Risk, Safeguarding and Personal Budgets

Kingston seminar 12/02/2015

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Acknowledgment

The research team is grateful for the funding from the National Institute for Health Research School for Social Care Research (NIHR SSCR)

The views expressed in this presentation are those of the authors, not necessarily those NIHR SSCR.
Introduction

• Personalisation and safeguarding
• Risk, Safeguarding and Personal Budgets
• Do personal budgets increase risk of abuse?
• Contexts
• Perceptions of risk
• Approaches to minimise risk
• Balancing risk and choice
• Weaving personalisation and safeguarding
• Awareness, information outcomes and choice
• Discussion and conclusions
Personalisation

- Long-standing—back to 1980s & cross party & global
- Across the whole of the UK (Lymberry, 2012)
- Multiple drivers
  - Challenging inflexible services & professionals to maximise autonomy
  - Reducing role of the state, promoting market solutions—‘ultimate outsourcing’
  - Err, not safeguarding
Terminology of personalisation

• Personal Budget (PB)
  – The amount of money allocated to the individual service user to meet needs after an initial assessment of need – but before support is planned
  – can either be managed by the council or given as a:
• Direct Payment (DP)
  – Allocated money for social care paid directly to adults or carers with which to purchase social care services and support from private and voluntary sector
• Other users’ services are directly arranged by councils, generally with private care agencies.
Personalisation and safeguarding

• Some predictions that personalisation will enhance safeguarding (SCIE, 2012; Poll, et al 2005) but many fears expressed

• No Secrets review (DH, 2009) discussed need to integrate safeguarding and personalisation

• Adult Social Care Vision (DH, 2010) argued for: ‘sensible safeguards against the risk of abuse or neglect. Risk is no longer an excuse to limit people’s freedom’ (p8).

• Statement of principles – Empowerment a key aim of safeguarding – DH 2011, 2013

• Care Act 2014 – Safeguarding and personal budgets statutory – recognition of link

• Duty of care to all social care service users

• Different planets - moving together?
Emerging concerns

• Hiring suitable and firing unsuitable workers
• Easy prey? More open to physical and financial abuse
• Loss of collective ‘voice’
• Two tier workforce - checked (Disclosure and Barring Service) and unchecked / trained and untrained
• Lack of intervention powers
• Practitioners unable to manage ‘policing’ roles

Glendinning et al 2008 – IBSEN study,
Risk, Safeguarding and Personal Budgets

Research Questions

• Is there any evidence that abuse (including neglect) is more or less likely (or has a different form) amongst PB holders than non-PB holders?

• What is the extent of awareness and understanding amongst safeguarding practitioners and care coordinators (or similar) in local authorities?

• What is the extent, availability and quality of support offered to PB (in particular DP) users or their proxy budget holders?

• What do practitioners, budget holders and their carers consider ‘best practice’ in minimising risks of abuse?
Quantitative Methods

- Analysis of Safeguarding Adults Annual Reports
- Secondary analysis of national and local data
  - Abuse of Vulnerable Adult (AVA) returns
  - Referrals, Assessments and Packages of Care (RAP) and the Adult Social Care Combined Activity Returns
  - Local data

http://www.communitycare.co.uk/Articles/01/11/2010/115675/personal-budgets-pose-financial-risk-for-councils.htm
Qualitative methods

• Interviews with:
  • Staff: n=16
    – 6 social workers
    – 5 team managers
    – 3 senior managers
    – 2 elected members
  • Service users: n= 12 DP/PB holders (40%)
    – 6 people with learning difficulties
    – 5 people who were physically disabled
    – 1 person with mental health and physical problems
Analysis of local and national data

Local Dataset 1

Local Dataset 2

Local Dataset 3

AVA Returns 2010/11 & 2011/12

National Datasets

Community Care Statistics 2010/11 & 2011/12

Multiple deprivation indices

Urban/Rural classification
Do Personal Budgets and Direct payments increase risk of abuse?

- Analysis of aggregate national data indicates no evidence of a strong relationship between the uptake of personal budgets on the local authority level and the volume of referrals or repeated referrals.
- There are tentative suggestions of a variable distributions of referrals and repeated referrals in significantly rural areas.
- On the individual level, the analysis suggests a relationship between receipt of personal budgets, particularly in receipt of direct payment, on the likelihood of an alert to be reported on AVA returns (but not in overall numbers of alerts).
- Analysis of both national and local data indicates no significant relationships between the uptake of personal budgets and cases being substantiated.
Nature of alleged abuse
National data findings

• The most common form of alleged abuse in England is physical abuse followed by financial abuse
• No significant relationships between the percentage of users’ on personal budgets and the prevalence of allegations of physical, emotional, sexual or financial abuse (except in one site).
• National data analysis points to higher prevalence of referrals with allegations of sexual abuse within wealthier areas
Nature of alleged abuse
Local data findings

