7.6.3 Stockton-on-Tees Borough Council will permit Personal Budget: Third Party Payments to manage the delivery of support to meet the agreed outcomes of individuals and carers.

7.6.4 Personal Budget: Third Party Payments can be used where an individual or carer does not have the desire or capacity or capability to receive and manage a Personal Budget: Direct Payment

7.6.5 Personal Budget: Third Party Payments can also be used when an individual or carer chooses to obtain support to manage a Personal Budget: Direct Payment.

- 7.6.6 Individuals and carers are permitted to enter into a contractual arrangement with an agent to act on their behalf to either receive a Personal Budget: Direct Payment and/or take on any employment and payroll responsibilities associated with meeting their agreed outcomes.
- 7.6.7 For such an arrangement to be permitted the individual or carer must remain in control of directing his or her service and making key decisions, with assistance if required, for example deciding who their personal assistant will be.
- 7.6.8 The individual will have responsibility for arranging the agreement with the agent, with appropriate support, if required. The arrangement will be between the individual or carer and the third party. Stockton-on-Tees Borough Council will not be a party to any such agreement.

Trusts

- 7.6.9 Individuals and carers are permitted to establish a trust for the purpose of receiving and administering a Personal Budget: Direct Payment
- 7.6.10 Trusts are usually formed when an individual needs substantial support to make decisions. Trustees can take on any employment and payroll responsibilities associated with meeting the individual's assessed needs and agreed outcomes.
- 7.6.11 A trust is established by the trustees, who should seek independent financial and legal advice concerning the legal and fiduciary obligations of becoming a trustee.

Service Brokerage

- 7.6.12 It is permitted for an individual who does not necessarily meet all the requirements for a Personal Budget: Direct Payment to be supported in meeting their assessed needs and agreed outcomes through the use of a service broker.
- 7.6.13 Individuals may enter an agreement with a service broker for the broker to arrange support or personal assistance. The agreement will be between the individual or carer and the broker. Stockton-on-Tees Borough Council will not be a party to any such agreement.
- 7.6.14 Under a service brokerage arrangement, the individual remains the employer except in cases where support is purchased via an agency.
- 7.6.15 The role of the broker is to take all or partial responsibility for recruiting, employing and arranging payroll and completing financial records. The service broker cannot devolve such responsibility to other parties.
- 7.6.16 All Service Brokerage agreements will require written authority from Stockton-on-Tees Borough Council at the point of validation of the Support Plan.

7.7 Personal Budget: Managed Service

- 7.7.1 Stockton-on-Tees Borough Council recognises that not all individuals have the desire or capacity to manage a Personal Budget: Direct Payment, or to plan for and meet their own assessed needs and agreed outcomes
- 7.7.2 Stockton-on-Tees Borough Council will provide or commission support services on behalf of individuals or carers who choose to take all or part of their Personal Budget as a Managed Service.
- 7.7.3 In such cases, a Personal Budget: Managed Service will be allocated and validated, and services will be commissioned within the agreed resources and in line with the individual's or carer's validated Support Plan.
- 7.7.4 Stockton-on-Tees Borough Council will be responsible for the arrangement, direction, management and day to day organisation of support services.

Eligibility for Personal Budget: Managed Service

- 7.7.5 All individuals and carers who have eligible assessed needs and agreed outcomes are entitled to take all or part of their Personal Budget as a Managed Service.

Goods and Services Available

- 7.7.6 Stockton-on-Tees Borough Council requires that Personal Budgets are used to meet assessed needs and agreed outcomes of individuals and carers, in accordance with their validated Support Plan.
- 7.7.7 Stockton-on-Tees Borough Council will apply the Support Planning, Support Plan and Personal Budget Validation Policy and Risk Enablement Policies which require that any proposed use of a Personal Budget is formally assessed and approved by Stockton-on-Tees Borough Council
- 7.7.8 In cases where there is a dispute about a decision, the matter will be addressed in line with the Support Plan and Personal Budget Validation Policy and Risk Enablement Policies.

