



Meeting: **Cabinet**

Date/Time: **Tuesday, 12 January 2016 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Ms. J. Bailey (Tel. 0116 305 6225)**

Email: **jenny.bailey@leics.gov.uk**

Membership

Mr. N. J. Rushton CC (Chairman)

Mr. R. Blunt CC Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC Mrs. P. Posnett CC
Mr. J. T. Orson JP CC Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC Mr. E. F. White CC
Mr. I. D. Ould CC

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AGENDA

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 11 December 2015.		(Pages 3 - 8)
2. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.		
3. Declarations of interest in respect of items on the agenda.		
4. Medium Term Financial Strategy 2016/17 to 2019/20.	Director of Corporate Resources	(Pages 9 - 10)
5. Proposal to Charge Self-Funders a Fee for Arranging Care Services - Outcome of the Consultation.	Director of Adults and Communities	(Pages 11 - 40)



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| 6. | Draft Communities and Wellbeing Strategy 2016-2020. | Director of Adults and Communities | (Pages 41 - 84) |
| 7. | Energy Supply Service for Leicester and Leicestershire. | Director of Corporate Resources | (Pages 85 - 88) |
| 8. | Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements. | Director of Children and Family Services | (Pages 89 - 134) |
| 9. | Exception to Contract Procedure Rules for Deprivation of Liberty Safeguards (Best Interest Assessments) - Urgent Action Taken by the Chief Executive. | Director of Adults and Communities | (Pages 135 - 138) |
| 10. | Regulation of Investigatory Powers Act 2000 (RIPA) - Revised Policy Statement. | County Solicitor | (Pages 139 - 148) |
| 11. | Items referred from Overview and Scrutiny. | | |
| 12. | Any other items which the Chairman has decided to take as urgent. | | |



Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 11 December 2015.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. R. Blunt CC	Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC	Mrs. P. Posnett CC
Mr. J. T. Orson JP CC	Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC	Mr. E. F. White CC
Mr. I. D. Ould CC	

In attendance

Mrs. R. Page CC, Dr. R. K. A. Feltham CC, Mr. S. J. Galton CC, Mr. S. D. Sheahan CC, Mrs. C. M. Radford CC

364. Minutes of the previous meeting.

The minutes of the meeting held on 18 November 2015 were taken as read, confirmed and signed.

365. Urgent items.

There were no urgent items for consideration.

366. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. N. J. Rushton CC and Mr. R. Blunt CC each declared a personal interest in agenda item 6 (North West Leicestershire Local Plan Draft – Consultation Response) as members of North West Leicestershire District Council.

Mr. B. L. Pain CC declared a disclosable pecuniary interest in item no. 4 on the agenda (Outcome of Consultation on Community Transport Funding) as an owner of a taxi company and undertook to leave the meeting whilst that item was considered.

367. Outcome of Consultation on Community Transport Funding.

(Mr. B. L. Pain CC, having declared a disclosable pecuniary interest in the matter, left the meeting whilst this item was considered.)

The Cabinet considered a report of the Director of Environment and Transport concerning the outcome of consultation on reduced funding for community transport provision in Leicestershire and a revised funding methodology. A copy of the report, marked '4', is filed with these minutes.

The Cabinet noted comments from Mr. Max Hunt CC and the community transport provider 'John Storer Charnwood', a copy of which is filed with these minutes.

The Director reported that the proposed changes to the funding mechanism for Community Transport had been amended to reflect feedback from the consultation exercise, including a weighting for rural journeys. The Director added that whilst some of the community transport providers would see a fall in grant from the Council during 2016/17, the performance criteria would allow for them to qualify for additional funding in 2017/18 and 2018/19 if they were able to expand their service.

Mr. P. C. Osborne CC welcomed the amended scheme and noted that it would enable community transport providers to access additional funding if they increased their passenger numbers. He said that the implementation of the new arrangements would be monitored and reported to the Environment and Transport Overview and Scrutiny Committee upon request.

RESOLVED:

- (a) That the outcome of the consultation with Community Transport operators be noted;
- (b) That the Community Transport budget be reduced by £50,000, phased at £25,000 in 2016/17 and a further £25,000 in 2017/18;
- (c) That the Community Transport budget be allocated on the basis of
 - (i) 90% of available funding being weighted to all schemes on the basis of 33% population and 67% usage, based on the previous year's figures;
 - (ii) 10% of available funding being split amongst schemes on the 33%/67% basis for those areas qualifying for a rural weighting;
 - (iii) No wheelchair passenger weighting or premium being payable;
 - (iv) A series of floors and ceilings being introduced so there is no greater increase than 10% on the preferred budget model in 2016/17, 20% in 2017/18, and 30% in 2018/19 and thereafter;
 - (v) A reduced management allocation of 25% in 2016/17, 20% in 2017/18 and 15% in 2018/19;
- (d) That the phased removal of funding for the Shree Ram Krishna Community Project be approved, with funding reduced to £7,000 in 2016-17, to £3,000 in 2017-18, and totally removed in 2018/19;
- (e) That the changes to Community Transport Funding as detailed in (b)- above be implemented in accordance with the Implementation Plan detailed in Appendix A of the report;
- (f) That the Director of Environment and Transport be requested to hold focus groups for passengers to explain the new funding arrangements and service priorities and seek to minimise the effect of any service changes.

(KEY DECISION)

REASONS FOR DECISION:

The Council's Medium Term Financial Strategy identified savings from a Service Review of the Sustainable Transport Group including a £50,000 saving from Community Transport.

A review of the way Community Transport is presently funded identified that the levels of funding varied across the County having been developed on an ad hoc basis and recommended that a method be developed to ensure funding is allocated more equitably.

(Mr. B. L. Pain CC then returned to the meeting).

368. Donington le Heath Manor House - Charging and Opening Hours Strategy.

The Cabinet considered a report of the Director of Adults and Communities concerning improvements to Donington le Heath Manor House and proposed changes to admission charges and opening hours. A copy of the report, marked '5', is filed with these minutes.

Mr. R. Blunt CC hoped the improvements would enable the visitor attraction to begin to generate a surplus.

RESOLVED:

- (a) That the improvements made to the visitor offer and investments in energy efficiency measures at Donington Le Heath Manor House (DLH) be noted;
- (b) That the preferred charging strategy for DLH as detailed in paragraph 38 of the report be approved in principle;
- (c) That the preferred opening hours for DLH as detailed in paragraph 40 of the report be approved in principle;
- (d) That the Director of Adults and Communities be requested;
 - (i) in the event of support for the proposals from the Adults and Communities Overview and Scrutiny Committee, to proceed with the new opening hours and charging strategy as set out in the report, or
 - (ii) in the event of concerns being raised by the Scrutiny Committee, to submit a further report to the Cabinet.

(KEY DECISION)

REASONS FOR DECISION:

Donington le Heath Manor House has seen a decline in visitor numbers in recent years, falling from 13,069 in 2013/14 to 8,323 in 2014/15. This followed a decline in 2011/12, which saw numbers drop from 25,400. The need to increase visitor numbers is a priority.

The preferred charging strategy will support a more cost effective and sustainable operating model and maximise income streams.

The proposed amended opening hours have been informed by the consultation responses. They will still allow for schools and other groups to visit outside of these hours and other events can be held outside of the main opening season.

369. North West Leicestershire Local Plan Draft - Consultation Response.

The Cabinet considered a report of the Chief Executive concerning a response to the draft North West Leicestershire Local Plan produced by North West Leicestershire District Council. A copy of the report, marked '6', is filed with these minutes.

Mr. J. B. Rhodes CC congratulated North West Leicestershire District Council for producing a detailed draft plan and hoped the final version would be amended to reflect the County Council's comments.

RESOLVED:

- (a) That the detailed comments on the draft North West Leicestershire Local Plan as set out in the Appendix to the report, be submitted to North West Leicestershire District Council as the views of the County Council;
- (b) That the key comments set out in paragraphs 22 to 33 of the report be drawn to the attention of North West Leicestershire District Council.

REASONS FOR DECISION:

To ensure that the County Council provides appropriate input at this key stage in the Local Plan process, so that issues of importance for the County Council are clearly expressed and influence the shape and content of the Local Plan.

370. Sexual Health Needs Assessment and Draft Leicestershire Sexual Health Strategy 2016-19

The Cabinet considered a report of the Director of Public Health seeking the Cabinet's approval to consult on a draft Leicestershire Sexual Health Strategy for 2016–19 and to commission services in line with the emerging strategy. A copy of the report, marked '7', is filed with these minutes.

Mr. E. F. White CC welcomed the development of the strategy which he said would result in better services whilst delivering important savings.

RESOLVED:

- (a) That the work undertaken to date, including the Leicestershire Sexual Health Needs Assessment that informed the draft Strategy, be noted;
- (b) That support be given to the eight key strategic priorities for the development of a sexual health system across Leicestershire as set out in paragraph 22 of the report;
- (c) That approval be given to the development and commencement of a consultation on the draft Strategy, with a wide group of stakeholders, from January 2016;

- (d) That it be noted that commissioning decisions will need to continue to be taken prior to the Strategy being finalised and that the Director of Public Health be authorised to commission services in line with the emerging draft Strategy during this period;
- (e) That a further report be submitted to the Cabinet on 19th April 2016.

(KEY DECISION)

REASONS FOR DECISION:

Sexual health services and commissioning has become fragmented following the implementation of the Health and Social Care Act 2012. Developing a sexual health strategy that is endorsed by key partners including Clinical Commissioning Groups, NHS England, providers and service users will set an agreed direction for sexual health commissioning across Leicestershire. This will streamline commissioning intentions, improving patient pathways and quality of care. The Strategy will also be aligned with sexual health strategic priorities for Rutland Council and Leicester City Council to provide a wider Leicester, Leicestershire and Rutland system approach.

It will be necessary to continue to make commissioning decisions over the coming months before approval of the final Strategy in order for services to continue and to meet Medium Term Financial Strategy targets.

Undertaking consultation on the draft Strategy will ensure it meets the needs of the local population and is aligned with other key stakeholders. It is also in keeping with the Council's corporate standards to ensure that all stakeholders are made aware of the Local Authority's priorities and given the opportunity to make comment upon these at an early stage.

371. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

372. Exclusion of the Press and Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs 5 and 10 of Part 1 of Schedule 12A of the Act specified below and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- Springboard Centre, Coalville

373. Springboard Centre, Phoenix Buildings, Coalville

The Cabinet considered an exempt report of the Director of Corporate Resources seeking approval for the Director, in consultation with the County Solicitor to serve several notices upon the tenant of the Springboard Centre in Coalville. A copy of the report, marked '11', is filed with these minutes. The report was not for publication by virtue of paragraphs 5 and 10 of Schedule 12(A) of the Local Government Act 1972

RESOLVED:

- (a) That the Director of Corporate Resources, in consultation with the County Solicitor, be authorised to proceed to serve the following:
 - (i) A notice under the lease provisions and under the provisions of Section 146 of the Law of Property Act 1925 requiring the Tenant to carry out repairs to comply with its obligations under the lease as set out in Part B of this report;
 - (ii) A notice under Section 40 of the Landlord and Tenant Act 1954 requesting information as to the actual occupiers of the Property;
- (b) That the Director of Corporate Resources be authorised to continue discussions with the Tenant to explore alternative future options to address the repair and maintenance issues and the provision of workspace in the locality.

REASONS FOR DECISION:

To meet with the obligations the County Council has as a responsible and commercial landlord as the Tenant has failed to comply with its requirements under the lease to repair the Property allowing the Property to fall into a state of disrepair.

To mitigate the County Council's financial risks.

To meet with the objectives and delivery plan contained in the County Council's Corporate Asset Management Plan 2015/16 with particular reference to the Investment Strategy contained therein.

2.00 - 2.44 pm
11 December 2015

CHAIRMAN



CABINET – 12 JANUARY 2016

MEDIUM TERM FINANCIAL STRATEGY 2016/17 TO 2019/20

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of the Report

1. The purpose of this report is to enable consideration to be given to the Medium Term Financial Strategy for 2016/17 to 2019/20 (the MTFS) which incorporates the 2016/17 revenue budget and capital programme.
2. A supplementary report setting out the detailed proposals for the MTFS is currently being prepared and this will be circulated to members and published on the County Council's website as soon as it is available.

Recommendation

3. The Cabinet is asked to note this and the supplementary report and consider the Medium Term Financial Strategy for 2016/17 to 2019/20.

Reason for Recommendation

4. To enable the Medium Term Financial Strategy for 2016/17 to 2019/20 to be agreed for consultation and submission to the Scrutiny Commission and appropriate Overview and Scrutiny committees.