• No conclusive relationship between allegations of physical or emotional abuse and personal budgets
• Lower (but not significant) prevalence of allegations of sexual abuse among users in receipt of direct payments or who are on self-directed support
• Significantly higher likelihood of allegations of financial abuse among users on self-directed support but not users receiving direct payments.
• The model also indicates an increased likelihood of financial abuse among users with physical disabilities regardless of whether they receive personal budgets or not.
Relationships of Alleged Abuser to User:

- National data analysis indicates no significant association with personal budgets’ uptake.
- Local data analysis indicate a positive significant association between receiving self-directed support and the likelihood of alleged abuser being home care staff.
Contexts

• Financial constraint
  – higher eligibility criteria
  – greater unmet need
  – service quality
• Personalisation adoption progress and direction within a local authority
• Poverty – driver of abuse (PAs and family)
  – ‘I think, there were lots of cases to be honest, where people are doing things to people, bad things, that ordinarily they may not do if they weren’t quite so desperate themselves’. 02 Social Worker JW05
Practitioners perceptions about risks of PB/DPs

• Increased risk of financial abuse – including from proxy Budget Holders
• Lower level of monitoring possible with DPs – increases risk
• Risks associated with employing PAs
  – *It could be anybody. The risk is who are they employing? What experience do these people have?* 01 Team Manager KS03
• Choice and control reduce risks
  – *‘I think the evidence that I’ve seen shows that where people feel more in control of their lives they are more likely to be able to keep themselves safe’* 03 Team Manager FA01
• No change in level of risk – circumstance not PB/DP
Minimising risks

• Varying control over Direct Payment
  – e.g. offering part of the Personal Budget as a Direct Payment
• DPs as a response to risky situations
• Monitoring and review – financial monitoring
• Building in safeguards – normal practice
  – if we are satisfied that we believe the person can manage the direct payment or a relative can manage it for them and that relative appears to be suitable, then we will allow the direct payment to go ahead. And that’s just part of general practice.

01 Senior manager
MS02
Balancing choice and control

• Important change in the relationships with service users

• Autonomy versus duty of care
  – I think we need to be quite careful of having an attitude where we say quite blithely that people have a right to make unwise decisions. That is never going to remove the duty of care for local authority. 02 Team Manager JW03

• Balancing positive and negative risks (‘Old fashioned social work?’)
  – So I think it’s an interesting area about how you deal with, I don’t know if, if risk is about, it’s about conflict sometimes, difference, difference of opinion and different view, and that’s, yeah, it’s a bit of good old-fashioned social work in’t it really, you know, working with people to come to, you know, a consensus and a view 03 Team Manager, FA02
Weaving Safeguarding and personalisation practice

• Timeliness of information given to service users after incidents are reported as safeguarding alerts
• Recommendations about pre-employment checks
• Identifying generic and safeguarding risks
  – ‘...So, at that point [initial assessment] it is the more generic risks, not the risks associated with, say, having a personal assistant via direct payment....At the point of support planning, ... that would start to get into the arena of how [to address safeguarding risks]’ 02 Senior Manager JW02
Level of awareness and information

• Awareness
  – Mixed level of understanding about how own social care was funded
  – Safeguarding issue - recognition & reporting
  – Safeguarding process

• Information
  – Poor information before agreeing to DP/PB – risks, employer role
  – Lack of information when changes implemented

• Safeguarding issues and processes
  – Different types of abuse described
  – Multiple abuses – overtime and concurrently
  – Support staff/personal assistants - often quality related
  – Processes unclear, especially for people with PAs.
  – Local authority: last resort?
Service user views of outcomes and choice

• Outcomes of safeguarding investigation
  – Change of support worker/agency
  – Advice from advocacy organisations on future safeguarding
    • 3-month probationary period for PAs
    • Revised employment processes

• Choice, control and independence
  – Limited choice of funding
  – Around decisions about support
  – Around risk management
Overlaps & contrasts

• Information giving
  – Funding arrangements
  – Choice of care provider/agency
  – Being an employer
  – Safeguarding processes

• Continued review and support

• Choice and control
  – Assumption of choice for service users
  – Feeling of little choice by service users
Discussion and conclusion

- Personalisation policy increasingly aimed at individualising risk (Ferguson, 2007)
- Discrepancies between professional and service user views on level of choice and information throughout the process
- Safeguarding policy creates professional responsibility for responding to risk (tension with personalisation)
- Discrepancies between local and national data implies a need for nationally collated individual level data on safeguarding and personalisation
- The study suggests social workers have professional discretion affecting personalisation policy implementation (Street Level Bureaucrats – Ellis, 2007)
- However, social workers are also managing the tension between safeguarding and personalisation – new forms of care and control
- Support for continued professional involvement in both personalisation and safeguarding
Thank you for listening

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Questions for discussion

• What are the implications of these findings for practice?
• What are the implications for service users?
• Are any changes needed to practice?
  – What changes might be needed?
  – How would these benefit staff and service users?
• What further research is needed?