7.8 Additional Operational Requirements for all Personal Budget Options

Advocacy and Independent Advice

- 7.8.1 Stockton-on-Tees Borough Council recognises the importance of independent advice, support, information and guidance about all aspects of independent living for people managing their own personal assistance and support.

- 7.8.2 Stockton-on-Tees Borough Council will provide individuals with information and assistance to access independent advice and independent advocates to assist them manage their Personal Budgets.
- 7.8.3 The role of independent advocates in the context of deployment of Personal Budgets is to help individuals and carers explore all possibilities and maximise their personal resources, financial resources and gain the greatest potential access to all appropriate community facilities.

Auditing and Monitoring

- 7.8.4 The deployment of Personal Budgets will be monitored and audited by Stockton-on-Tees Borough Council.
- 7.8.5 The auditing and monitoring of the deployment of Personal Budgets will be proportionate and risk based.
- 7.8.6 Auditing and monitoring will focus on assessed needs and agreed outcomes as identified in the verified Support Plan and Direct Payment Agreement.

Complaints Procedure

- 7.8.7 All arrangements in relation to Stockton-on-Tees Borough Council's Complaints Procedure will apply to the use of Personal Budgets
- 7.8.8 If the recipient of a Personal Budget: Direct Payment or Personal Budget: Third Party Payment has a complaint about services they have independently purchased, they should address this with the service provider or employee concerned.

Confidentiality

- 7.8.9 Stockton-on-Tees Borough Council will ensure that funds made available are used to meet the assessed needs and agreed outcomes of the individual or carer, in line with their verified Support Plan and Direct Payment Agreement.
- 7.8.10 To ensure the confidentiality of the financial records of individuals and carers is maintained, Stockton-on-Tees Borough Council will require that every individual or carer receiving cash payments establishes a separate and exclusive bank account from which to manage Personal Budget: Direct Payments

Misuse and Fraud

- 7.8.11 It is a requirement that Personal Budgets be used to meet the needs of the individual or carer, in accordance with the conditions imposed in the Support Plan, Direct Payments Agreement and relevant Stockton-on-Tees Borough Council policy and guidance.

7.8.12 In cases of misuse or fraud relating to the use of a Personal Budget: Direct Payment, Stockton-on-Tees Borough Council may take action to recover all or part of the monies, where appropriate.

7.9 Mixed Packages

7.9.1 It is permitted for individuals and carers to choose a combination of delivery options when deploying their Personal Budget.

7.9.2 The arrangements for each individual or carer will be established in the Support Plan and in any Direct Payment Agreement, all being subject to review at appropriate intervals and in appropriate circumstances.

8. Glossary of Terms

Advocate

An advocate is a person who speaks on behalf of another, or helps them speak up for themselves. They represent people's needs, opinions and choices and offer support to individuals to represent their interests in a variety of situations.

Advocates can also help people to become more aware of their rights and can help people to exercise those rights and be involved in, and influence, decisions that are being made about them. An advocate can be a friend or relative authorised to speak or act on behalf of a person, or a person trained to be an advocate.

Assessment

The collection and interpretation of data to determine an individual's need for support, undertaken with the individual, their relatives or representatives, and relevant professionals. [See also *Community Care Assessment*]

Assessed Eligible Needs

These are the needs the Council has identified an individual as having and which the Council has a duty to meet with the provision of support and/or other services as they fall within the Council's eligibility criteria. These needs are identified during the assessment process. [See *Eligibility Criteria*]

Assessment form (SAQ)

A simple form that helps people work out what money they can get for their support. The local authority has to check a person's assessment and agree the amount. Some authorities call this assessment the 'Self-Assessment Questionnaire (SAQ)', 'Supported Self-Assessment' or 'Well Being Assessment'.

Broker

Someone who helps people sort out their support. Sometimes they also help with the Support Plan. A professional broker is someone paid to do this.

Carer

A person providing support who is not employed to do so by an agency or organisation. A carer is often a relative or friend supporting someone at home who is frail, ill or requiring support; the carer can be of any age.

Care Quality Commission (CQC)

The independent regulator of health and social care in England. It aims to ensure better care is provided for everyone, whether that's in hospital, in care homes, in people's own homes, or elsewhere. They regulate health and adult social care services, whether provided by the NHS, local authorities, private companies or voluntary organisations. They also protect the rights of people detained under the Mental Health Act.

