

Consultation on our proposal to stop offering a Support with Confidence scheme and offer support in a different way instead

Our Support with Confidence scheme is a directory of accredited providers offering care and support services in the local area. In July we took the difficult decision to pause the scheme to applications and membership renewals, although the online directory remains available at eastsussex.gov.uk/swc.

We are now proposing to stop running the Support with Confidence scheme and offer support to residents and providers in a different way.

This consultation is your opportunity to share your views on our proposal and shape what we do next. You don't need to have used the scheme, or be a member who is listed in the directory, to take part.

If you have used the scheme to find a service there is no need to make immediate changes to your current arrangements. Our frequently asked questions for residents are available on the consultation webpage and will be kept updated, so please do check this out if you are concerned. There are also frequently asked questions for members and applicants to the scheme available online too.

This first section provides a summary of the consultation, covering the key points. For full details on how we reached this point, what we are proposing and why, please continue to the 'Consultation overview'.

Consultation summary

Our Support with Confidence scheme has been successful in giving local residents greater choice when selecting services and allowed them to find support that is personalised to their needs. Over the years, it has also developed a strong support offer for the self-employed personal assistants and businesses who make up the membership.

Over the summer a report was published about the employment status of personal assistants. This raised serious questions about how we were operating the Support with

Confidence scheme at that point. We therefore took the difficult decision in July to pause the scheme to applications and membership renewals. This was not a decision we took lightly, as we know the scheme is well used by residents and valued by members, many of whom are concerned about the impact on their livelihoods as a result.

It is clear, from the legal advice we have received since, that the personal assistant referral service and contingency planning support that we were offering won't be able to restart. These were key parts of the scheme and without them we don't think it makes sense to keep offering the Support with Confidence scheme in East Sussex.

We remain committed to giving those with social care needs greater choice and control, and supporting providers and businesses to deliver personalised services to them. The aim of this consultation is to understand what would best help people, providers, and businesses to meet those aims. What you tell us will help us decide what support we could offer to replace the Support with Confidence scheme if the proposal to close it went ahead.

The consultation closes at the end of the day on 5 December 2023. A final decision on what happens next will be made in February 2024. You can share your views by filling in a survey. This can be done online, or you can ask to be sent a copy in the post. If the survey format doesn't work for you, we can accept feedback via email, letter or over the phone. Scheme members, and those with paused applications, also have the option of attending drop-in events as part of the consultation. Dates for these events will be emailed to members and applicants.

Complete the online survey:

Use your phone or tablet to scan the QR code on the right or visit our website at eastsussex.gov.uk/swcfuture



Please do get in touch with the Support with Confidence team if you want to ask a question about the consultation, share your feedback in another way, request the survey in another format or language, or ask for help to take part.

Email: supportwithconfidence@eastsussex.gov.uk

Telephone: 01323 463 440 (please leave a message and we will call you back)

Address: Freepost RSKJ-YEXX-LSZJ Support with Confidence, North A Floor, County Hall, St Anne's Crescent, Lewes BN7 1UE

Consultation overview

What is Support with Confidence?

Support with Confidence schemes provide directories of accredited providers offering care and support services in a local area. Accreditation usually involves things like checking qualifications, asking for references and completing an enhanced Disclosure and Barring Certificate (DBS) check. Members of Support with Confidence schemes aren't usually regulated by the Care Quality Commission, which has responsibility for inspecting services like home care and nursing homes. The accreditation process therefore provides important peace of mind for people when they are making choices about their services.

The first scheme was set up in 2009 by Oxfordshire County Council. The licence to run schemes under this name is now managed by Action for People and the Council pays a fee to them to operate the scheme in East Sussex. We set up our scheme in 2010 and it has been run by Adult Social Care and Health at the Council in partnership with our local Trading Standards.

There are a small number of other local authorities that were offering Support with Confidence schemes when this consultation launched. These were Bracknell Forest Council, Brighton & Hove City Council, Nottinghamshire County Council, West Berkshire Council and Wokingham Borough Council. We plan to contact these local authorities during the consultation to understand their plans, but any decision we make will be based on what's best for East Sussex.

How has our Support with Confidence directory worked for residents?

