

1. Audit Summary – Direct Payments

Background and Context

- 1.1 The Care Act 2014 is the primary legislation that applies to adults given financial support for their care. Under the Care Act there is a requirement that all support plans and hence funding for the support plan are reviewed at least annually. A Direct Payment (DP) is paid, on request, to a service user in the Council area who has been assessed for funding either fully or partly to pay for their support plan following a Care Act 2014 assessment/review. This is as an alternative to more expensive commissioned services. DPs may also be paid to Adult Carers who are able to demonstrate that their regular and unpaid actions help maintain or improve the quality of life for another individual.
- 1.2 Internal Audit previously reported on DPs in August 2019 and provided “**Limited Assurance**” on the effectiveness of the management arrangements for DPs.

Scope and Objectives

- 1.3 The objective of the assignment was to provide an independent opinion on the adequacy and effectiveness of the Council’s governance, risk management and internal controls in respect of DPs paid in respect of service users and Adult Carers, including the risk of fraud. The scope of the review included:
- Detailed review of DPs and the use of data analytics
 - Review of the delivery of agreed management actions from the August 2019 review of DPs
 - Review of all policies and procedures in place and ensuring they comply with current regulations and legislation
 - Analysis and sampling of the timeliness of when key actions taken.
 - A risk, process, and controls review of Bristol Direct Payment Account (BDPA) and progress made to increase usage.

The review excluded:

- Children’s DP provision for post 16s not in education, employment or training
- Management of Bristol Direct Payment Account (BDPA) payment cards.

Audit Opinion

- 1.4 Overall, Internal Audit obtained “**Limited Assurance**” on the adequacy and effectiveness of the Council’s governance, risk management and internal controls in respect of DPs paid in respect of service users and adult carers, including the risk of fraud.

Key Messages and Findings:

- 1.5 Internal Audit raised three high priority and four medium priority findings. The main reason for “limited assurance” was the continued significantly low number of annual support plan reviews completed. We found that 28% of clients had a support plan review within the last twelve months; an improvement on the previous performance of 13% reported in 2019. In some instances, Support Plan Reviews had not been completed for more than four years and some had not been reviewed since inception. There was no formal process that enables effective prioritisation of Support Plan Reviews.
- 1.6 As of 31 July 2021, there were 953 service users and around £17m paid out annually for direct payments so the low level of Support Plan Reviews could compromise the appropriateness and adequacy of this significant spend. Also, the continued low level of annual reviews increases the risks for safeguarding and financial loss, where inappropriate levels of care are being provided. These risks were acknowledged by the DP management team.

- 1.7 Only half of the agreed six high or medium priority management actions in the previous Internal Audit report had been delivered. The outstanding actions have been incorporated into the current findings. However, Internal Audit found some improvements since the last review notably:
- The establishment of a DP Steering Group which meets regularly
 - A Care Act 2014 compliant, DP Policy which is now available through “The Source”
 - “How to” guides also being published on “The Source”.
- 1.8 Internal Audit acknowledge the difficult operating environment since March 2020 caused by the COVID-19 pandemic and were informed by Adult Social Care Management of the various challenges including an increase in demand, changes to working arrangements and system pressures across Adult Social Care. Adult Social Care Management stated that these challenges have meant fewer Support Plan Reviews were completed.
- 1.9 Delivering sufficient and timely Support Plan Reviews is a long-standing challenge that requires flexibility and adaptability in developing a new management process. This will enable cases to be risk assessed to effectively prioritise Support Plan Reviews. A system for performance managing the completion of the Support Plan Reviews would supplement this activity with effective monitoring and reporting.
- 1.10 Internal Audit also noted:
- The issue of late reviews was raised in the previous audit and management agreed to develop a review process, including initial reviews and annual reviews focussing on the care needs of the Client and incorporating a financial review to ensure the Council satisfies its safeguarding responsibilities. Management also agreed to establish a care review process that incorporates financial probity reviews, with emphasis on those Clients who are likely to be an employer. At the time of the current review this had not been completed
 - Financial Reviews could not be matched with Support Plan Reviews that were recorded in the twelve months to 31 July 2021. In the same period for new clients only 17% had a recorded review date within six months but Internal Audit found no supporting documents for these
 - Support Plan Reviews were not being properly recorded
 - There had been a fall in the numbers of clients receiving DPs and in the use of BDPAs, the Council’s preferred method of delivering DPs
 - Case notes were not being recorded on the LiquidLogic Adult’s System (LAS)
 - There were anomalies on LAS indicating poor integrity of data
 - ‘Financial Audits’ undertaken in addition to the Support Plan and Financial Reviews were not being recorded on LAS.

Management Response

- 1.11 The findings of the report have been accepted by management who have agreed management actions to address them. These include:
- Care Management reissued guidance around completion of support plan reviews and reassessments in April 2022 to ensure all review activity is correctly recorded
 - Use of Case audit meetings focusing on Direct Payments reviews can enable targeted work on teams to ensure practice improvement. We resumed monthly Case Audit meetings in May 2022 with an initial focus on social work practice across our community teams. We have planned sessions in August to look specifically at DP’s
 - DP training has been made essential for all new staff and managers to include refresher training every three years. Our DP Practice lead has refreshed this training and been delivering new sessions from April 2022 with ongoing planned sessions throughout the year

- Roll out of essential DP training for practitioners and managers to improve the offer and take up individuals who choose to have their needs met via DP
- We established a DP practice/operational group made up of DP practice lead, brokerage, DP finance and DP champions to promote good practice, act as a problem-solving approach. The first meeting took place in May 2022 and they meet monthly, escalating practice issues and actions into our Personalisation Steering Group (Formerly DP Steering group named changed to reflect other work streams such as Individual Service Funds)
- We are able to use Power BI to monitor completion of reviews of DP recipients and target more effectively those most at need and better identify our trajectory of reviews and whether or not we are increasing our number of reviews as well as the outcome of these reviews
- We have approached WECIL to see if they can adapt their agencies annual reviews to make them Care Act compliant which would enable them to in effect carry out a care and support review on our behalf. This would only include DP annual reviews where there is no change to personal budget. Although further work is required to ensure paperwork is compliant and a MoU may be required. We estimate that this could enable us to record up to an additional 350 additional reviews of DP reviews per year. If this is successful, we might also be able to expand reviews to include where WECIL can also support minor increases or decreases to personal budget, although this will require further work and a validation function from ASC.
- All new financial audits to be recorded on LAS - this has now been actioned.
- Work with identified agencies that can stimulate availability of Payment Accounts and or self-employed Payment Accounts such as Curam Care. Brokerage and DP project support are hoping to have new care management process to enable us to utilise these self-employment portals as an additional DP offer for citizens and will start piloting this shortly.
- Use of Micro-provider or introductory agencies. Commissioning is exploring this with our VCSE anchor organisations, currently we are in partnership with Southmead Development Trust, we have agreed an hourly bespoke DP rate through our DMT and will start piloting this model in our North and West locality in due course
- We continue to operate with BDPA as our default delivery method of Direct Payments and since the Covid pandemic all of our ongoing DP provision has been set up using a BDPA
- Integrated Carers Team to review necessary records and cleanse/ delete from system
- DP support team now recording actions on case note on LAS.