

**\*\*\*STRICTLY EMBARGOED UNTIL 00.01HRS FRIDAY 13<sup>TH</sup> OCTOBER\*\*\***

## **PAYMENT CARDS MUST SUPPORT NOT RESTRICT CHOICE AND CONTROL FOR USERS OF DIRECT PAYMENTS**

A new report from the Independent Living Strategy Group (ILSG), based on FOI returns from all English councils with statutory social services responsibilities reveals significant concerns about payment card practice and makes recommendations on how councils can properly comply with Care Act guidance. The investigation was sparked by the experience of a member of the ILSG who had to fight hard to realise her rights to a choice over how her direct payment was managed. Many similar experiences have been reported to the group, leading it to decide a full investigation of council practice was warranted.

The report sheds light on the growing use of payment cards across English councils – who uses them, how they are implemented, local audit practices and restrictions on use. The picture is very variable but in a significant number of councils the investigation revealed worrying practice that the ILSG believes is unlikely to comply with the guidance issued with the Care Act 2014, which makes specific reference to the cards. These include what seem to be inappropriate blanket restrictions on what can be purchased, heavy handed and intrusive monitoring and de-facto lack of choice over whether a person must use a card to manage their direct payment. In the view of the ILSG, some of these practices effectively deny choice and control to the extent that it is inappropriate to count these arrangements as direct payments in official returns.

Following analysis of the findings, the ILSG has developed ten specific recommendations for councils. The recommendations have been discussed with the Association of Directors of Adult Social Care (ADASS) and the sector personalisation leadership body Think Local Act Personal (TLAP). They are intended to help councils strike the right balance between the necessary protections to people they support/the public purse and the purpose of direct payments – to offer people choice and control over how their support is delivered and managed. They reflect the principle that choice and control should not be fettered any further than is absolutely necessary. Blanket restrictions and unfettered monitoring access to direct payments breach this principle, as does not allowing choice over use of the cards.

Productive discussions have been held on this issue between the President of ADASS Margaret Willcox, the ILSG, chaired by Baroness Campbell of Surbiton, and Think Local Act Personal, chaired by Clenton Farquharson. Following these discussions agreement was reached that ADASS, supported by the ILSG, would engage with its members to ensure local practice on the cards maximises and does not inhibit the choice and control required in legislation and guidance. Think Local Act Personal have committed to support the sector in due course with appropriate advice and examples of practice that complies with the recommendations

A spokesperson for the ILSG said: “Direct Payments were hard fought for by disabled people. We must be ever vigilant against drifting away from real choice and control. Our investigation and report reveals what can happen when the balance shifts too far towards administrative convenience and over-restrictive management of direct payments. We are very pleased, however, that Margaret, on behalf of ADASS, has agreed that this is a matter to be tackled with her director colleagues and will work with her to help them comply with the spirit as well as letter of the legislation and guidance”.

President of ADASS, Margaret Willcox, said: “On behalf of my director colleagues I am grateful to Baroness Campbell and the ILSG for exploring card practice in what is still the

relatively early stages of their use. Managing the balance between our duty to protect the people we service and resources we manage alongside the maximising of choice and control is ever challenging, but the report recommendations provide a good test for us. We are pleased that ILSG and TLAP will support us in this”.

Chair of TLAP, Clenton Farquharson, said: “As the sector leadership body for personalisation, we welcome this report on an issue often brought to our attention. We will be delighted to work with ILSG and ADASS and support the sector by developing practical advice and materials which councils and their partners can use to improve practice.”

Report author John Waters from In Control said: “We must not go backwards on choice and control for people using direct payments. A significant number of councils need to change their practice. Following the recommendations in this report will allow them to comply with Care Act Guidance. Local organisations supporting people with direct payments can use the recommendations to engage with their councils on this issue and challenge any local inappropriate practice.”

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Notes to Editors:

*Baroness Jane Campbell, cross-bench peer, chairs the Independent Living Strategy Group which is a network of disabled people and their allies. The group exists to protect, promote and ensure the fulfilment of disabled people’s rights to independent living in England.*

The report is available here: <http://www.in-control.org.uk/media/247072/payment%20cards%20in%20adult%20social%20care.pdf>

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