Residents of East Sussex could use the scheme to find help at home that they could trust. The directory was free to use and they knew that services listed in it would have been through an application process and be receiving ongoing training and support. The directory has nine categories covering a wide range of support and services:

Category	Examples of types of support and services
Support at home and personal care	Personal assistants, home care, cleaning, live-in support, ironing and shopping assistance
Home maintenance and gardening	Decorators, handy people, plumbers and window cleaners

Medical and therapeutic support	Massage, occupational therapy and palliative care
Specialist support	Support to those with autism, dementia and visual impairments
Personal development	Learning support and peer support
Financial, legal and secretarial support	Financial advisors and secretarial support
Social, physical and daytime activities	Arts and crafts, personal trainers and social activities
Pet care	Pet boarding, sitting and walking
Transport	Community transport, personal assistant transport and taxis

How has our Support with Confidence directory worked for members?

There have been two types of membership for the scheme: 1) Personal assistant membership; and 2) Business membership. Potential members paid an application fee and went through an accreditation process before they joined. If they were successful in their application there was an annual membership fee to pay. The amount members paid depended on the size of their business and the type of support offered.

Once an applicant was accepted to join the scheme, they were listed in the directory and they could use the Support with Confidence logo on their business paperwork and advertising.

What other services did the scheme offer apart from the directory?

In addition to the directory, the scheme also provided guidance, advice, training, newsletters, wellbeing support and help with complaints to all members. For personal assistant members there were two dedicated services offering referrals and contingency planning.

The referral service was used by Council staff to help our clients find support. The service helped match people with personal assistants who could help them at home and in the community with things like washing, dressing, cooking, medication and getting out and about.

The contingency planning service helped personal assistants to put a plan in place for when they were unable to do their job because they were ill or on holiday. This would include a referral service which helped find other personal assistants who could cover for them while they were off.

What facts and figures do we have about the scheme?

Our scheme had 349 accredited members and 55 applications in progress when it was paused in July. Self-employed personal assistants made up 85% of the membership and most of the new applications were in this category. The remaining 15% of members offered business services.

The main way that residents have found out about Support with Confidence services is through our online directory. Some visit it themselves, but others will have help from family, friends, adult social care staff, or organisations like Age UK or Age Concern. The directory has always been well used, with nearly 11,500 page views in May alone.

Residents who aren't online could get in touch with the Support with Confidence team for help to access services. Between 1 March and 30 June, the team dealt with 196 enquiries about services from residents. They also had 373 personal assistant referrals from adult social care staff.

Why have we paused our scheme?

A report on the employment status of personal assistants was published in June by the National Direct Payment Forum (see www.nationaldirectpaymentforum.org.uk). The report raised serious questions about how we were operating our Support with Confidence scheme at that point.

In summary, someone's employment status will depend on how they are carrying out their work and will be determined for every individual working arrangement. This matters because self-employed workers are not paid through PAYE (Pay As You Earn) and they pay a different category of National Insurance to employees. They also do not have the rights and responsibilities of an employee, such as holiday or sick pay when they're not working. There is no single test that decides if a person is employed or self-employed, or an agreed national position. This makes everything more complicated, as if someone's employment status is found to be wrong, the worker and the individual or organisation that is found to be their employer may have to pay unpaid tax and penalties.

The majority of Support with Confidence members are self-employed personal assistants and they have been a big part of the success of the scheme. For this reason, we sought urgent legal advice on what we should do to address the issues raised in the report about the employment status of personal assistants and how they affect our scheme.

The legal advice was clear that there were two elements of the scheme as it was running then that should be permanently stopped. These were the personal assistant referral service and the contingency planning support. This is because supporting referrals and helping people to find personal assistants through the directory could be classed as providing unregulated introductions and a 'matching' service. In a similar way, helping with contingency planning could potentially count as operating as an unregulated care agency. Neither of these types of activity are appropriate for us to be doing as a local authority and they bring legal risks that we are not willing to accept.

We know that these aspects of Support with Confidence are particularly valued by members. Because of this we decided to pause any new activity relating to the scheme while we decided what to do next. This includes activity for all members, both personal assistants and businesses, even though business members aren't directly affected by these issues.

How are adult social care clients affected?

The Support with Confidence scheme has been widely used by the department's staff to help people eligible for support from us - our clients - to find services. We would like to reassure clients who have already used the scheme to find a personal assistant that there are no plans at this stage to review your existing arrangements. If that changes in future, we will be in touch to discuss what needs to happen. Business services are not affected by the issues raised in this consultation, so there will definitely be no need to review your use of these services.

There is more information on how clients already using services are affected in our 'frequently asked questions' on the consultation webpage. You are also welcome to discuss your current arrangements at any point with our contracted direct payment support providers (visit our website for their contact details at eastsussex.gov.uk/direct-payments or get in touch with us to find out more).