Timetable for Decisions (including Scrutiny)

5. Subject to agreement by the Cabinet the MTFS will be considered by the Scrutiny Commission and the Overview and Scrutiny Committees during January 2016.
6. The Cabinet will then consider comments of the Scrutiny bodies and responses from the wider consultation process at its meeting on 5 February 2016.
7. The County Council will meet on 17 February 2016 to approve the final MTFS.

Policy Framework and Previous Decisions

8. Consideration of the relevant corporate policies and plans will be given in the supplementary report.

Circulation under the Local Issues Alert Procedure

9. None. A copy of the supplementary report will be circulated to all members of the County Council.

Officers to Contact

Brian Roberts, Director of Corporate Resources, Corporate Resources Department
Tel: 0116 305 7830
E-mail: brian.roberts@leics.gov.uk

Chris Tambini, Director of Finance
Corporate Resources Department
Tel: 0116 305 6199
E-mail: chris.tambini@leics.gov.uk

Judith Spence, Head of Corporate Finance, Corporate Resources Department
Tel: 0116 305 5998
E-mail: judith.spence@leics.gov.uk

Background Papers

10. None.

Equality and Human Rights Implications

11. None arising from this report.



CABINET - 12 JANUARY 2016

PROPOSAL TO CHARGE SELF-FUNDERS A FEE FOR ARRANGING CARE SERVICES - OUTCOME OF THE CONSULTATION

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

PART A

Purpose of the Report

- 1 The purpose of this report is to advise the Cabinet of the outcome of the consultation on the proposal for the County Council to charge self-funders a fee for arranging care services and to seek approval to implement a fee. The Care Act 2014 gave the Council power to charge for all care services and it is proposed to introduce an 'arrangement fee' for self-funders; those people who have financial assets over the upper capital limit defined in the Act.

Recommendations

- 2 It is recommended that:
 - a) The outcome of the consultation on the proposed arrangement fee for self-funders be noted;
 - b) From 4 April 2016 an annual fee of £236 be charged for arranging care services to meet eligible needs for those people who have financial assets over the upper capital limit set by the Government;
 - c) It be noted that the fee will be reviewed annually to ensure that it covers the actual costs of arranging care;
 - d) It be noted that work will take place with service users affected by the changes to ensure that they are aware of their options and supported to make informed choices.

Reasons for Recommendations

- 3 Implementing an arrangement fee for self-funders is expected to generate in excess of £100,000 per annum additional income for the Council.
- 4 Although the expected additional income is relatively small in the context of the Adult Social Care annual service user income budget of £38 million per annum, it would enable the Adults and Communities Department to generate some income and to use its resources more effectively to assist vulnerable service users.

- 5 It is acknowledged that the majority of responses to the consultation did not agree with the proposal to implement an arrangement fee for self-funders. However, Section 14 of the Care Act 2014 allows the Council to charge self-funders for arranging non-residential care services, and the fee level is set to cover the Council's costs only and does not include any profit element.

Timetable for Decisions (including Scrutiny)

- 6 The proposals were noted by the Adults and Communities Overview and Scrutiny Committee on 3 November 2015.
- 7 Subject to the Cabinet's agreement the annual fee would be implemented from 4 April 2016.

Policy Framework and Previous Decisions

- 8 The Care Act received Royal Assent in 2014 with Phase 1 to be enacted in April 2015 and Phase 2 to be enacted in April 2016. On 17 July 2015, the Government advised that Phase 2 of the Care Act would be delayed until 2020.
- 9 The Department of Health (DH) issued Care and Support Statutory Guidance for the Care Act in October 2014 and the Council implemented Phase 1 of the Care Act in April 2015.
- 10 On 11 September 2015, the Cabinet considered a report on work undertaken as part of the implementation of the Care Act and agreed an eight week consultation exercise on the proposal to charge self-funders a fee for arranging care services.

Resources Implications

- 11 The introduction of a new charge for arranging care is expected to generate in excess of £100,000 additional income per annum. The total income gained will be dependent upon the number of people affected by the charge who continue to take the service. The proposed charge would require those people who are able to pay for their services to do so and would enable the Adults and Communities Department to use its resources more effectively. The fee has been calculated using the Council's actual costs.
- 12 The Director of Corporate Resources and the County Solicitor have been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

- 13 This report is being circulated to all Members of the Council via the Members' News in Brief service.

Officers to Contact

Jon Wilson
 Director of Adults and Communities
 Adults and Communities Department
 Tel: 0116 3057454
 Email: jon.wilson@leics.gov.uk

Colleen Smith
 Head of Service
 Adults and Communities Department
 Tel: 0116 3058369
 Email: colleen.smith@leics.gov.uk

PART B**Background**

- 14 Section 18 of the Care Act 2014 imposes on the Council a duty to meet an adult's needs for care and support (where the adult has eligible needs and assets above the upper capital limit set by Government) if that person asks the Authority to meet his or her needs.
- 15 Section 14 of the Care Act 2014 allows the Council to charge for putting these arrangements in place. The Care and Support Statutory Guidance states that councils can charge an arrangement fee for providing non-residential care and support but not residential care. The fee must be set at a level that does not exceed the costs that the Council actually incurs and is limited to the costs of negotiating and managing the contract with a provider and the administration costs incurred. No charge can be made for undertaking care and financial assessments.
- 16 No charge is currently levied for arranging care services. The Council currently arranges non-residential care services for 729 people whose capital and assets are over the upper capital limit, currently set at £23,250. These people will be directly affected by the introduction of the arrangement fee.
- 17 The Council's Charging Policy requires those people who are able to pay for their services to do so; the proposed charge is an extension of this policy.
- 18 The Council also supports people whose capital and assets are under the upper capital limit but who have a sufficient weekly income to pay the full cost of their care, for example, their weekly assessed maximum charge may be £180, but their cost of care is £150 so they pay the full £150. The County Solicitor has advised that the Council does not have power to charge these people for arranging care services.

Consultation

- 19 A public consultation exercise on the proposal took place between 23 September 2015 and 18 November 2015.
- 20 A consultation questionnaire was sent to all those people who currently have non-residential services arranged by the Council and whose capital and assets are over the upper capital limit; the cohort directly affected by the introduction of the arrangement fee. The questionnaire was also made available to the general public on the Council's website.
- 21 Partner agencies, including voluntary organisations, service providers and NHS organisations were also invited to contribute their views to the consultation, together with Healthwatch Leicestershire (the independent organisation which helps represent the public).
- 22 The majority of the responses to the consultation exercise were against the proposal to introduce a fee for arranging non-residential care services for self-funders. Details of the responses are attached at Appendix A, but the main issues raised were:

- a) Implementing an arrangement fee will penalise those people who have saved for their old age. Responders felt that all service users should pay this fee.
 - b) Self-funders will not receive any additional service for the arrangement fee and do not feel that they have sufficient contact from the Council to justify the charge.
 - c) The Council's approach to raising charges. Responders were unhappy that:
 - i) They pay for care in advance whilst the Council pays providers in arrears;
 - ii) Charges are calculated on the commissioned service rather than the service which is provided;
 - iii) Charges are calculated using the average rate paid by the County Council rather than the actual amount paid to the service user's provider;
 - iv) Negotiating credits and reductions in invoiced amounts takes far too long.
- 23 Several responders commented that some users of Extra Care Services do not receive social care services and only receive Extra Care support services. As the Council is not involved in arranging social care services for these people the responders felt that it would be unfair to have to pay the arrangement fee.

Responses to issues raised during the consultation

Implementing an arrangement fee will penalise those people who have saved for their old age. Responders felt that all service users should pay this fee.

- 24 The Care Act 2014 requires the Council to complete a financial assessment (means test) for every person receiving social care services. The financial assessment is completed in line with the Care Act guidance and ensures that no-one is required to pay more than they can afford for their care service.
- 25 Sections 14 and 18 of the Care Act 2014 restrict the implementation of an arrangement fee to those people who have savings and capital in excess of the upper capital limit which is set by Government (currently £23,250). The Act does not permit Councils to charge an arrangement fee for those people who have savings below this limit.

Self-funders will not receive any additional service for the arrangement fee and do not feel that they have sufficient contact from the Council to justify the charge.

- 26 The proposed arrangement fee is calculated using the actual costs incurred by the Council now in negotiating and managing the provider contract and the administration costs incurred. These costs are generally unseen by individual service users as they are incurred when managing the provider's contract with the Council rather than the provider's contact with the service user.
- 27 The underlying principle of the Council's charging policy is that those people that can afford to pay for their care services should do so. This principle applies to all aspects of cost and not just the cost of care. The alternative would be to continue with a subsidised service for those people most able to pay.

The Council's approach to raising charges

- 28 Charges are calculated on an average rate paid by the Council to all providers rather than the actual amount paid to the provider delivering their care. Charges are currently calculated on the commissioned service, and a retrospective adjustment can be made if a full day absence is notified by the service user having given the 24 hour notice period. Consideration will be given to how charges are calculated in the future.

Proposal

- 29 A detailed estimate of the actual cost to the Council of arranging care and support has been calculated and an annual fee of £236 for arranging care and support other than in a residential setting is proposed. The proposed fee is set in accordance with the requirements set out in the Care and Support Statutory Guidance 2014 and will be reviewed annually to ensure it covers the actual costs of arranging care. This fee will be collected throughout the year as part of the regular 4-weekly invoices sent to service users.
- 30 Self-funders living within an Extra Care service, who are not receiving any social care services commissioned by the County Council, are not required to pay the arrangement fee.

Implementation

- 31 It is proposed that the fee is introduced from 4 April 2016 and that work takes place during February and March 2016 to inform those affected. A communications plan will be drawn up to ensure that self-funders are fully aware of their options and support will be offered to help users make informed choices.
- 32 It is expected that some self-funders will undertake to arrange their own care services. The proposed charge is based on the actual cost to the Council of arranging the services; if self-funders choose not to ask the Council to arrange their care then the expenditure associated with arranging services for those individuals will also be reduced by the amount of the intended charge.
- 33 The proposal to charge will ensure that the Council applies the principle that those who can afford to do so will pay for their service and where they can arrange their care themselves will also do so. Many people already pay for and arrange their own care. The Adult Social Care emerging strategy aims to encourage independence in order to allow resources to be focused on those who need the Council to help and assist them.

Relevant Impact Assessments

Equalities and Human Rights Implications

- 34 The introduction of a charge where none was previously levied represents a significant change to the people affected by it. An Equality and Human Rights Impact Assessment (EHRIA) screening exercise was completed as part of the report to Cabinet in September 2015 which assessed the likely impact on groups protected by the Equalities Act 2010 and the Human Rights Act 1998. A full EHRIA has been

completed to take account of the results of the consultation and put in place any mitigation required to comply with the duties under these Acts.

- 35 The public consultation has assisted the Cabinet with the excise of its Public Sector Equality Duty under the Equality Act 2010. The Equality Act 2010 imposes a duty on the local authority when making decisions to exercise due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not.

Partnership working and associated issues

- 36 The Care Act Programme Board engaged with partners including care providers, service users, carers and voluntary sector organisations to co-produce tools to implement the Care Act in Leicestershire. Communications and training plans were established to include all stakeholders, including partners.

Risk Assessment

- 37 The Care Act 2014 allows Councils to charge a fee for meeting the eligible needs for those people who have capital and savings in excess of the upper capital limit set by Government. If the Council does not implement a fee for this service it will have reduced funds available to provide services for other, less well off, vulnerable people.

Background Papers

Department of Health Care and Support Statutory Guidance: Issued under the Care Act 2014 – October 2014

<http://ow.ly/Rp13p>

Cabinet report 11 September 2015: Progress with implementation of the Care Act and request for consultation.

<http://ow.ly/W4TN6>

Adult and Communities Overview and Scrutiny Committee minutes 3 November 2015: Progress with implementation of the Care Act.

<http://ow.ly/W4W11>

Appendices

Appendix A: Consultation Responses

Appendix B: EHRIA



CONSULTATION PROCESS AND RESULTS

The Council undertook a consultation exercise, lasting 8 weeks, running from Wednesday 23 September until midnight on Wednesday 18 November 2015.

Consultation Publicity

Consultation questionnaires were developed which detailed:

- The reasons why changes were being proposed;
- Who would be affected by the proposals?
- The proposals (including explanation of the current arrangements);
- How individuals could participate in the consultation(s);
- How individuals could access further information about the consultation(s).

The consultation questionnaire was sent to the 729 self-funders who receive non-residential care services arranged by the Council.

The consultation was publicised on the “Have Your Say” page of the Council’s website where it was possible to access the consultation documents. An Easy Read version of the questionnaire was made available and a public meeting was held at County Hall on 4 November 2015.

In addition, a Members’ News in Brief item was circulated and press releases were produced by the Communications Unit.

The consultation documents included a contact telephone number and email address should people have any further queries or need any assistance in completing the consultation questionnaires.