Choice

A process that actively helps an individual seek and acquire alternative sources of information and learn about the options available.

Community Care

Support provided to assist people in their day-to-day living.

Community care assessment

An assessment conducted by a local authority to determine the level of adult social care support an individual requires. Local authorities are required to conduct such assessments as described in the National Health Service and Community Care Act 1990 and the Community Care Assessment Directions 2004. [See also *Assessment*]

Consent

The legal agreement to a choice or action freely made by an individual without coercion, as well as acceptance of the responsibilities associated with that choice or action. Legally, the individual must be 'mentally capable' of giving consent before it is valid.

Commissioning

The process by which the health or social care needs of the population are defined, priorities determined and appropriate services purchased, evaluated and put in place.

Control

To have autonomy and power over your own life and what happens to you, regardless of how much support is needed to put your choices into action.

Critical need

As per by the Fair Access to Care Services (FACS) guidance and the Council's eligibility criteria, a need is deemed critical when:

- 7 Life is, or will be, threatened; and/or
- 8 Significant health problems have developed or will develop; and/or
- 9 There is, or will be, little or no choice and control over vital aspects of the immediate environment; and/or
- 10 Serious abuse or neglect has occurred or will occur; and/or
- 11 There is, or will be, an inability to carry out vital personal care or domestic
- 12 Routines; and/or
- 13 Vital involvement in work, education or learning cannot or will not be sustained; and/or
- 14 Vital social support systems and relationships cannot or will not be sustained; and/or
Vital family and other social roles and responsibilities cannot or will not be undertaken.

Dignity

Dignity consists of many overlapping aspects, involving respect, privacy, autonomy and self-worth. Dignity in care refers to the kind of support, in any setting, which supports and promotes, and does not undermine, a person's self-respect regardless of any difference.

Direct Payment (DP)

A cash payment made directly to a service user or carer, in lieu of services, for the purpose of purchasing goods and services to meet agreed support needs, in line with the Health and Social Care Act 2001. The payment is made to a person so they can arrange their own support. Direct Payments have been around since 1996. In many places, Direct Payments come with restrictions. In Self-Directed Support people can still take the money as a Direct Payment and this gives more flexibility about how they spend it. Direct Payments are not the only way people can have control over their money. Someone else can hold the money for the person - a family member or other representative, a trust, an organisation, or a Care Manager.

Eligible needs

Those needs which fall within the Council's eligibility criteria. [*See also Assessed Eligible Needs and Eligibility Criteria*]

Eligibility criteria

When assessing an individual's support needs, local authorities will take into consideration how serious a risk is to an individual's independence. Eligibility criteria provide the framework for evaluating the level of risk to an individual's independence, and thus provide a structure for determining eligibility for adult social care. Councils must follow the Fair Access to Care Services (FACS) guidance when determining eligibility criteria. The FACS guidance sets four eligibility levels: Critical, Substantial, Moderate and Low. Essex County Council regards needs as being eligible where the risks to a person's independence fall within the Critical and Substantial bands.

Fair Access to Care Services (FACS)

Guidance issued by the Department of Health to local authorities about eligibility criteria and which provides a framework for determining eligibility for adult social care. Fair Access to Care Services (FACS) sets out the legal requirements which every Council has to follow when deciding who to give support to. The FACS eligibility criteria has four bands (Critical, Substantial, Moderate and Low) through which decisions are made about who receives support services. [See also *Critical needs, Eligibility criteria, Low needs, Moderate needs and Substantial needs*]

Fairer Charging

Guidance on charging service users for non-residential services. In accordance with Government guidance, the Council is permitted to charge service users for the use of those services. The guidance makes it clear how the Council approaches the calculation and determination of personal contributions for non-residential services. [See also *Non-residential services and Personal Contributions*]

Financial Assessment

An assessment of whether an individual has the means to make a financial contribution toward the cost of their support.

Home Care

Support services provided to an individual in their own home by a support worker paid to provide support as part of their employment. Home care is also known as domiciliary care/support.