Why are we consulting now on what happens next?

The issues raised in the report are national and don't just affect East Sussex. At the time of starting this consultation there is no indication that there will be any more information available soon from national organisations. We don't think it's fair to keep the scheme paused for a long period of time. That means we need to decide what is best for East Sussex based on the information already available to us and what we learn through the consultation.

What is the focus of the consultation?

The consultation is about our proposal to stop offering the Support with Confidence scheme and about what support we might provide instead. We want to hear from residents, scheme members and applicants, and those who have referred to the scheme in the past, about what would be important to them for new support.

As we have already said, we will not be offering a referral service or supporting personal assistants with contingency planning in the future. This is due to the legal risks of continuing to provide this sort of support. For this reason, we are not consulting on the decision to stop offering this support.

What options have we considered?

We feel there are two main options for what we do next:

- 1) Offer a more basic version of the Support with Confidence scheme so that it could keep running.
- 2) Stop offering the Support with Confidence scheme, and offer support in a different way. This might include directing people to services run by other organisations.

With option one, the scheme could continue to offer an accreditation service and online directory, as originally intended, but would not provide the referral service or help personal assistants with contingency planning. This would allow us to keep the scheme logo and directory. The issue is that the elements of the service that would stop are the ones that members particularly value. This is likely to mean that some personal assistants decide to stop being members. If enough members left this would make the scheme less useful to residents and less viable to run.

With option two, the support would focus on elements of the existing scheme that people value and could include things like accreditation, DBS checks and training. The

benefit of this approach is that we would have the opportunity to offer something based on people's needs and what would make the most difference to them. While the level of support wouldn't be the same as now, we would still be offering support to personal assistants and businesses, and residents looking to engage their services. To get an idea of the types of support we may be able to offer in future please see the survey.

What is our preferred option?

We've had lots of discussion internally about what is best to do next. Our feeling at this stage is that a fresh start would be better in the long run. This is mainly because the elements that we have been legally advised to stop offering are an integral part of how Support with Confidence was working locally. Continuing the scheme without the referral service and contingency planning doesn't feel viable.

For this reason, we are proposing to go ahead with option two. This would see us stop offering the Support with Confidence scheme and offer support to residents and members in a different way based on what was most important to them. This might include directing people to services run by other organisations.

We know that the referral service has been popular with adult social care clients and helped many people find a personal assistant to meet their needs. Based on legal advice, the service in its current form won't be able to restart. We are planning to explore what we could do instead, but it's still early days in our thinking on this.

It should also be noted that other information may come to light during the consultation that may change our thinking on the options. This is because the National Direct Payment Forum is planning a conference on the topic and Action for People is in the process of revising the Support with Confidence licence.

Whatever we decide at the end of this process will be based on ensuring we are safeguarding our residents as best we can. We would also like to emphasise that we are committed to working with those affected by any change to manage the transition to whatever comes next.

Who do we want to hear from in the consultation?

We know that the Support with Confidence scheme in its current form is highly valued by members and residents. For this reason, we really want to hear from those who will be affected by the pausing of the scheme and whatever happens next.

The consultation is your chance to share your views, concerns, and ideas. What you tell us will help make our decision making as robust as it can be. We are keen to hear from:

- residents who have used the scheme as well as those who haven't,
- personal assistants working in self-employed and employed roles, whether you are members of the scheme or not,
- business members of the scheme,
- staff who have referred people to the scheme,
- voluntary and charity sector staff and organisations supporting people with direct payments and/or to access support, and
- our public sector partners such as other local authorities, and the NHS.

What happens next?

The consultation closes at the end of the day on 5 December 2023. What you tell us will be summarised in a consultation report and will inform the Equality Impact Assessment (EqIA). An EqIA is a tool we use to understand how particular groups and communities would be affected by a proposed change. Both reports will be published on our main website and we'll let you know when they are available by updating our consultation webpage.

A final decision on what happens next will be made by the Lead Cabinet Member for Adult Social Care & Health in February 2024. Lead cabinet members are authorised by Cabinet to make certain decisions within their areas of special responsibility.

The questionnaire

Privacy information: The main part of this survey is anonymous, and we don't ask you to provide any personal information in it. There is an optional 'about you' section at the end and you can find privacy information when you reach that stage. Please ensure that any comments you make don't include any names or personal details of you or anyone else. You can find our privacy notice about how the data will be stored and processed by East Sussex County Council on our website: www.eastsussex.gov.uk/privacy/consultation-hub.