Responders

A total of 246 questionnaires (33.7%) were completed and returned to the Council of which:

- 47% were carers or family members of adult social care service users;
- 28% were adult social care service users;
- 11% were members of the public;
- 9% were Leicestershire County Council employees.

170 questionnaire respondents answered the question “Do you have a long-standing illness, disability or infirmity?” of which:

- 54% stated “Yes”
- 46% stated “No”

In addition, 8 people attended the public meeting and 10 people phoned through their response. These responses have been amalgamated with the questionnaire responses.

Consultation responses

55% of respondents strongly disagreed with the principle of the Council charging self-funders an arrangement fee to recover the costs it incurs in arranging their care. The reasons for this were:

- Current charging system is not flexible or transparent and is calculated on commissioned hours which makes no adjustment for cancelled or missed visits. This system means that self-funders are already paying more than the cost of their care service.
- People who have saved all their lives are again being penalised.
- Self-funders would receive no additional service for the fee; they already pay a lot for care services.

19% of respondents thought that the amount of the proposed fee was about right. The reasons for this were:

- If charges have to be made this amount seems reasonable as long as there is no reduction in service provided
- This appears broadly comparable with admin fees charged for other financial transactions and would be less than fees charged by a solicitor for undertaking the same activity.
- There is very likely to be a saving for self-funders who pay for this service as a result of the bulk buying power that the County Council has.

64% of respondents thought that the amount of the proposed fee was much too high. The reasons for this were:

- Self-funders should not be penalised because they have savings. People who haven't saved anything get the service for free.
- We shouldn't be charged for this at all.
- If I have to pay I wish to pay for the actual service I am provided with, not an average.
- It should be a one-off charge not an annual fee.

21% of respondents thought that the arrangement fee would represent good value for money for self-funders. The reasons for this were:

- It is helpful to know there is a good support service available.
- The link with the Council gives the client the peace of mind that they are being looked after by agencies.
- I like the back up and authority to tackle any misunderstandings or bad service.

63% of respondents thought that the arrangement fee would not represent good value for money for self-funders. The reasons for this were:

- We don't have enough contact from the Council to justify this fee.
- Having worked and saved hard all my life I am now being discriminated against for being disabled.
- The charging system is not accurate and we do not get reductions for cancelled or missed care.

The questionnaire asked how introducing the arrangement fee would affect respondents. Responses included:

- I would have to consider costs and work out our cheapest option without compromising care.
- We would be paying even more for care that we can't manage without.
- Unfair use of savings which will diminish rapidly given other expenses.

If the arrangement fee was introduced 44% of self-funders said that they would continue to have care and support arranged by the Council. 36% said that they would make alternative arrangements directly with their providers.

Respondents were asked what alternative suggestions that they thought the Council should consider instead of charging self-funders an arrangement fee.

- Increase the council tax.
- Increase the cost of care so that the pain is spread over more people.
- Improve the charging system so that it is more efficient and more accurate.

Extra Care Services

Several responders commented that some users of Extra Care Services do not receive social care services and only receive Extra Care support services. As the Council is not involved in arranging social care services for these people the responders felt that it would be unfair to have to pay the arrangement fee.

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APPENDIX B

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	The proposal to charge people who self-fund their care a fee for arranging their care and support.
Department and section:	Adults and Communities (Adult Social Care)
Name of lead officer/ job title and others completing this assessment:	Katy Griffith (Project Manager)
Contact telephone numbers:	0116 306 6913
Name of officer/s responsible for implementing this policy:	Sarah Rogers (Acting Head of Service for Community Care Finance)
Date EHRIA assessment started:	24/07/15
Date EHRIA assessment completed:	03/08/15

Section 1: Defining the policy

Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1 What is new or changed in this policy? *What has changed and why?*

A self-funder is defined as a person who has eligible needs and savings above the upper capital limit, which is currently £23,250.

The Adults and Communities Department arranges non-residential care services for approximately 800 people who are self-funders. These people are charged the full cost of their services but are not charged an arrangement fee.

The Care Act 2014 introduced a new duty for local authorities to meet the needs of self-funders and the power to charge an arrangement fee. This was introduced in April 2015 and applies to people who ask the Council to meet their need for most types of care and support, but excluding people who require a care home placement. An increase in the numbers of self-funders who approach the Council was expected and the Adults and Communities Department considers it necessary to introduce an arrangement fee to cover its costs. The Care and Support Statutory Guidance, published in October 2014, sets out that the fee should include the cost of negotiating and managing the contract with the provider and cover administration costs. The guidance has been followed and an annual fee of £236 is being proposed, which would be introduced in April 2016 and applied to self-funders receiving care and support other than in a care home.

2 Does this relate to any other policy within your department, the Council or with other partner organisations? *If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.*

The introduction of an arrangement fee for self-funders will relate to the Leicestershire County Council Charging Policy for Care Services, which can be viewed here:

http://intranet.leics.gov.uk/adult_communities/asc/service_provision2/frameworks/finance-3.htm

3 Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?

The introduction of an arrangement fee will affect the 800 people who are self-funders currently receiving care and support services arranged by the

<p>Council. Each person will need to decide if they wish to continue and pay the arrangement fee or decide to make other arrangements for their support that do not involve the Council, meaning that the fee would not be required. This could include making a private arrangement with their care provider or asking a relative or friend to do this on their behalf.</p> <p>The arrangement fee will be applied to adults aged 18 or over who are self-funders using care and support services arranged by the Council. There is a higher representation of women, people with disabilities and older people in this cohort than are present in the general population and it is these groups that will be primarily affected by this change.</p>				
4	Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)			
		Yes	No	How?
	Eliminate unlawful discrimination, harassment and victimisation	√		The Care Act statutory guidance sets out a fair way of calculating the arrangement fee and limits what can be included in it. This guidance has been followed to avoid setting an arbitrary or unfair amount.
	Advance equality of opportunity between different groups	√		The arrangement fee will only be applied to people with savings over the higher capital limit (currently £23,250). People with savings below this figure will not be required to pay the fee, meaning that people in lower income groups who also have protected characteristics will be unaffected.
Foster good relations between different groups	√		The fee will only be applied following a financial assessment and after it has been explained to the person that they may be liable to pay an arrangement fee in addition to the costs of meeting their needs. This will ensure that people are aware of the fee before it is applied to them and that this is done in a fair and transparent manner.	

Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2

A: Research and Consultation

		Yes	No*
5.	Have the target groups been consulted about the following?		
	a) their current needs and aspirations and what is important to them;		√
	b) any potential impact of this change on them (positive and negative, intended and unintended);		√
	c) potential barriers they may face		√
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		√
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		√
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	<p>A public consultation on the proposal to charge self-funders an arrangement fee is planned to commence in September 2015 for a period of 8 weeks. The consultation will follow the guidance set out in the Council's consultation principles, namely ensuring that it reaches relevant sections of the community in appropriate formats and is open and transparent in the use of information.</p> <p>A consultation questionnaire will be sent to a representative sample of people who currently have non-residential services arranged by the Council and are self-funders, as this group of people would be directly affected by the introduction of the arrangement fee. The questionnaire will also be made available to the general public on the Council's website.</p> <p>Partner agencies, including voluntary organisations, service providers and NHS organisations will also be invited to contribute their views to the consultation, together with Leicestershire Healthwatch.</p>		

Section 2				
B: Monitoring Impact				
9.	Are there systems set up to:	Yes	No	
	a) monitor impact (positive and negative, intended and unintended) for different groups;	√		
	b) enable open feedback and suggestions from different communities	√		
Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.				
Section 2				
C: Potential Impact				
10.	Use the table below to specify if any individuals or community groups who identify with any of the ' protected characteristics ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	√		95% of self-funders who have services arranged by the Council are aged 65 and over. The implementation of the arrangement fee is expected to have a greater impact for older people, who are likely to have accumulated more financial assets during their lifetime. It will have a much lesser impact on younger people, who make up 5% of the cohort.
	Disability	√		The self-funder cohort has a higher proportion of people with disabilities than is present in the general population. The arrangement fee is therefore expected to have a greater impact for people with disabilities. The communication plan for the consultation will need to provide information in accessible formats to ensure that people with disabilities can participate in it.
	Gender Reassignment		√	No disadvantage identified

	Marriage and Civil Partnership		√	No disadvantage identified
	Pregnancy and Maternity		√	No disadvantage identified
	Race		√	The consultation will have a culturally appropriate approach that takes account of language requirements linked to race.
	Religion or Belief		√	The consultation approach will also be culturally appropriate with respect for religion or belief.
	Sex	√		66% of the self-funder cohort are women and 34% are men. This reflects the gender balance of people who use care and support services. The arrangement fee will be applied to a higher proportion of women rather than men because of this and not as a result of any direct or indirect discrimination.
	Sexual Orientation		√	No disadvantage identified.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		√	Carers will be invited to participate in the consultation in order to understand any possible impacts that the arrangement fee could have for carers who provide informal care to self-funders.
	Community Cohesion		√	
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			

	Yes	No	Comments
Part 1: The Convention- Rights and Freedoms			
Article 2: Right to life		√	
Article 3: Right not to be tortured or treated in an inhuman or degrading way		√	
Article 4: Right not to be subjected to slavery/ forced labour		√	
Article 5: Right to liberty and security		√	
Article 6: Right to a fair trial	√		People have the right to make a complaint if they believe that the arrangement fee has been incorrectly or unfairly applied to them. The right to make a complaint and the process to follow will be explained during the financial assessment.
Article 7: No punishment without law		√	
Article 8: Right to respect for private and family life	√	√	The arrangement fee will apply to people receiving care and support who live at home rather than in a care home. The charge has been set at a level that is judged to be affordable and is similar to the amount of annual interest that could be expected from savings of £23,250. This helps to protect their income and does not affect their rights under Article 8.
Article 9: Right to freedom of thought, conscience and religion		√	
Article 10: Right to freedom of expression		√	
Article 11: Right to freedom of assembly and association		√	
Article 12: Right to marry		√	
Article 14: Right not to be discriminated against		√	
Part 2: The First Protocol			
Article 1: Protection of property/ peaceful		√	

	enjoyment			
	Article 2: Right to education		√	
	Article 3: Right to free elections		√	
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;	√		
	b) any section of the community may face barriers in benefiting from the proposal		√	
13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair): ...



Date: ...04/08/2015.....

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?
- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
 - b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
 - c) likely barriers that individuals and community groups may face (including human rights)

The principle way in which the issues raised in the screening have been explored is through the public consultation exercise, which took place from Wednesday 23 September to Wednesday 18 November 2015.

The consultation questionnaire was sent to each self-funder currently receiving non-residential care services arranged by the Council (729 people in total). It was publicised on the "Have Your Say" page of the Council's website where it was possible to access the consultation documents. An engagement event was held at County Hall on 4 November 2015. All domiciliary care providers were informed about the consultation and invited to contribute to it. In addition, a Members News in Brief item was circulated and press releases were produced by the Communications Unit.

Consultation responses to the proposal.

The majority of the responses to the consultation exercise were against the proposal to introduce a fee for arranging non-residential care services for self-funders. The main issues raised were:

- a. Introducing a fee penalises people who have saved and managed their money carefully.
- b. That the service provided by the Council to self-funders is not sufficient to justify the charge.
- c. That the Council's approach to charging for care is flawed, not accurate and not understandable. Responders were unhappy about paying for care in advance ; being charged on the commissioned service rather than the service which is provided; and that correcting invoice errors takes far too long.
- d. Several responders commented that some users of Extra Care Services do not receive social care services and only receive the Extra Care support service. The responders felt that it would be unfair to be expected to pay the arrangement fee in these circumstances.

16. Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

No

When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.

17. Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you further consulted with those affected on the likely impact and what does this consultation tell you about each of the diverse groups?

A total of 246 questionnaires (33.7%) were completed and returned to the Council. In addition, 8 people attended the public meeting and 10 people phoned through their response. These responses have been amalgamated with the questionnaire responses.

Analysis of the respondents by protected characteristics shows:

Race %	Gender % women % men	Disability	Age Profile	Sexual Orientation %	Religion or Belief %
96% White 2% Asian or Asian British	63% women 37% men	54% disabled	86% over 55 14% under 55	96% heterosexual	85% Christian 12% no religious affiliation 2% Hindu

The consultation responses showed that 60% of people disagreed with the proposal to introduce the arrangement fee and 19% agreed with it.

The issues raised were common amongst those who responded to the consultation and were not restricted to people with specific protected characteristics.

18. Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

No further consultation requirement has been identified.

