



## **Report:**

# **Choice, Control, Independent Living: Putting the Care Act into action**

## **Easy Read Summary**

This report was written by Merton Centre for Independent Living.



We want the report to help start **co-production** for social care in Merton.

Co-production means the people who run services working with the people who use services as equals to make services as good as they can be.

The report looks at how social care services are working for people in Merton.



We are worried that there are about 1,300 Disabled people who think they don't have enough control over their lives and services.



And we know that Disabled people in Merton are less happy and less healthy than people who are not disabled.

The Council's policies and information about social care services are not clear.



There are also four issues about services that Merton CIL are worried about.

The issues are:

1. Assessments – how the Council works out whether someone needs services and what services to give them.





The Care Act tells councils how they should do this but in Merton they do not always do what the law says.

2. People paying for services and how the Council works out how much people should pay.



Having to pay for care services is making some people's lives very difficult.

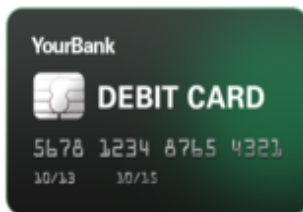
And the system the Council uses for working out how much people should pay is difficult for people.





3. Direct payments – the system for giving people money to run their own services instead of getting services from the Council.

The rules in Merton, saying everyone should use a **pre-payment card**, means people do not get the choice and control they should get from direct payments.



Pre-payment cards are bank cards that the Council gives people who get direct payments. They use the cards to buy their services. The card means the Council can see how much money people have and what they spend it on.

There also problems with the support service for people who get direct payments.





4. Safeguarding – how the Council and other organisations work to make sure service users are safe and looked after. It is also about what they must do if people are being hurt or not looked after properly.

This system could work better to make sure people are not hurt and they are looked after properly.



Looking at adult social care in Merton we think there are problems that are happening for lots of people. It is not just that sometimes things that go wrong for a few people.

We think this is having a big effect on a lot of people's lives.



## Recommendations - What we think the Council needs to do to make things better

### Getting more information



1. The Council should get more information about the lives of Disabled people to help them understand more about what services are needed.

2. The Council should have more reports about things people complain about so that everyone knows what is happening.



**The Local Government and Social Care Ombudsman** says it is good for Councils to do this.



The Local Government and Social Care Ombudsman helps with complaints about services run by councils.

Ombudsman means a person or organisation who is independent decides whether a complaint about a service is right or wrong.

3. The Council needs to have clearer policies about its services and better information about the policies on their website.

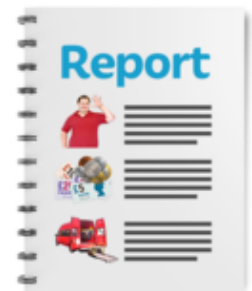


## Assessments



1. The Council should check that assessments are being done the way the Care Act says they should be done. This means giving people a written assessment and support plan, and giving people an advocate when they need one at the assessment.

2. The Council should report on how long it takes for people to get an assessment. Healthwatch England says it is good for councils to do this



3. The Council should check if they are saying no to assessments too quickly because of their targets.

4. The Council should give all staff who work on assessments and support plans full training.



5. The Council should review how its **Outcomes Forum** works to make sure that service users can be involved and it meets the rules in the Care Act. A judge has told the Council they should do this.



The Outcomes Forum is a group of top managers from the adult social care services department who decide whether people get the services recommended in support plans.



### **Charging and Assessments for Charging**

1. The Council should make adult social care services free like NHS services, but we know this would take time. While they are working on this, the Council should work on the following points.



2. The Council is trying to get more money from charging service users. The Council should review what effect this is having on service users. They should also look at whether this means people are having their charges put up without having an assessment.



3. The Council should keep a record of how many people are paying for services and how much they are paying. They should also check the number of people who decide not to have a service or stop getting services because of charges.



4. The Council should make sure that everyone has a welfare benefit check when they are assessed for how much they should pay.

5. The Council should update the policy on how much people pay for services, especially the way it covers the costs people have to pay because of their disability. This is things like needing extra heating, having to pay for taxis because they cannot access buses, and equipment.



6. The Council should make sure the forms and information about charges are in accessible formats. They should give people enough time to fill forms and get the information the Council needs for the assessment.



7. The Council should have clear rules for how they get repaid by people who owe them money for services so this does not cause them too many problems.



The Council should think about getting help from a social worker who does not work at the Council, if the Council and the Disabled person can't agree what to do about the money.



If someone owes the Council money and the person and the Council cannot agree what to do about it, the Council should bring in a social worker from outside to help to sort this out. It is not good to have a social worker from the Council working on this.

8. The Council should check whether people have other problems when they owe them money for services.

## Direct payments



1. The Council has rules about how they check whether people are using direct payments properly. The rules should meet what the Care Act says they should do.

2. The Council should be clear that people can have a direct payment either through a pre-payment card or a bank account.



3. When people have a pre-payment card, the Council should cover all the costs of using the card.

4. The Council should make sure that information about people who have pre-payment cards is kept private. The **General Data Protection Duty** says they have to do this.



The General Data Protection Duty is the rules about how organisations can use people's private information.



5. The Council should have rules about how they take back direct payments that people have not spent to make sure this is done in a way that does not cause problems for them. **The Local Government and Social Care Ombudsman** said Merton Council should do this.

6. The Council should check what is happening about the work on the direct payments agreement for service users and other information. They should set a time for this to be finished, with the involvement of service users.



## Safeguarding

1. The Council should make sure there is a clear system that everyone knows about for when they will do a full **safeguarding enquiry**.



A safeguarding enquiry happens when the Council is told about someone who is being hurt or is not being looked after properly. They will do a quick check to find out what is happening and if it is a big problem then they will do a full safeguarding enquiry.

2. The Council should keep a record of the number of reports they get about people not being safe. And they should keep a record of how many full safeguarding enquires they do.



3. The Council should give feedback to organisations that report a safeguarding concern and they should do this quickly.



4. The Council should make sure it is helping people who are having problems, even if the police are working on it.

5. Sometimes people are not looked after properly or they are hurt. The Council should find out why it didn't keep the person safe. The Council should tell everyone what happened and make rules so that it doesn't happen again.



This report was written by Merton Centre for Independent Living in October 2018

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