Section 1: Questions for everyone

Q1) Are you completing the survey as: (please tick one answer)

- Someone who has used the scheme to find services for yourself or a family member/friend
- A resident of East Sussex who has heard of the scheme but not used it
- A resident of East Sussex who hasn't heard of the scheme before today
- An accredited personal assistant member of the scheme
- An accredited business member of the scheme
- A personal assistant who wants to join the scheme
- A business who wants to join the scheme
- A health and/or social care worker who has referred people to the scheme (please say where you work and your role in the box below)
- A health and social care organisation (please name your organisation and what your role is in the box below)
- Other (please explain below)

If you ticked 'other', please explain:

If you are taking part as a worker or organisation, please tell us where you work and what your role is:

Q2) How much do you agree or disagree with our proposal to stop offering the Support with Confidence scheme and offer support in a different way instead?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

If you wish, please use the box below to explain your answer:

Which section of the survey should I go to next?

- Residents, workers, organisations and anyone else who has used the scheme to help find care and support for themselves or someone else can continue on to section 2.
- Members and applicants of the scheme can go straight to section 3.
- People who have heard of the scheme but not used it, or haven't heard of the scheme before today can go straight to section 4.

Section 2: Questions for residents, workers and organisations

Q3) How would you rate your awareness of the Support with Confidence scheme and what it offers to residents?

- Good awareness Some awareness Limited awareness

Q4) How helpful have you found the scheme in finding support you can trust?

- Very helpful
 Helpful
 Neither helpful nor unhelpful
 Unhelpful
 Very unhelpful
 N/A

If you wish, please use the box below to explain your answer:

Q5) Have you been affected by the decision to pause the Support with Confidence scheme? If you have, please tell us how below:

Q6) How would you be affected if we stopped offering the Support with Confidence scheme and offered support in a different way instead?

This would not include offering a referral service or contingency support.

Q7) What aspects of any new support would be most important to you?

Please rate the options on a scale of 1-5, with 5 being the most important and 1 being the least important. You can also tell us about any suggestions we haven't included using the 'other' box below.

	5 - most important	4	3	2	1 - least important
Being able to call a helpline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finding personal assistants who can provide social care support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finding business services such as home maintenance and gardening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having all the information in one online directory	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knowing the services have been through an accreditation process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support to deal with a complaint about service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you ticked 'other', please explain here:

Q8) Your comments about what would be important to you in future:

Q9) What could we do to help people manage the transition to a new way of working?

Which section of the survey should I go to next?

Now that you've finished answering the questions in section 2, please go straight to section 4. The questions in section 3 are for members and applicants to the scheme, so you don't need to answer them.

Section 3: Questions for scheme members and applicants

Q3) How would you rate your awareness of the Support with Confidence scheme and what it offers to residents?

- Good awareness Some awareness Limited awareness

Q4) How helpful have you found the scheme in building your business or service?

- Very helpful
 Helpful
 Neither helpful nor unhelpful
 Unhelpful
 Very unhelpful
 N/A

If you wish, please use the box below to explain your answer:

5) Have you been affected by the decision to pause the Support with Confidence scheme? If you have, please tell us how below:

Q6) How would you be affected if we stopped offering the Support with Confidence scheme and offered support in a different way instead?

This would not include offering a referral service or contingency support.

Q7) What aspects of any new support would be most important to you?

Please rate the options on a scale of 1-5, with 5 being the most important and 1 being the least important. You can also tell us about any suggestions we haven't included using the 'other' box below. As we will no longer be offering the referral service or support with contingency planning these options aren't included in the list.

	5 - most important	4	3	2	1 - least important
Accreditation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allowing residents to find out about my personal assistant services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allowing residents to find out about my business	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Business support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Care worker training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Directory entry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support and guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support to deal with a complaint about your service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training specifically for personal assistants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wellbeing support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please explain below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you ticked 'other', please explain here:

Q8) Your comments about what would be important to you in future:

Q9) What could we do to help people manage the transition to a new way of working?

Which section of the survey should I go to next?

Now that you've finished answering the questions in section 3, please continue on to section 4.