Section 3

B: Recognised Impact

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		Comments
	Age	<p>The arrangement fee will apply to a higher proportion of older people than younger people because of the age profile of the self-funder cohort; and not as the result of any direct or indirect discrimination.</p> <p>The Equality Act does not provide specific economic protections, so this will only be a consideration where charges have the effect of discriminating against a protected group. However, the introduction of the charge will have no detrimental impact on the quality or availability of services to the group affected..</p>
	Disability	<p>The arrangement fee is expected to have a greater impact for people with disabilities, again because of the nature of the self-funder cohort and not as the result of discrimination.</p> <p>The above comment regarding economic protection is also relevant here.</p> <p>1) Implementation must take account of the difficulties that people without capacity may face. People</p>

		<p>known to us as Community Clients will have their interests protected. The Review Team is available to assist people who ask for more help making the decision and/or the necessary transition arrangements. This includes making a private arrangement with their care provider or the creation of new financial arrangements if they choose to stay.</p>
	Gender Reassignment	No disadvantage identified
	Marriage and Civil Partnership	No disadvantage identified
	Pregnancy and Maternity	No disadvantage identified
	Race	The implementation will have a culturally appropriate approach that takes account of language requirements linked to race.
	Religion or Belief	The implementation approach will also be culturally appropriate with respect for religion or belief.
	Sex	66% of the self-funder cohort are women and 34% are men. This reflects the gender balance of people who use care and support services. The arrangement fee will be applied to a higher proportion of women rather than men because of this and not as a result of any direct or indirect discrimination.
	Sexual Orientation	No disadvantage identified.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	<p>Carers were invited to participate in the consultation in order to understand any possible impacts that the arrangement fee could have for carers who provide informal care to self-funders. 35% of responders identified themselves as carers. Carer responders stated that they liaised with the care provider on a regular basis under the current arrangements and they did not consider that this would change if they stayed with the Council arranged services or made their own arrangements.</p>

	Community Cohesion	No disadvantage identified.
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20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
		Comments
	Part 1: The Convention- Rights and Freedoms	
	Article 2: Right to life	N/A
	Article 3: Right not to be tortured or treated in an inhuman or degrading way	N/A
	Article 4: Right not to be subjected to slavery/ forced labour	N/A
	Article 5: Right to liberty and security	N/A
	Article 6: Right to a fair trial	People have the right to make a complaint if they believe that the arrangement fee has been incorrectly or unfairly applied to them. The right to make a complaint and the process to follow will be explained during the financial assessment.
	Article 7: No punishment without law	N/A
	Article 8: Right to respect for private and family life	The arrangement fee will apply to people receiving care and support who live at home rather than in a care home. The charge has been set at a level that is judged to be affordable and is similar to the amount of annual interest that could be expected from savings of £23,250. This helps to protect their income and does not affect their rights under Article 8.
	Article 9: Right to freedom of thought, conscience and religion	N/A
	Article 10: Right to freedom of expression	N/A
Article 11: Right to freedom of	N/A	

	assembly and association	
	Article 12: Right to marry	N/A
	Article 14: Right not to be discriminated against	N/A
	Part 2: The First Protocol	
	Article 1: Protection of property/ peaceful enjoyment	N/A
	Article 2: Right to education	N/A
	Article 3: Right to free elections	N/A
Section 3		
C: Mitigating and Assessing the Impact		
Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.		
21.	If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.	
<p>The introduction of any new charge for users of Adult Social care services can be expected to have a potentially adverse impact for people with protected characteristics. This assessment has identified that older people, people with disabilities and more women than men would be affected by the introduction of the arrangement fee. Articles 6 and 8 of the Human Rights Act are also relevant.</p> <p>The Care Act 2014 gives the Council the power to charge self-funders a fee for arranging their care and support. Only people with savings above the upper capital limit of £23,250 can be charged, which protects people in lower income groups. Faced with reduced funding to meet increasing levels of demand, the Council has decided that it is necessary to introduce the charge. The introduction of the fee for self-funders does impact on people with protected characteristics but this is a result of their economic status rather than their being a member of any protected groups.</p>		
N.B.		
i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to take action to remedy this immediately.		

ii) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

- 22.** Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
 - b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed
 - c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

The Council is aware of the sensitivities of introducing the self-funder charge and has agreed to give further consideration to some of the issues raised during the consultation, particularly relating to the charging policy and procedure. It has also been agreed that the charge will not be applied to people living within an Extra Care service, who are not receiving any social care services commissioned by the Council.

Section 3

D: Making a decision

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

The Council has considered the results of the consultation and its budget position and is intending to introduce the arrangement fee for self-funders from 4th April 2016.

Self-funders will be given time to consider what's best for them and will have a choice to either:

- a. **Use Council arranged care services and pay an arrangement fee OR**
- b. **Make their own care arrangements and not pay the fee**

Self-funders have capital and assets over the £23,250 upper capital limit and, therefore, have the resources to pay the arrangement fee.

The proposed policy meets the Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

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Section 3
E: Monitoring, evaluation & review of your policy

24.	<p>Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?</p> <p>The EHRIA conclusions have informed the Equality Improvement Plan, and appropriate mitigation included as actions. The EIP will be reviewed 6 months after the arrangement fee is implemented.</p>
25.	<p>How will the recommendations of this assessment be built into wider planning and review processes? <i>e.g. policy reviews, annual plans and use of performance management systems</i></p> <p>All EHRIAs inform their relevant service area plans.</p>

**Section 3:
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when
Ensure equity for users of Extra Care Services not in receipt of social care services	Ensure effective operation of the charging system, for those users who should not be charged the arrangement fee	Users are not charged for services that they don't receive	Service Lead for Community Care Finance (CCF)	
Those who can afford to pay the arrangement fee are required to do so	<p>Ensure financial assessments are completed accurately and promptly.</p> <p>Ensure service users are advised of the arrangement fee at an early stage.</p> <p>Ensure service users are aware of their options with regard to the arrangement fee.</p>	Self-funders are equipped to make informed choices.	<p>Service Lead for CCF</p> <p>Head of Service for Domiciliary Care Review</p>	

Equality Objective	Action	Target	Officer Responsible	By when
The way that the Council calculates its charges is seen as fair and transparent	Adults & Communities Department to review the way charges are calculated	Ensure that the charging system are fair and transparent, and seen as such by service users.	Adults & Communities Department Management Team	
Protecting the interests of people without capacity.	Ensure that transitions are smooth, that Community Clients' interests are protected, and that the services of the Review Team are available as required.	Avoidance of any disadvantage to people without capacity or carers/family to look after their interests. Correct discharge of LCC responsibilities in relation to Community Clients.	Service lead CCF Head of Service for Domiciliary Care review	

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair):

Date:



16 December 2015

**CABINET – 12 JANUARY 2016****DRAFT COMMUNITIES AND WELLBEING STRATEGY 2016-20****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of the Report**

- 1 The purpose of this report is seek the Cabinet approval to consult on the draft Communities and Wellbeing Strategy 2016-20, which is attached as Appendix A to this report. The Communities and Wellbeing Service is part of the Council's Adults and Communities Department and includes a range of cultural, educational, and support services.

Recommendations

- 2 It is recommended:
 - a) That the draft Communities and Wellbeing Strategy 2016-20 (attached as Appendix A to this report) be approved for consultation.
 - b) That a further report be submitted to the Cabinet in June 2016 regarding the outcome of the consultation, together with the final Communities and Wellbeing Strategy for approval.

Reasons for Recommendations

- 3 Financial challenges outlined in the County Council's Medium Term Financial Strategy (MTFS) require a clear strategic direction on which to base decisions for any future delivery model for the Communities and Wellbeing Service within the budget envelope available.
- 4 The Director of Adults and Communities requires the Cabinet's permission to undertake a formal consultation exercise on the principles and model for the delivery of services. The draft Communities and Wellbeing Strategy has been developed to fulfil statutory duties, meet efficiency targets, and provide a basis for the planning, commissioning and delivery of services over this four-year period.
- 5 The views of customers and stakeholders are necessary to inform the further development of the Strategy and its subsequent implementation.

Timetable for Decisions (including Scrutiny)

- 6 A report will be presented to the Adults and Communities Overview and Scrutiny Committee on 5 April 2016 as part of the consultation process.

- 7 The consultation outcomes, together with the final Communities and Wellbeing Strategy will be submitted to the Cabinet in June 2016.

Policy Framework and Previous Decisions

- 8 The MTFS 2014/15-2017/18 approved by the County Council on 19 February 2014 included the following service reductions for the Communities and Wellbeing Service:
- (a) Reduction in funding for Community Libraries and a review of other library services;
 - (b) Redevelopment of Snibston Discovery Museum with a new offer focusing on mining and the scheduled ancient monument;
 - (c) Reduction in funding for Community Museums (in Charnwood, Melton, Harborough) and Donington le Heath Manor House;
 - (d) Reduction in infrastructure costs for libraries, museums and heritage.
- 9 On 19 September 2014, following consultation, the Cabinet approved a remodelling of the library service based on the following elements:
- 16 major market town and shopping centre libraries funded by the Council with a 20% reduction in opening hours;
 - A support service enabling local communities to run their local library;
 - An online library service available 24 hours a day, 365 days a year to those with access to the internet;
 - A mobile library service providing a regular library service to most villages without a static library.
- 10 In January 2015, the Cabinet agreed to stop providing services at Snibston which were not related to the proposed new County Council offer.
- 11 On 18 February 2015, the Council approved a further £1 million savings for the Communities and Wellbeing Service to be delivered by 2018/19.

Resources Implications

- 12 Since April 2014 the Communities and Wellbeing Service has implemented changes to deliver £1.0 million of savings from a mixture of efficiencies and service reductions associated with the areas outlined in paragraph 8 above. A further £1.9 million of savings are planned over the course of the current MTFS.
- 13 The Communities and Wellbeing Service's net budget for 2015/16 is £5.7 million. In line with the Council's MTFS this is expected to reduce to approximately £3.9 million per annum from 2018/19. Therefore, given the scale of these savings service delivery will have to change significantly. The Strategy will provide the basis upon which these changes will be delivered. Members will be aware of the ongoing financial challenges that lie ahead and as a result there may be further savings that may need to be achieved.
- 14 Funding for Leicestershire Adult Learning Service (LALS) is principally through the Skills Funding Agency (SFA). It is anticipated that funding from this source will

reduce by circa £350,000 in 2016. A separate strategic piece of work is being undertaken to determine the future strategy for LALS. Although referenced as part of the wider Communities and Wellbeing Strategy, it is recognised that a separate strategic document for LALS will need to be developed.

- 15 The Director of Corporate Resources and the County Solicitor have been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

- 16 As the proposals in this report affect a number of electoral divisions, this report is being circulated to all Members of the Council via the Members' News in Brief.

Officers to Contact

Jon Wilson, Director of Adults and Communities
Adults and Communities Department
Tel: 0116 305 7454
Email: jon.wilson@leics.gov.uk

Franne Wills, Head of Service, Communities and Wellbeing
Adults and Communities Department
Tel: 0116 305 0692
Email: franne.wills@leics.gov.uk

Nigel Thomas, Head of Service, Communities and Wellbeing
Adults and Communities Department
Tel: 0116 305 7379
Email: nigel.thomas@leics.gov.uk

PART B

Background

- 17 The Communities and Wellbeing Service (the Service) is part of the Adults and Communities Department and comprises a range of cultural, educational and support services including:
- Libraries;
 - Museums and Heritage sites:
 - Records Office of Leicestershire, Leicester and Rutland (ROLLR);
 - Care Online;
 - Leicestershire Adult Learning Service (LALS);
 - Creative Leicestershire;
 - Creative Learning Services.
- 18 These services are delivered across a range of venues including 16 market town and shopping centre libraries, the Records Office, Museums in Charnwood (Loughborough), Melton Mowbray and Market Harborough, Bosworth Battlefield and Donington le Heath Manor House.
- 19 LALS delivers an accredited and non-accredited learning offer across over 130 community venues. Because of the funding model for LALS principally being received through the SFA, it is recognised that a separate strategy for this service will need to be established.

Legal and Policy Context

- 20 The provision of cultural, educational and support services are informed by a range of legislation and national standards as detailed below.

Libraries

- 21 National legislation regarding libraries and museums is outlined in the 1964 Public Libraries and Museums Act. The local authority is statutorily obliged to deliver a 'comprehensive and efficient' library service which it determines according to local need and analysis.

Museums

- 22 Under the 1964 Public Libraries and Museums Act, a local authority may "provide and maintain museums and art galleries within its administrative area or elsewhere in England or Wales, and may do all such things as may be necessary or expedient for or in connection with the provision or maintenance thereof". Although there is no statutory requirement to provide a museum, heritage or arts services, as an accredited service the Council is obliged to adhere to the professional standards set out by Arts Council England, through its nationally recognised accreditation scheme.

Adult Education

- 23 The Education Act 1996 confers a power on the local authority to provide adult education. Section 15B of the Act states that the local authority “may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas”. This includes a range of training and leisure provision.