Independent Living

Independent Living is about encouraging all disabled people (including older disabled people) to lead autonomous lives and gain support to go about their daily living tasks. Independent Living is a process by which disabled people are given greater choice and control over how support is provided and greater access to housing, education, employment, leisure and transport opportunities and participation in family and community life. Independent Living is about giving disabled people the same choice, freedom, dignity and control over their lives as non-disabled people."

Independent Living Fund

Independent Living Funds are a national resource dedicated to the financial support of disabled people to enable them to choose to live in the community rather than in residential care.

Indicative personal budget

This is an indication of what is a fair and reasonable resource allocation, as determined by the Resource Allocation System. It is the indicative personal budget which allows service users to plan the support that will deliver the outcomes to best meet their identified needs. An indicative personal budget must be validated before an individual can receive their final personal budget. [See also *Resource Allocation System and Validation*]

Impairment

The loss or limitation of physical, mental or sensory function on a long-term or permanent basis.

Individual budget

An allocation of money that can combine several funding sources and can be used to design and purchase support from the public, private or voluntary sector. Under Self-Directed Supported, personal budgets are used rather than individual budgets.

Learning Disability

A learning disability affects the way someone learns, communicates or does some everyday things. There are many different types of learning disability. They can be described as mild, moderate or severe.

Local authority

Local authorities are democratically elected local bodies with responsibility for discharging a range of functions as set out in local government legislation.

Self Directed Support: Individual Budget Delivery Policy v1.3

Long-term care

Support that a person requires over a long period of time. This support can be provided in an individual's home, residential home or nursing home to assist people with their day-to-day living.

Low needs

As determined by the Fair Access to Care Services (FACS) guidance, a need is deemed low when:

- There is, or will be, an inability to carry out one or two personal care or domestic routines; and/or
- Involvement in one or two aspects of work, education or learning cannot or will not be sustained; and/or
- One or two social support systems and relationships cannot or will not be sustained; and/or
- One or two family and other social roles and responsibilities cannot or will not be undertaken.

Moderate needs

As determined by the Fair Access to Care Services (FACS) guidance, a need is deemed moderate when:

- There is, or will be, an inability to carry out several personal care or domestic routines; and/or
- Involvement in several aspects of work, education or learning cannot or will not be sustained; and/or
- Several social support systems and relationships cannot or will not be sustained; and/or
- Several family and other social roles and responsibilities cannot or will not be undertaken.

Non-residential services

Adult social care services that are provided outside of a care home / residential home.

Ongoing support needs

A defined support need that continues over time (that is, it is not short-term), although the intensity of care and support needed may fluctuate.

Our Health, Our Care, Our Say

The title of the February 2006 paper produced by the Department of Health, setting out the Government's aims for more effective health & social services outside hospitals.

Outcome

The result or visible effect of an event.

Personal Assistants (PA)

People chosen by the person with a budget to work for them and support them in a way that is right and helps them meet their needs.

Personal Budget (PB) or Individual Budget (IB)

Social care funds allocated to an individual service user that can be used to meet their assessed eligible needs, in line with their support plan. The difference between PB's and IB's is:

- A Personal Budget is money from Social Services.
- An Individual Budget is money that could come from several places – including Social Services, the Independent Living Fund and Supporting People.

People should know how much money there is within their Budget. They have to plan what they will do with the Budget. They have to make a Support Plan. This Plan must show what the outcomes of their spending will be – what their money will make happen. One important feature of a Personal or Individual Budget is that it can be spent at times and in ways that work for the person.

Personalisation

Refers to the way in which services are tailored to the needs and preferences of service users and carers. The overall vision is that the Government should empower services users and carers to shape their own lives and the services they receive. Personalisation will become the cornerstone of public services in the future. It involves undertaking a strategic shift towards early intervention and prevention. This means that every person who receives support, whether provided by statutory services or funded by themselves, will have choice and control over the shape of that support in all care settings. Delivering the personalisation agenda will be through work on direct payments, personal and individual budgets.