Section 4: Questions for everyone

Q10) If there is anything else you want to say about our proposal to stop offering the Support with Confidence scheme and offer support in a different way, please use the box below:

About You: Equalities Monitoring Form

We want to make sure that everyone is treated fairly and equally and that no one gets left out. That's why we ask you these questions. Your data is important to us and we won't share the information you provide with anyone else. Your information will only be used and reported anonymously to support the activity you have completed the 'About You' survey for. You do not have to answer these questions but by doing so you are helping to ensure our services effectively meet the needs of all our service users. Full privacy notice: <https://www.eastsussex.gov.uk/privacy/about-you-survey/>

1. What age are you?

..... years

Prefer not to say

2. What is your gender?

Female

Male

Non-binary

Prefer to self-describe, please write in:

Prefer not to say

3. Is the gender you identify with the same as your sex registered at birth?

Yes

No, write in gender identity:

Prefer not to say

4. What is your ethnic group?

White <input type="checkbox"/> English/Welsh/Scottish /Northern Irish/British <input type="checkbox"/> Irish <input type="checkbox"/> Gypsy / Irish Traveller <input type="checkbox"/> Roma <input type="checkbox"/> Any other White background, write in:	Mixed or Multiple ethnic groups <input type="checkbox"/> White & Black Caribbean <input type="checkbox"/> White & Black African <input type="checkbox"/> White & Asian <input type="checkbox"/> Any other Mixed or Multiple background, write in: Asian or Asian British <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background, write in:	Black, Black British, Caribbean or African <input type="checkbox"/> Caribbean <input type="checkbox"/> African background, write in <input type="checkbox"/> Any other Black, Black British or Caribbean background, write in: Other ethnic group <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, write in: <input type="checkbox"/> Prefer not to say
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5. Which of the following best describes your sexual orientation?

<input type="checkbox"/> 'Straight' / Heterosexual
<input type="checkbox"/> Gay or Lesbian
<input type="checkbox"/> Bisexual
<input type="checkbox"/> Prefer to self-describe, please write in:
<input type="checkbox"/> Prefer not to say

6. What is your religion or belief?

<input type="checkbox"/> No religion	<input type="checkbox"/> Any other religion, write in:
<input type="checkbox"/> Christian (including Church of England, Catholic, Protestant and all other Christian denominations)	<input type="checkbox"/> Philosophical belief, write in
<input type="checkbox"/> Buddhist	<input type="checkbox"/> Prefer not to say
<input type="checkbox"/> Hindu	
<input type="checkbox"/> Jewish	
<input type="checkbox"/> Muslim	
<input type="checkbox"/> Sikh	

7a. Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

<input type="checkbox"/> Yes (go to 7b)
<input type="checkbox"/> No (go to question 8a)
<input type="checkbox"/> Prefer not to say (go to question 8a)

7b. Do any of your conditions or illnesses reduce your ability to carry out day-to-day activities?

<input type="checkbox"/> Yes, a lot (go to 7c)
<input type="checkbox"/> Yes, a little (go to 7c)
<input type="checkbox"/> Not at all (go to 8a)
<input type="checkbox"/> Prefer not to say (go to 8a)

7c. If 'yes', please state the condition or illness. If you have more than one please tick all that apply. If none apply, please mark 'Other' and write an answer in.

<input type="checkbox"/> Physical Impairment	<input type="checkbox"/> Neurodivergent condition
<input type="checkbox"/> Sensory Impairment	<input type="checkbox"/> Other Developmental Condition
<input type="checkbox"/> Learning Disability/Difficulty	<input type="checkbox"/> Other (please write in)
<input type="checkbox"/> Long-standing illness	<input type="checkbox"/> Prefer not to say
<input type="checkbox"/> Mental Health condition	

8a. Do you look after, or give any help or support to, anyone because they have long-term physical or mental health conditions or illnesses, or problems related to old age?

- Yes (go to question 8b and then 8c)
- No (go to question 9a)
- Prefer not to say (go to question 9a)

8b. If yes, for how many hours a week?

- 9 hours a week or less
- 10 to 19 hours a week
- 20 to 34 hours a week
- 35 to 49 hours a week
- 50 hours or more a week
- Prefer not to say

8c. If yes, do you care for a.....?

- Parent
- Partner/spouse
- Child with special needs
- Other family member
- Friend
- Other (please give details)
- Prefer not to say

9a. Armed Forces Service: Are you currently serving or have you previously served in the UK Armed Forces (this includes Reservists or part-time service)?

- Yes
- No
- Prefer not to say

9b. Are you in a household or family where someone is currently or was previously serving in the UK Armed Forces?

- Yes
- No
- Prefer not to say

10. Please tell us your postcode

-
- Prefer not to say

Thank you: this information will help us improve our services for everyone.