Records Office of Leicestershire, Leicester and Rutland (ROLLR)

- 24 The 1962 Local Government (Records) Act and the 1972 Local Government Act cover provision of an archive service and proper arrangements for records generated by the constituent organisations. The 1958 and 1967 Public Records Acts, the 1978 Parochial Registers and Records Measure, and the 1924 Law of Property (Amendment) Act stipulate which records need to be retained. The Human Rights Act 1998, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 cover the rights of citizens to access the information held.

Strategic and Financial Context

- 25 The services that the Communities and Wellbeing Service provides can be mapped as making a contribution to a range of current local strategies. These include:
- (a) Leicestershire County Council Medium Term Financial Strategy 2015-2019;
 - (b) Leicestershire County Council Strategic Plan 2014-2018 (Leading Leicestershire: Transforming Public Services);
 - (c) Leicestershire Communities Strategy 2014;
 - (d) Better Care Together Five Year Strategic Plan 2014-2019;
 - (e) The Adult Social Care (draft) Strategy ‘Promoting Independence, Supporting Communities’ 2016-2020;
 - (f) Joint Health and Wellbeing Strategy for Leicestershire 2013-16.
- 26 The outcomes of this contribution can be summarised as:
- (a) Contributing to Leicestershire’s cultural environment;
 - (b) Promoting local tourism;
 - (c) Investing in people through supporting employment and skills;
 - (d) Building the resilience and capacity of communities to support themselves and vulnerable individuals and families, reducing demand on public services;
 - (e) Supporting communities groups to take over relevant services and to work alongside the council to design and deliver services;
 - (f) Supporting initiatives to build social capital;
 - (g) Promoting and facilitating access to universal services;
 - (h) Improving access to information and advice.
 - (i) Contributing to the prevention and reduction agendas of public health and social care.
- 27 In addition, there have been a number of strategic reports published nationally which impact on the Libraries, Museums and Learning sector which have been considered

when developing the draft Strategy for the service. A summary of these are attached as Appendix B of this report.

- 28 In February 2015, the Council approved a further £1 million savings target for the Communities and Wellbeing Service. This means that by 2018 the Service's budget will reduce by over 30% from its current level to approximately £3.9 million.
- 29 With this additional challenge it was recognised that in order to deliver the savings target a revised service strategy was needed: one that moved away from the direct provision of services and instead supported communities to manage their delivery and access.
- 30 Therefore, it is necessary to develop a Strategy which considers:
- (a) The volume and type of services that are delivered;
 - (b) The locations from which services can be accessed;
 - (c) Increased efficiency in the use of all available resources and new ways of generating income to support services.

Strategic Approach to Service Delivery

31 The approach detailed in the draft Strategy explains how it is intended that the Service will develop and enable access to leisure, heritage, learning and creative services in the future and contribute to the Council's key strategies relating to children and families, adult social care, health, economic development, digital access, tourism and skills by working in partnership with other organisations and local communities.

32 It is proposed that this will be achieved in the following ways:

- (a) Enabling and Supporting Communities - The Service will focus on supporting communities to design and deliver creative and learning activities. This will build on existing work which is supporting communities to manage their local libraries, independent museums and develop creative industries, which will be resilient and self-sufficient.

This means that the Service will provide support to communities to enable them to become self-sufficient and enable the co-design and co-development of future service provision. It will shift the emphasis of the service to providing less and supporting more.

- (b) Access to Services - There will be support for the provision of a limited range of services and professional expertise with a focus on the promotion and sharing of reading and literacy, access to collections and archives, learning programmes, access to IT and information resources. This may be through direct delivery by the Council, or through partnerships with other organisations.

This means that the network of Service venues will need to be reviewed and possibly reduced and the Service's virtual and digital services will be developed to increase self-service and improve choice of access.

- (c) Supporting Key Strategies in Preventing and Reducing Need - It is recognised that the Service may no longer be in a financial position to provide the current range of targeted services that have become mainstreamed into the service such as Care Online and services to people with Dementia. It will be important in the future to demonstrate evidence of the need for such targeted services, which would then be delivered in partnership with a range of stakeholders. The Service will work with partners to jointly commission targeted projects and identify alternative sources of funding.

This means the Service will work with strategic partners to identify and evidence key commissioning areas and consult with communities about the services offered. It may not be able to continue to solely deliver some targeted services.

Consultation and Engagement

- 33 A consultation will be undertaken to seek views on the content of the Communities and Wellbeing Strategy and to inform the development of plans for the Strategy's implementation.
- 34 The consultation will be for 12 weeks and focus on engaging stakeholders, partners and service users through targeted consultation activity. The consultation will be accessible via the County Council website and open to the general public through an online questionnaire.
- 35 Staff will be engaged through a series of workshops to be conducted during the consultation period.
- 36 The outcomes of the consultation will help to shape the final version of the Communities and Wellbeing Strategy and inform the resulting implementation plans.

Background Papers

Report of the Cabinet to the County Council meeting, 19 February 2014 - Medium Term Financial Strategy 2014/15 to 2017/18 - <http://ow.ly/JmQUZ>

Report to the Cabinet, 5 March 2014 – Consultation on the Future of Snibston Discovery Museum - <http://ow.ly/WdTtL>

Report to Cabinet, 1 April 2014 – Snibston Proposed Future Offer - <http://ow.ly/WdTBo>

Report to the Cabinet, 19 November 2014 – Future Strategy for the Delivery of Library Services - <http://ow.ly/JmQwT>

Other reports to the Cabinet regarding the future delivery of Community Library Services -
 5 March 2014 - <http://ow.ly/JmQOC>
 19 September 2014 - <http://ow.ly/JmQGv>
 16 March 2015 - <http://ow.ly/WdUy6>
 11 May 2015 - <http://ow.ly/WdU1l>
 16 June 2015 - <http://ow.ly/WdU58>
 7 October 2015 - <http://ow.ly/WdU9m>

Report to the Cabinet, 14 January 2014 – Snibston - <http://ow.ly/WdTHH>

Report of the Cabinet to County Council, 18 February 2015 – Medium Term Financial Strategy 2015/16 – 2018/19 - <http://ow.ly/SbldW>

Appendices

Appendix A – (Draft) Communities and Wellbeing Strategy 2016-20

Appendix B - Policy Context Summary for Libraries, Museums, Archives and Learning Sector

Appendix C – EHRIA Questionnaire

Relevant Impact Assessments

Equalities and Human Rights Implications

- 37 The Equality and Human Rights Impact Assessment screening questionnaire is attached as Appendix C. The Equalities and Human Rights impacts of the Strategy and its subsequent implementation will be further informed by the outcomes of the consultation and necessary assessments conducted, which will be reported to the Cabinet alongside consultation findings.
- 38 The screening document identifies the potential needs of a number of protected groups such as young people, older people and people with disabilities and the impact of the Strategy on these groups will need to be considered should the draft Strategy progress further together with any steps that may be required to mitigate any adverse impact.

Providing less: Supporting more

Our vision and strategy for communities
& wellbeing 2016 – 2020



Introduction:



Mr Richard Blunt, County Councillor
Cabinet member for heritage, leisure and arts

Our heritage, libraries and leisure services provide a rich mix of opportunities for individuals, groups and communities to come together to share experiences and learn from each other, using a range of cultural resources for inspiration. This engagement with our culture and heritage services fundamentally enhances people's quality of life.

The County Council recognises the value in enabling children to develop an interest in reading and access educational resources, in bringing older people together to find out more about how to use technology, in enabling local people and visitors to discover the unique history and heritage of Leicestershire and its people, and in helping people feel more confident about lifelong learning in informal and supportive environments. We are encouraging local communities to become more involved in their local libraries and museums, and to shape the community in which they live.

However, our services work in a very competitive and challenging environment, where people are presented with ever wider choices as to how they can spend their leisure time. For example, the internet makes it easy for anyone with the skill and technology to download a book, listen to music or find out information on anything they choose.

All councils now have less money to invest in services and this means that we need to think in different ways about how to deliver or enable access to them.

Currently our services cost £5.7 million per year to operate. However, by 2018 funding will reduce by over 30% to approximately £3.9 million. This will mean that over £1.8 million of savings will need to be found. One thing is clear, we can no longer provide the services in the same way that we have been used to.

This will mean that we will provide less services directly but support communities more in how they can use the collections and resources that we hold to greater effect in their communities.

This is why, at this time, we need to have a new strategy for the service. The strategy will be the foundation upon which we reshape our services and ensure that people are supported in working with us to create new cultural and learning opportunities for the future.

This is our plan for 2016-2020. It sets out how we will:

- Build on work with local libraries in supporting communities to manage and make use of the resources and collections that are held by the council.
- Use our resources to strengthen communities and make them more resilient and self-supporting.
- Work with partners to enhance and improve health and social care, economic development, learning and skills.
- Reshape our learning, heritage and cultural services.
- Manage our finances.

Our vision for communities & wellbeing services in Leicestershire



Jon Wilson
Director, Adults and Communities

The communities and wellbeing service is an important part of Leicestershire's leisure and cultural offer. Our services attract over one million visits which are universal and open to all, and attract 5,000 learners each year to our adult learning services. This includes an important contribution in bringing people to the county to visit its attractions, many of which have a heritage focus and therefore support the local economy.

We bring communities together to share in cultural activities, connect through learning, understand local cultures and heritage, and inspire individuals and groups across the county to achieve their potential.

Our libraries, archives, museums, collections, creative industries and learning resources are part of the glue that binds communities together and contributes to making them stronger. They enable people to find out about themselves and where they have come from, explore different worlds through inspirational writing and to build confidence through learning. Above all, they bring people together to share experience, be it through a book group, an exhibition, an event, or through a learning classroom. Our services are vital in terms of enabling people of all ages to be connected, engaged, stay well and therefore live independently for longer.

Libraries, heritage and learning services have always reflected the wider society in which they exist, being shaped by, and in turn helping to shape their communities. As such, they evolve to reflect the economic, social, technological and cultural changes which take place within the wider environment.

Our services are no different; they are changing as the world around them changes. Our focus in the future will be on supporting communities to support themselves, by enabling them to design and develop their own creative activity using the resources that the county council holds; from its collections of books in community managed libraries to working with a range of partners to protect and preserve our heritage, to direct provision of learning in the community and enabling creative industries to develop and grow.

Working together with communities, local councils, businesses and other partners, we will shape our services to target those most in need, particularly children, families and older people. Our partners will include cultural, health, tourism, social care and learning providers. Most importantly we will seek to strengthen our relationship with local communities so that they play a central role in shaping and providing services in the future.

We inspire individuals and groups across the county to achieve their potential.

Our focus in the future will be on supporting communities to support themselves

Our service plays an important role in enabling communities to develop their skills in accessing an increasingly wide range of online services. We will make it easier for people to use our services online, through promotion of downloadable books and magazines and making more of our collections information available online, so that these resources can be available at a time and place that is convenient to our users. We will work collaboratively with partners to ensure that communities are equipped with the necessary digital skills in order to enable them to engage with a wide range of services online.

We will continue to protect and preserve our local heritage by caring for the resources and collections that provide the core of our services: our archives, museum and heritage collections and our book stock, and make these available in a flexible and responsive manner. We will reshape the professional workforce so that it is best placed to manage these resources and enable local communities to connect with them.

We will continue to recognise and promote the contribution that our services make to the local economy by providing support for skills and learning, and by supporting activities and events that attract tourism to our county.

We will continue to support communities to manage their own venues and services by offering appropriate training and support to the volunteer workforce.

We will continue to support a network of venues that showcase our resources, but we will review the scale of the network and seek to make the most effective use of modern technology to provide best value for money. Where viable, we will seek opportunities to co-locate services with other partners, and possibly reduce the network by closing some venues.

We will ensure that our adult learning provision is aligned so that it contributes effectively to supporting people to develop new skills and find jobs.

We will work in partnership to support the local economy by helping emerging and established creative industries to grow and prosper.

We will ensure that our services provide value for money and manage our finances effectively. This means that we will have to identify new ways of generating income, including charging for some services, alongside being more efficient in the use of our resources within the budget that we have available.

This means that we may have to reduce or cease some of our services in order for us fulfil the ambition of this strategy.

We will continue to support communities to manage their own venues and services by offering appropriate training and support to the volunteer workforce.

OUR MISSION

To build independent and resilient communities across Leicestershire through access to culture and learning

Key design principles

Our future model for services will work to a set of principles which puts the user of services and local communities at the centre of what we do.

These principles are:

The right person/The right community – we will support communities to develop universal services whilst targeting specific services to those who have need or benefit of them.

The right time – services will be available at times and in ways which support their continued usage and patronage. For example through venues being open at key times, 24 hour online service offers, a published mobile library service schedule, events and classes at various days/times during the week.

