

Increase clarity and rights for people on direct payments or WILG to live independently

Y Pwyllgor Deisebau | 18 Mawrth 2024
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Reference: SR24/7850-10

Petition Number: P-06-1404

Petition title: Increase clarity and rights for people on direct payments or WILG to live independently

Text of petition: There's a power imbalance against disabled people. LA's are failing to provide services focusing on well-being, voice and control and co-production- core principles of the Social Services and Well-being Act 2014. We need fairness and

- Better advocacy support & a national organisation to represent the voice of Direct Payment users
- Dispute resolution process
- Better communication channels
- LA complaints panels to have knowledge of Welsh law & policy
- Re-training LA staff in the spirit & intent of the Act

To quote the Final Evaluation Report on the SSWBA 2014 para 6.60: "For the majority of service user & carer respondents interviewed for this evaluation, their experience was one of frustration. Against the hope offered by the Act, they perceived a series of barriers. These included a relatively 'tokenistic'



approach to listening, power imbalances between themselves & professionals, the need to constantly chase professionals for support, and a lack of recognition of their rights especially around issues of cultural sensitivity among others. These barriers served to work against the experience ‘offered’ and ‘promised’ by the Act’s underlying principles.”

Disabled people face a postcode lottery with regards to the information and services they can expect. Action is needed now.

Surely the Welsh Independent Living Grant is ring fenced money not subject to clawback at the whim of the Council? Where’s co-production?

See legal precedent of R (BG) V Suffolk County Council 2021 [EWHC] 3368 (Admin)

1. Background

The core principles of the [Social Services and Well-being \(Wales\) Act 2014](#) include voice and control for the individual; a focus on their wellbeing and personal outcomes; and co-production (involving the individual as an equal partner).

Direct payments are monetary amounts made available by local authorities to individuals, or their representative, to enable them to meet their care and support needs, as an alternative to local authority-arranged care or support. This can give the individual much more flexibility and control over their care and support package, for example they could employ a personal assistant of their choice. Further information on the offer and scope of Direct Payments can be found in the [Part 4 Code of Practice \(meeting needs\)](#) for the Social Services and Well-being (Wales) Act 2014.

According to the Code, a local authority must provide appropriate, accessible information and support to enable people to decide whether they wish to receive direct payments. If direct payments are the preferred choice, they must be made available in all cases where they enable personal outcomes to be achieved.

The Welsh Independent Living Grant (WILG) no longer exists. [In November 2016](#), it was announced that the WILG would close in March 2019 following a transition period, and that all recipients would be assessed by their local authority for care and support under the Social Services and Well-being (Wales) Act (SSWBA) 2014.

The full funding of £27 million a year transferred into the local authority Revenue Support Grant from 2018 onwards.

Information on rights to advocacy is available in [Part 10 Code of Practice \(Advocacy\)](#) in relation to Part 10 of the Social Services and Well-being (Wales) Act 2014.

An [independent evaluation of the Social Services and Well-being \(Wales\) Act 2014](#) was published in 2023. The evaluation concludes that there is a growing sense of divergence in practice and outcomes away from the Act's original vision and principles. It found that overall, people felt that their experiences under the Act had not met their expectations of what they hoped it would do.

The final report makes a number of recommendations, for example it says "making voice and control a 'reality' for everyone should be prioritised, which could be addressed through investing in advocacy, alongside working with and investing in, the expertise of community-anchored organisations".

In 2022 Audit Wales published a [report on local authorities provision of Direct Payments in Wales](#). It found that the systems to manage and support people to use Direct Payments vary widely across Wales with service users and carers receiving different standards of service. The report concludes that people in Wales are not consistently supported to take up Direct Payments.

The [Welsh Government intends](#) to bring forward new legislation to allow direct payments to be used for Continuing NHS Healthcare. The Welsh Government consulted on proposed changes to primary legislation, including [introducing direct payments for Continuing NHS healthcare](#) in 2022.

2. Welsh Parliament action

On 25 May 2023, the Health and Social Care Committee and the Public Accounts and Public Administration Committee held an [evidence session with academic experts to discuss the evaluation of the Act](#), next steps and any areas in need of further attention.

Following the meeting, [the Committees wrote jointly to the Deputy Minister for Social Services](#) to highlight issues raised during the evidence session.

During draft budget scrutiny in Health and Social Care Committee on 17 January 2024, [the Deputy Minister for Social Services said](#):

We're addressing direct payments for continuing healthcare, for example, particularly for individuals who are transitioning from social care to a healthcare-funded package to be able to access direct payments. That is a big issue for disabled people and that is one of the things that we're in the process of looking at now, and we hope to bring in legislation about that. So, that will be a great help, I think, to disabled people in a social care Bill.

3. Welsh Government response

The Welsh Government says transferring funding for the Welsh Independent Living Grant funding in 2019 to the Revenue Support Grant “allowed local authorities greater flexibility to deliver those services and align requirements about engagement and coproduction with the principles of the Act, a move welcomed by the #saveWILG campaigners”.

The Deputy Minister for Social Services says it's vital that more people are made aware of the benefits of Direct Payments, and that access and delivery are consistent across Wales. She says the Welsh Government has liaised with the Auditor General for Wales and local authorities to embed the recommendations from Audit Wales' report into Statutory Guidance.

The Deputy Minister mentions the Welsh Government's forthcoming Social Care Bill which will contain a measure to improve the interface between Continuing Health Care and Direct Payments. She says the Welsh Government will also be introducing new guidance for Local Authorities that will require them to self-assess their performance and delivery against eight quality standards. This includes demonstrating, with evidence, how they promote voice and control of individuals needing care and support and help them live as independently as possible. Local authorities will need to demonstrate how the views of service users and carers are reflected in the authority's assessment of its performance. The Deputy Minister concludes that she expects to see clear progress on the outlined commitments this year.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.