Personal contributions

A contribution by a service user toward the cost of their support. Where a person is assessed as having the means to make a financial contribution to the cost of their support, they will be required to contribute. The amount an individual must contribute toward the cost of their support is determined by a financial assessment. [See *Financial Assessment*]

Personal Needs Questionnaire

The Personal Needs Questionnaire (PNQ) is used to identify and evaluate an individual's needs in order to deliver an indicative personal budget with enough resources to enable a service user to meet their identified eligible needs. It forms part of the community care assessment, and is the first component of the Resource Allocation System [See *Resource Allocation System*]

Points allocation system

The points allocation system forms the second component of the Resource Allocation System. It translates the needs identified in the supported self-assessment questionnaire into numerical points. These points reflect the relative scale of eligible needs. The scale of points awarded for each answer is informed by the Council's eligibility criteria in line with the Fair Access to Care Services. [See *Resource Allocation System*]

Resource Allocation System (RAS)

The system a local authority uses to decide how much money people will get for their support. The system has clear, public rules so everyone can see that money is given out fairly. The RAS translates support needs into a resource budget. The Resource Allocation System (RAS) consists of two main components:

- (i) A self-assessment questionnaire (SAQ) that seeks to identify a service users' support needs and is used in a supported way as part of the community care assessment;
- (ii) An allocation of funding based on current market costs

Reablement

The use of timely and focused intensive therapy and support in a person's home to improve their choice and quality of life, so that people can maximise their long term independence by enabling them to remain or return to live in their own homes within the community. This approach focuses on reabling people within their homes so they achieve their optimum stable level of independence with the lowest appropriate level of ongoing support/care.

Reasonable risk

Striking a balance between empowering people to make choices, while supporting them to take informed everyday risks.

Rehabilitation

A multidisciplinary process which supports the individual to achieve their maximum potential to function physically, socially and psychologically through support and intervention.

Residential services

Adult social care services that are provided in a care home / residential home.

Respect

The objective, unbiased consideration and regard for the rights, values, beliefs and property of all individuals.

Risk Management

A systematic approach to reducing loss of life, financial loss, loss of staff availability, safety, or loss of reputation.

Self-directed support (SDS)

Self-Directed Support is the new way of organising social care. In Control first figured out how Self-Directed Support could work. In 2007, the Government decided it would be the new social care system. Self-directed support (SDS) is a new model for enabling people to meet their health and social care needs. Under SDS, service users and carers with assessed eligible needs are offered a personal budget to spend on meeting their needs. Service users are supported to choose and organise their support in the way that suits them best. Service users have the choice of taking their personal budget either as a direct payment, a payment to a third party, or as a commissioned service, or a combination of these three options. SDS also encompasses the provision of Universal Services, which are available to all free of charge, and Information, Advice and Guidance. The overarching objective of SDS is to promote independence, health and wellbeing by giving service users more choice and control over planning and managing their support.

Service User

An individual receiving social care support from the Council.

Single Assessment Process

The single assessment process aims to make sure older people's care needs are assessed thoroughly and accurately, but without procedures being needlessly duplicated by different agencies

Substantial need

As per by the Fair Access to Care Services (FACS) guidance, a need is deemed substantial when:

- There is, or will be, only partial choice and control over the immediate environment; and/or
- Abuse or neglect has occurred or will occur; and/or
- There is, or will be, an inability to carry out the majority of personal care or domestic routines; and/or
- Involvement in many aspects of work, education or learning cannot or will not be sustained; and/or

The majority of social support systems and relationships cannot or will not be sustained; and/or the majority of family and other social roles and responsibilities cannot or will not be undertaken.

Support

Assistance provided to individuals to enable them to live with dignity and respect in the community.

Support Plan

A Support Plan says how a person will spend their budget to get the life they want. They can get help to make a plan – perhaps from family or friends, or they could pay someone who specialises in planning. The local authority must agree the plan before the person gets their support money. A support plan identifies what type of support a service user requires to meet their assessed eligible need/s.

Third Sector

Generic collective name for charity, voluntary, non-government and campaigning organisations.

Validation

The process by which an individual's support plan, and therefore their indicative personal budget, is agreed or not agreed by the Council.