The right place – services can be accessed at an appropriate and cost effective location. This might be remotely via our online service offer, in our venues, or in our partners' premises, through our mobile vehicles or other local community spaces. We will recognise the different communities we support be they geographical, demographic or spiritual and seek to address the needs of individuals and communities within our service offer.

The right support – people and communities will be provided with the right support to access services and are supported to develop the capacity to deliver services for themselves and others. This support will be provided by the right people with the right skills including volunteers, paid staff, commissioned support (specific and time limited) or via online resources. The support provided will focus on enabling individuals and communities to become more resilient, to enhance economic opportunities and to prevent and reduce health and care need.

The right partners – we will work in partnership with other organisations including district and borough councils, public health, learning partners, community managed libraries, other community organisations, independent heritage services and creative industries, to identify the services that could benefit specific groups and communities and to deliver these in a joined up and cost effective way.



Our Strategic Approach

Our strategic approach is to develop and enable leisure, heritage, learning and creative services through a mix of supporting communities to design and create activity that is relevant to their local area and through access to clearly defined activity.

In addition, we will contribute to the council's key strategies relating to children and families, adult social care, health, economic development, digital access, tourism and skills by working in partnership with other organisations and local communities. We will aim to develop targeted programmes of activity that assist them in achieving their goals and which either are commissioned by them or co-funded.

Enabling and supporting communities

We will transform our service so that it is more clearly focused on supporting communities to support themselves in designing and delivering creative and learning activities. We will do this by building on the work to support communities to manage their local libraries, independent museums and developing creative industries to provide the appropriate venues and locations for communities to come together, share experience, and access resources. In this way we will promote the creation of resilient and self-sufficient communities through creative cultural and heritage activity and shared development of future services.

Access to services

We will continue to support the provision of a range of services and expertise with a focus on the promotion and sharing of reading and literacy, access to collections and archives, learning programmes, access to IT and information resources. By doing this people will be able to access resources to improve the quality of their lives, stimulate creative thought, and make connections with each other and their local community. This will be through:

- The Leicestershire, Leicester and Rutland Record Office;
- Leicestershire Adult Learning Service;
- A library network based around a revised number of county funded libraries, community managed libraries, prison library services, a mobile library service, and an online service;
- A museum/heritage service which would support access to the county council's museum collections through facilities operated by the council, for example Bosworth Battlefield, or in partnership with others, for example Harborough Museum, or through loans to other accredited museums;

- An Educational Resource Service (Creative Learning Services) targeting schools on a subscription basis;
- Creative Leicestershire supporting the creative industries sector;
- A greater defined volunteer offer.

The provision of these services may be through direct delivery by the council or through partnerships with other organisations. Whilst the council is committed to ensuring services are accessible to local communities, the existing network of amenities is still large and not affordable within the available budget. We will need to further review the number of venues from which we operate our services and seek to reshape, relocate, share or close some venues.

Supporting key strategies in preventing and reducing need

We will continue to work with our partners to develop a programme of services and opportunities for specific groups and communities who may be at risk and need higher levels of support both now and in the future. This will focus on supporting individuals and communities to improve their health and wellbeing, achieve their aspirations and become more resilient and in this way prevent and reduce the need to access other key services in the future.

These targeted services may be time limited and the groups targeted and/or the opportunities and services offered may change over time. They will also be linked to specific national or local strategies or agendas and will identify the outcomes they are expected to achieve.

Working in this way may enable bids to be made for alternative funding, partner funding contributions to be sought, individuals to be asked to contribute toward the costs of services or for resources to be combined with other organisations. Without this additional necessary funding it will not be possible to provide these services and we may have to take decisions as to whether some of our existing service provision can continue.

How we plan to achieve our vision

Enabling and supporting communities

How it works now:

- Local communities have support for creative industries and independent museums
- Work is underway to enable local communities to manage their local library
- Communities are used to direct service provision

In four years' time:

- Communities will be empowered to design and create their own cultural activity
- Communities will play a partnership role in developing cultural, creative and information services and activity with the council: co-designed, co-delivered

We will:

- Reshape the service to improve support to communities in order for them to support themselves
- Enable future services to be co-designed and co-developed with local communities and stakeholders



“For our community to take it over is a magnificent opportunity to make the library Barrow’s hub.”

Access to services

How it works now:

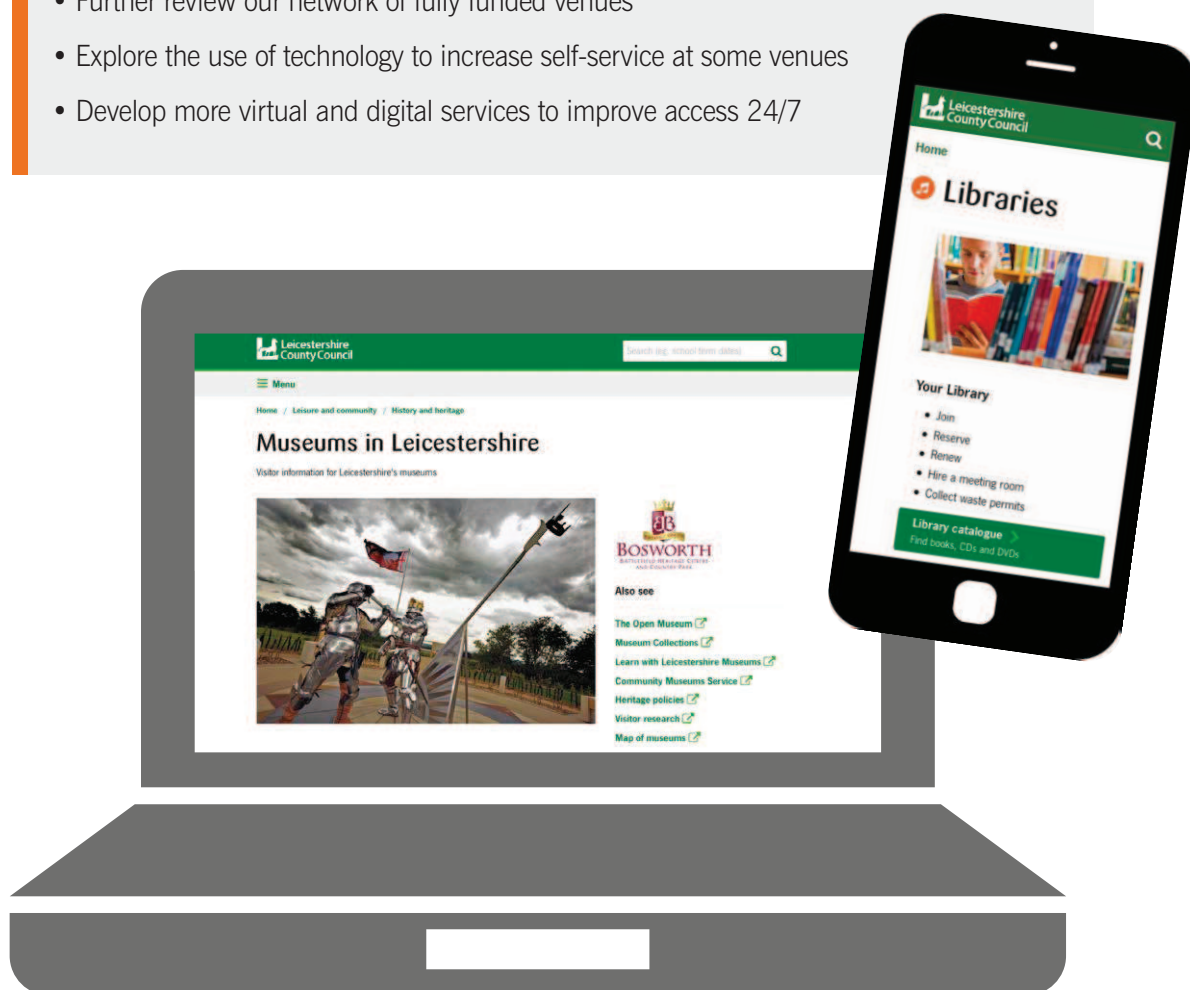
- We have a large network of venues
- People rely on services to be provided for them
- Most services are provided physically and are reliant on staff to maintain opening hours

In four years' time:

- Technology will be used more flexibly to improve access
- More services will be available digitally and online, and people will be helped to access them
- Local communities will manage, sustain and control smaller venues

We will:

- Further review our network of fully funded venues
- Explore the use of technology to increase self-service at some venues
- Develop more virtual and digital services to improve access 24/7



Supporting key strategies in preventing and reducing need

How it works now:

- We provide a wide range of activities without always providing clear evidence of their value
- The service fully funds the majority of activities
- The service responds to most requests for activity/support
- Activities become part of business as usual

In four years' time:

- Services will be targeted at specific groups and communities
- The council will co-commission time limited services depending on evidenced need
- Communities will be supported in deciding what services are offered
- The outcomes of the services will be reviewed to ensure that they contribute to wider strategic aims and objectives.

We will:

- Work with strategic partners to identify/evidence key commissioning areas
- Consult with communities about the service offer.
- Review and reduce our current targeted service provision that is currently funded solely by the council.



Key activities to deliver the model

We will need to take various actions to help us deliver what we have set out

Workforce development

We will develop our staff to ensure that people have the right skills and knowledge. This could include information provision, experience of working with targeted groups or community outreach work. The service may employ staff directly or commission the right professional support to deliver a specific piece of work for a certain period of time.

We will also continue to support and develop our current volunteers and identify new volunteering opportunities within the service.

Details of how we will do this will be included in our Workforce Development Plan.

New ways of working

To support our staff to deliver services and to make sure people can get the most out of the services available to them we will need to develop new ways of working. This will include increasing the use of technology and developing more online services alongside “traditional” ways of delivering services.

We will also need to develop new practices and new procedures to support these services. These will be simple, transparent, consistently used and easy for staff and users to understand.

Consultation & engagement

We will engage with users of our services and the wider community to understand what is important to them, what types of services or activities they would like to see and which services are successful in meeting people's needs.

This feedback, together with other relevant information, will be used to help us to develop services, manage our performance and make decisions.

Partnership working

We will work in partnership with a range of other organisations including local communities to co-ordinate our work, to minimise duplication and make the most of our available resources.

Financial systems

We will maintain robust financial systems to make clear who is accountable, to ensure services deliver value for money and that all available sources of income are maximised.

Detailed action plan

We will develop a detailed action plan for the service which will be regularly reviewed, updated and used to identify our next steps.

Monitoring our performance

Our progress will continue to be monitored and reviewed regularly. We will also be required to report to the Council's Scrutiny Committee and Cabinet when key decisions need to be made.

In addition, some services are subject to external inspection or accreditation. For example Leicestershire's Adult Learning Service has recently been assessed as "good" by Ofsted, who are responsible for inspecting and regulating services providing education and skills for learners of all ages.

Community & Wellbeing Venues

Libraries

- Ashby de la Zouch Library, North Street, Ashby de la Zouch, Leicestershire, LE65 1HU
- Birstall Library, Wanlip Lane, Birstall, Leicester, LE4 4JU
- Blaby Library, Lutterworth Road, Blaby, Leicestershire, LE8 4DW
- Broughton Astley Library, Main Street, Broughton Astley, Leicestershire, LE9 6RD
- Coalville Library, High Street, Coalville, Leicestershire, LE67 3EA
- Earl Shilton Library, Wood Street, Earl Shilton, Leicestershire, LE9 7NE
- Glenfield Library, Sandown Court, Glenfield, Leicester, LE3 8BT
- Hinckley Library, Lancaster Road, Hinckley, Leicestershire, LE10 0AT
- Loughborough Library, Granby Street, Loughborough, Leicestershire, LE11 3DZ
- Lutterworth Library, George Street, Lutterworth, Leicestershire, LE17 4ED
- Market Harborough Library, Leicestershire County Council, The Symington Building, Adam and Eve Street, Market Harborough LE16 7LT
- Melton Mowbray Library, Wilton Road, Melton Mowbray, Leicestershire, LE13 0UJ
- Oadby Library, 10 The Parade, Oadby, Leicester, LE2 5BF
- Shepshed Library, Hall Croft, Shepshed, Leicestershire, LE12 9AN
- Syston Library, Upper Church Street, Syston, Leicestershire, LE7 1HR
- Wigston Library & Learning Centre, Bull Head Street, Wigston, Leicestershire, LE18 1PA

Community Libraries

Work is currently taking place to enable local community organisations to run libraries at the following locations:

- Anstey Library, Paper Mill Close, Anstey, Leicester, LE7 7AU
- Barrow Upon Soar Library, North Street, Barrow Upon Soar, Leicestershire, LE12 8PZ
- Barwell Library, George Ward Centre, Church Lane, Barwell, Leicestershire, LE9 8DG
- Braunstone Town Library, Braunstone Civic Centre, Kingsway, Braunstone Town, Leicester, LE3 2PP
- Bottesford Library, Old Primary School, Grantham Road, Bottesford, Nottingham, NG13 0DF
- Burbage Library, Church Street, Burbage, Hinckley, Leicestershire, LE10 2DA
- Castle Donington Library, Delven Lane, Castle Donington, Derbyshire DE74 2LJ
- Cosby Library, Park Road, Cosby, Leicestershire, LE9 1RN
- Countesthorpe Library, Station Road, Countesthorpe, Leicestershire, LE8 5TB
- Desford Library, Main Street, Desford, Leicestershire, LE9 9JP

- East Goscote Library, 20 Ling Dale, East Goscote, Leicestershire, LE7 3XW
- Enderby Library, Townsend Road, Enderby, Leicestershire, LE19 4PG
- Fleckney Library, School Street, Fleckney, Leicestershire, LE8 8AS
- Glenhills Library, Glen Parva Parish Hall, Dorothy Avenue, Leicester, LE2 9JD
- Great Glen Library, Ruperts Way, Great Glen, Leicestershire, LE8 9GR
- Groby Library, Leicester Road, Groby, Leicestershire, LE6 0DQ
- Hathern Library, Greenhill, Hathern, Loughborough, Leicestershire, LE12 5LF
- Ibstock Library, Community College, Central Avenue, Ibstock, Leicestershire, LE67 6NE
- Kegworth Library, High Street, Kegworth, Derbyshire, DE74 2DA
- Kibworth Library, Paget Street, Kibworth, Leicestershire, LE8 0HW
- Kirby Muxloe Library, Station Road, Kirby Muxloe, Leicestershire, LE9 2EN
- Leicester Forest East Library, 76 Rushmere Walk, Leicester, LE3 3PD
- Market Bosworth Library, Station Road, Market Bosworth, Nuneaton, Warwickshire, CV13 ONP
- Markfield Library, Oakfield Avenue, Markfield, Leicestershire, LE67 9WG
- Measham Library, Thorpe Road, Measham, DE12 7HR.
- Mountsorrel Library, Church House, The Green, Mountsorrel, Leicestershire, LE12 7AF
- Narborough Library, Station Road, Narborough, Leicestershire, LE19 2HR
- Newbold Verdon Library, Sparkenhoe, Main Street, Newbold Verdon, Leicestershire, LE9 9NP
- Quorn Library, Rawlins Academy, Loughborough Road, Quorn, Leicestershire, LE12 8DY
- Ratby Library, Main Street, Ratby, Leicestershire, LE6 0LN
- Rothley Library, Mountsorrel Lane, Rothley, Leicestershire, LE7 7PS
- Sapcote Library, Church Street, Sapcote, Leicestershire, LE9 4FG
- Sileby Library, Cossington Road, Sileby, Loughborough, Leicestershire, LE12 7RS
- Stoney Stanton Library, St Michaels Court, Stoney Stanton, Leicestershire, LE9 4TH
- South Wigston Library, Bassett Street, South Wigston, Leicester, LE18 4PE
- Thurmaston Library, Church Hill Road, Thurmaston, Leicestershire, LE4 8DE

Museums & Heritage Sites

- Bosworth Battlefield, Heritage Site and Country Park, Sutton Cheney, Nuneaton, Warwickshire, CV13 0AD
- Century Theatre, Ashby Road, Coalville, Leicestershire, LE67 3LN
- Charnwood Museum, Granby Street, Loughborough, Leicestershire, LE11 3DU
- Donington le Heath Manor House, Manor Road, Coalville, Leicestershire, LE67 2FW
- Harborough Museum, Leicestershire County Council, The Symington Building, Adam and Eve Street, Market Harborough LE16 7LT
- Melton Carnegie Museum, Thorpe End, Melton Mowbray, Leicestershire, LE13 1RB

Records Office

- Records Office of Leicestershire, Leicester and Rutland, Long Street, Wigston Magna, Leicestershire, LE18 2AH

**NATIONAL POLICY CONTEXT SUMMARY FOR LIBRARIES, MUSEUMS,
ARCHIVES AND LEARNING SECTOR**

The following nationally published strategic reports published nationally and have been considered when developing the draft strategy for the service.

[Arts Council England \(ACE\): Great Art and Culture for Everyone, Culture Knowledge and Understanding: Great Museums and Libraries for Everyone, Envisioning Libraries of the Future & Community Libraries: Learning from Experience](#)

- The ACE reports make recommendations on the role and future development of public libraries and museums in their role as the governing body of the sector.

[Sieghart Review of Public Libraries:](#)

- This independent review of public libraries references their continued importance as community hubs and acknowledges that more libraries in the future may be community managed but with some element of professional support. A national task and finish group has been set up to progress a range of actions.

[Read on Get On](#)

- A literacy campaign led by Save the Children which aims to ensure that all children are reading well at the age of 11 by 2025. Research commissioned by Save the Children highlights the impact of low literacy levels on later life chances including health, and economic status.

[Society of Chief Librarians \(SCL\)](#)

- The SCL represents the local heads of local authority library services. They have developed and advocated 5 key national offers for the modern library service and articulate the library role around Reading, Information, Digital, Health and Learning. These offers have been informed by customer research, and tested with stakeholders in partnership with ACE and the Reading Agency (a national charity promoting the value of reading).

[Skills Funding Agency](#)

- A variety of reports from BiS and the SFA indicate that the future direction of provision will prioritise apprenticeships, traineeships and community based learning that is co-produced with localities. This includes the provision of basic English, Maths and Functional skills.

Five Ways to Wellbeing:

- These are a set of evidence-based actions which promote people's wellbeing. They are: Connect, Be Active, Take Notice, Keep Learning and Give. The Communities and Wellbeing service is a significant asset in delivering 4 of these actions.

Creative Industries Strategy:

- This strategy from the Creative Industries Council sets out the opportunities and challenges for the sector, our vision for the creative industries by 2020 and how we will achieve it, with recommendations for both industry and government. The CIC identified five priority areas for focus in this strategy: access to finance; education and skills; infrastructure; intellectual property; international (exports and inward investment).

ACE Museum Accreditation Scheme

- This scheme recognises achievement of minimum standards in governance, collections development and access, learning and visitor services in museums and is an eligibility criterion for external funding.

APPENDIX C

Equality & Human Rights Impact Assessment (EHRIA)

This Equality and Human Rights Impact Assessment (EHRIA) will enable you to assess the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service** for equality and human rights implications.

Undertaking this assessment will help you to identify whether or not this policy/ practice/ procedure/ function/ service** may have an adverse impact on a particular community or group of people. It will ultimately ensure that as an Authority we do not discriminate and we are able to promote equality, diversity and human rights.

Before completing this form please refer to the EHRIA [guidance](#), for further information about undertaking and completing the assessment. For further advice and guidance, please contact your [Departmental Equalities Group](#) or equality@leics.gov.uk

***Please note: The term 'policy' will be used throughout this assessment as shorthand for policy, practice, procedure, function or service.*

Key Details	
Name of policy being assessed:	Communities & Wellbeing Strategy 2016-20
Department and section:	Adults & Communities Communities & Wellbeing Service
Name of lead officer/ job title and others completing this assessment:	Linsey Vincent Project Manager Transformation Unit
Contact telephone numbers:	0116 2565155
Name of officer/s responsible for implementing this policy:	Nigel Thomas (Head of Service) Franne Wills (Head of Service)
Date EHRIA assessment started:	26 th October 2015
Date EHRIA assessment completed:	

Section 1: Defining the policy

Section 1: Defining the policy

You should begin this assessment by defining and outlining the scope of this policy. You should consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights, as outlined in Leicestershire County Council's Equality Strategy.

1	<p>What is new or changed in this policy? <i>What has changed and why?</i></p> <p>The continuing financial challenges that Leicestershire County Council face mean that in order to deliver services within the financial envelope available, the Communities and Wellbeing Service need to develop a strategy that will provide a framework in which to deliver its services with the allocated resources determined by the County's Medium Term Financial Strategy (MTFS)</p> <p>The (new) C&W Strategy details the approach Leicestershire's Adults & Communities Department's Community & Wellbeing service will take to the delivery of its range of cultural, educational and support services from 2016. The services affected include:</p> <ul style="list-style-type: none"> • Libraries • Museums and Heritage Sites • Records and Archives • Adult Education • Care Online <p>The strategy identifies three strands of activity within its service offer:</p> <ul style="list-style-type: none"> • Enabling and supporting communities; • Enabling access to services • Supporting key strategies in reducing and preventing need.
2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>The strategy that has been developed is consistent with the council's (draft) strategy for adult social care (The Adult Social Care Strategy – "Promoting Independence, Supporting Communities") which focuses on promoting independence and reducing demand for services by building social capital and access to universal services. This strategy identifies four ways of managing need, the C&W strategy focuses on two of these:</p> <ul style="list-style-type: none"> • Preventing Need • Delaying Need <p>The strategy will also contribute to outcomes of other current local strategies including:</p> <ul style="list-style-type: none"> • Leicestershire County Council's Community Strategy • Better Care Together • The Joint Health and Wellbeing Strategy for Leicestershire

	<p>The strategy takes into account legal and statutory requirements as well as the objectives of other local strategies and recognised best practice:</p> <ul style="list-style-type: none"> • There is a statutory duty to deliver a “comprehensive and efficient” “library service which it determines according to local need and analysis”. • There is a power conferred on the local authority to enable Adult Education • There is a statutory duty to make provision to retain and make accessible the public record. • There are legal requirements regarding the access to and care of accessioned museum collections. 																		
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>Due to the universal nature of (some) of the services available via the C&W Service all Leicestershire residents will be affected by the changes following the implementation of the strategy. In addition, the particular protected groups or communities who are able to access the targeted service offer could include:</p> <ul style="list-style-type: none"> • Children and young people • People with learning disabilities • Older People • People with dementia • People with mental ill health • Prisoners and those in Young Offenders Institutions 																		
4	<p>Will this policy meet the Equality Act 2010 requirements to have due regard to the need to meet any of the following aspects? (Please tick and explain how)</p> <table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>How?</th> </tr> </thead> <tbody> <tr> <td>Eliminate unlawful discrimination, harassment and victimisation</td> <td></td> <td>X</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between different groups</td> <td>X</td> <td></td> <td>The C&W service will enable access to range of services including libraries, museums and heritage sites, records and archives and Adult Education to all Leicestershire residents as part of its universal service offer. This will then be enhanced by a targeted service offer(s) linked to specific strategies to reduce/prevent need amongst particular groups. Without these targeted service offer(s) these groups may not otherwise be able to access these services.</td> </tr> <tr> <td>Foster good relations between different groups</td> <td>X</td> <td></td> <td>The C&W universal service offer will be available to all Leicestershire residents thereby attracting people from different communities and groups to the opportunities offered by the service.</td> </tr> </tbody> </table>				Yes	No	How?	Eliminate unlawful discrimination, harassment and victimisation		X		Advance equality of opportunity between different groups	X		The C&W service will enable access to range of services including libraries, museums and heritage sites, records and archives and Adult Education to all Leicestershire residents as part of its universal service offer. This will then be enhanced by a targeted service offer(s) linked to specific strategies to reduce/prevent need amongst particular groups. Without these targeted service offer(s) these groups may not otherwise be able to access these services.	Foster good relations between different groups	X		The C&W universal service offer will be available to all Leicestershire residents thereby attracting people from different communities and groups to the opportunities offered by the service.
	Yes	No	How?																
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Section 2: Equality and Human Rights Impact Assessment (EHRIA) Screening

Section 2: Equality and Human Rights Impact Assessment Screening

The purpose of this section of the assessment is to help you decide if a full EHRIA is required.

If you have already identified that a full EHRIA is needed for this policy/ practice/ procedure/ function/ service, either via service planning processes or other means, then please go straight to [Section 3](#) on Page 7 of this document.

Section 2

A: Research and Consultation

		Yes	No*
5.	Have the target groups been consulted about the following?		X
	a) their current needs and aspirations and what is important to them;		X
	b) any potential impact of this change on them (positive and negative, intended and unintended);		X
	c) potential barriers they may face		X
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		X
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		X
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		
	<p>A report regarding the (draft) strategy will be taken to Cabinet in January 2016 requesting permission to commence a three month period of consultation/engagement with a range of stakeholders including:</p> <ul style="list-style-type: none"> • Leicestershire residents • C&W Staff • Partner organisations (Health, Districts & Boroughs, other LCC departments, etc.) • Target groups (e.g. children and young people) • Other service providers (e.g. community managed libraries, community museums, etc.) <p>The outcomes of this consultation will then be reported back to Cabinet in Summer 2016 and will inform the final version of the strategy that is published</p>		

and its subsequent implementation.

Section 2
B: Monitoring Impact

9.	Are there systems set up to:	Yes	No
	a) monitor impact (positive and negative, intended and unintended) for different groups;		X
	b) enable open feedback and suggestions from different communities		X

Note: If no to Question 8, you will need to ensure that monitoring systems are established to check for impact on the protected characteristics.

- a) A full EHRIA report will be completed following consultation, taking account of impacts identified in feedback along with data from other sources within the services. An Equalities Improvement Plan will be produced as part of this exercise, identifying actions required to address any discrimination and reviewing their outcomes and effectiveness at an appropriate later date.
- b) All users of C&W services and other stakeholders are able to submit complaints, commendations and comments either via the council's generic process or directly to the service. This is a method by which users can notify the council of impacts.

Section 2
C: Potential Impact

10.	Use the table below to specify if any individuals or community groups who identify with any of the ' protected characteristics ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age	X		Analysis of library user data and responses to recent consultation regarding library services indicate that 33% of all library users (static and mobile libraries) are aged 0-17. In comparison 15% of all library users are aged 65 plus. However, this figures increases to 30% for mobile libraries only. Therefore, consultation/engagement regarding the draft strategy should include some focused activity with these groups. As part of the work to support

			<p>key strategies targeted service offers, programmes of services, activities and opportunities for specific age groups are likely to be developed and provided.</p> <p>Attention should be paid across all areas of the service to issues of physical access, and formatting of information and other materials.</p>
	Disability		<p>X</p> <p>All disability-related issues (physical disability, sensory impairment, learning disability and mental health conditions) must be taken account of in the planning and provision of both the universal and targeted service offers.</p> <p>As part of the work to support key strategies programmes of services, activities and opportunities for people with a specific disabilities, impairments or health conditions may be developed and provided.</p> <p>Attention should be paid across all areas of the service to issues of physical access, and formatting of information and other materials.</p>
	Gender Reassignment		<p>X</p> <p>No disadvantage identified</p>
	Marriage and Civil Partnership		<p>X</p> <p>No disadvantage identified</p>
	Pregnancy and Maternity	X	<p>C&W services provide a useful information point for women in pregnancy and during maternity. Although this type of information may be provided elsewhere e.g. GP surgeries, pregnancy/maternity services.</p> <p>As part of the work to support key strategies programmes of services, activities and opportunities for women and their partners during</p>

				pregnancy/maternity may be developed and provided.
	Race	X		<p>The C&W Service is committed to providing culturally and racially appropriate services across its entirety.</p> <p>As part of the work to support key strategies programmes of services, activities and opportunities for those of particular race(s) may be developed and provided.</p>
	Religion or Belief		X	<p>The C&W Service is committed to providing services across its entirety appropriate to those of all religions and beliefs.</p> <p>As part of the work to support key strategies programmes of services, activities and opportunities for those following a particular religion or belief may be developed and provided.</p>
	Sex		X	<p>Analysis of library user data shows that 59% of all library users (static and mobile libraries) are female and 41% are male.</p> <p>In comparison 77% of respondents to a recent consultation regarding the mobile library service were female. Therefore, it may be useful for the consultation/engagement regarding the draft strategy to include some focused activity to maximise responses from male stakeholders/service users.</p>
	Sexual Orientation		X	<p>The C&W Service is committed to providing services across its entirety appropriate to those of all sexual orientations.</p> <p>As part of the work to support key strategies programmes of services, activities and opportunities for those of a</p>

				particular sexual orientation may be developed and provided.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		X	As part of the work to support key strategies programmes of services, activities and opportunities for those of other groups may be developed and provided. Potentially these could include those at risk of rural isolation, deprived or disadvantaged communities, those with particular health conditions and carers.
	Community Cohesion	X		C&W service provide opportunities for individuals, groups and communities to come together to share experiences and learn from each other. These types of cultural activities enable people to find out about themselves and where they have come from as well as leading to greater understanding of other groups and communities. Thereby enhancing people's quality of life by developing their sense of belonging and by bringing communities together and making them stronger.
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>			
		Yes	No	Comments
	Part 1: The Convention- Rights and Freedoms			
	Article 2: Right to life		X	

	Article 3: Right not to be tortured or treated in an inhuman or degrading way		X	
	Article 4: Right not to be subjected to slavery/ forced labour		X	
	Article 5: Right to liberty and security		X	
	Article 6: Right to a fair trial		X	
	Article 7: No punishment without law		X	
	Article 8: Right to respect for private and family life	X		C&W services are an important source of information, knowledge and opportunities to assist some people (e.g. in low income households) to enjoy a similar quality of home life to more wealthy neighbours.
	Article 9: Right to freedom of thought, conscience and religion	X		C&W services are an important source of Impartial information which may be difficult to obtain elsewhere, e.g. concerning legal rights for minority cultures and religions.
	Article 10: Right to freedom of expression		X	
	Article 11: Right to freedom of assembly and association		X	
	Article 12: Right to marry		X	
	Article 14: Right not to be discriminated against		X	
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment		X	
	Article 2: Right to education		X	
	Article 3: Right to free elections		X	
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that:		Yes	No
	a) this policy could have a different affect or adverse impact on any section of the community;		X	
				Unknown

	b) any section of the community may face barriers in benefiting from the proposal	X		
13.	Based on the answers to the questions above, what is the likely impact of this policy			
	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input checked="" type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

Section 2: Completion of EHRIA Screening

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is required for further investigation of the impacts of this policy.

Option 1: If you identified that an EHRIA Report is required, continue to [Section 3](#) on Page 7 of this document to complete.

Option 2: If there are no equality, diversity or human rights impacts identified and an EHRIA report is not required, continue to [Section 4](#) on Page 14 of this document to complete.

Section 3: Equality and Human Rights Impact Assessment (EHRIA) Report

Section 3: Equality and Human Rights Impact Assessment Report

This part of the assessment will help you to think thoroughly about the impact of this policy and to critically examine whether it is likely to have a positive or negative impact on different groups within our diverse community. It is also to identify any barriers that may detrimentally affect under-represented communities or groups, who may be disadvantaged by the way in which we carry out our business.

Using the information gathered either within the EHRIA Screening or independently of this process, this EHRIA Report should be used to consider the impact or likely impact of the policy in relation to all areas of equality, diversity and human rights as outlined in Leicestershire County Council's Equality Strategy.

Section 3

A: Research and Consultation

When considering the target groups it is important to think about whether new data needs to be collected or whether there is any existing research that can be utilised.

- 15.** Based on the gaps identified either in the EHRIA Screening or independently of this process, how have you now explored the following and what does this information/data tell you about each of the diverse groups?
- a) current needs and aspirations and what is important to individuals and community groups (including human rights);
 - b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);
 - c) likely barriers that individuals and community groups may face (including human rights)

16.	Is any further research, data collection or evidence required to fill any gaps in your understanding of the potential or known affects of the policy on target groups?
When considering who is affected by this proposed policy, it is important to think about consulting with and involving a range of service users, staff or other stakeholders who may be affected as part of the proposal.	
17.	Based on the gaps identified either in the EHRIA Screening or independently of this process, <u>how</u> have you further consulted with those affected on the likely impact and <u>what</u> does this consultation tell you about each of the diverse groups?
18.	Is any further consultation required to fill any gaps in your understanding of the potential or known effects of the policy on target groups?

Section 3**B: Recognised Impact**

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.
	Comments
	Age
	Disability
	Gender Reassignment
	Marriage and Civil Partnership
	Pregnancy and Maternity
	Race
	Religion or Belief
	Sex
	Sexual Orientation
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities
	Community Cohesion

20.	Based on any evidence and findings, use the table below to specify if any particular Articles in the Human Rights Act are <u>likely</u> apply to your policy. Are the human rights of any individuals or community groups affected by this proposal? Is there an impact on human rights for any of the protected characteristics?	
	Comments	
Part 1: The Convention- Rights and Freedoms		
Article 2: Right to life		
Article 3: Right not to be tortured or treated in an inhuman or degrading way		
Article 4: Right not to be subjected to slavery/ forced labour		
Article 5: Right to liberty and security		
Article 6: Right to a fair trial		
Article 7: No punishment without law		
Article 8: Right to respect for private and family life		
Article 9: Right to freedom of thought, conscience and religion		
Article 10: Right to freedom of expression		
Article 11: Right to freedom of assembly and association		
Article 12: Right to marry		
Article 14: Right not to be discriminated against		
Part 2: The First Protocol		
Article 1: Protection of property/ peaceful enjoyment		
Article 2: Right to education		
Article 3: Right to free elections		

Section 3**C: Mitigating and Assessing the Impact**

Taking into account the research, data, consultation and information you have reviewed and/or carried out as part of this EHRIA, it is now essential to assess the impact of the policy.

- 21.** If you consider there to be actual or potential adverse impact or discrimination, please outline this below. State whether it is justifiable or legitimate and give reasons.

N.B.

i) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.

ii) If you have identified adverse impact or discrimination that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

- 22.** Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.
- a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination
 - b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed
 - c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why

Section 3**D: Making a decision**

- 23.** Summarise your findings and give an overview as to whether the policy will meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights.

Section 3**E: Monitoring, evaluation & review of your policy**

- 24.** Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?
- 25.** How will the recommendations of this assessment be built into wider planning and review processes?
e.g. policy reviews, annual plans and use of performance management systems

**Section 3:
F: Equality and human rights improvement plan**

Please list all the equality objectives, actions and targets that result from the Equality and Human Rights Impact Assessment (EHRIA) (continue on separate sheets as necessary). These now need to be included in the relevant service plan for mainstreaming and performance management purposes.

Equality Objective	Action	Target	Officer Responsible	By when

Section 4: Sign off and scrutiny

Upon completion, the Lead Officer completing this assessment is required to sign the document in the section below.

It is required that this Equality and Human Rights Impact Assessment (EHRIA) is scrutinised by your [Departmental Equalities Group](#) and signed off by the Chair of the Group.

Once scrutiny and sign off has taken place, a depersonalised version of this EHRIA should be published on Leicestershire County Council's website. Please send a copy of this form to louisa.jordan@leics.gov.uk, Members Secretariat, in the Chief Executive's department for publishing.

Section 4

A: Sign Off and Scrutiny

Confirm, as appropriate, which elements of the EHRIA have been completed and are required for sign off and scrutiny.

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair):

Date:



CABINET - 12 JANUARY 2016

**ENERGY SUPPLY SERVICE FOR LEICESTER AND
LEICESTERSHIRE**

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

PART A

Purpose of the Report

1. The purpose of this report is to seek approval to set up a “white label” energy supply service to provide cheaper energy to the residents of the City and County. The energy supply service will be a partnership between Leicestershire County Council and Leicester City Council.
2. A “white label” offering is where a company or organisation, in this case a County and City Council partnership, works with a licensed supplier to sell energy under its brand name, for example a ‘Leicester and Leicestershire Energy Company’. More detail is given in Part B of this report.

Recommendation

3. It is recommended that the Director of Corporate Resources, following consultation with the Lead Member for Resources, be authorised to:
 - (a) Set up a partnership agreement with Leicester City Council in respect of the energy supply service;
 - (b) To accept delegation from Leicester City Council to carry out procurement on behalf of both councils in order to find a licensed supplier and;
 - (c) Award the contract to the preferred supplier following the conclusion of the procurement exercise.

Reason for Recommendation

4. Fuel poverty is an issue that affects a large number of County and City residents and setting up an energy supply service will help alleviate this by enabling residents to obtain cheaper gas and electricity.

Timetable for Decisions (including Scrutiny)

5. Procurement specifications are in the process of being drafted and it is intended that, subject to the approval of the recommendations, an invitation to tender will

be issued in late January 2016. The tender process is expected to take 4-6 weeks (including evaluation and award).

Policy Framework and Previous Decisions

6. The project will help support the County Council's objectives, particularly in relation to reducing health inequalities and increasing life expectancy. This will be achieved by reducing fuel poverty particularly for vulnerable customers.

Resource Implications

7. Any incremental costs incurred on this project should be minimal as most of the resources expended will relate to staff time and marketing through existing channels (Leicestershire Matters and the Council's website for example).
8. Each customer acquired by the 'white label' supply partner has a value to them, and it is expected that the partnership will be eligible to receive a payment for every new customer. Part of these payments will be retained in order to pay for marketing costs and to assist in financing future energy efficiency projects, and part (expected to be half) will be used to discount the price that the customer pays.
9. There is a financial risk in that if insufficient customers take up the supply the monies received from the supply partner would be insufficient to meet the costs that have been incurred (for marketing, for example) but this is not considered material.
10. The County Solicitor has been consulted on the content of this report.

Circulation under Local Issues Alert Procedure

11. None.

Officers to contact

Chris Tambini - Director of Finance, Corporate Resources Department
tel: 0116 305 6199
email: Chris.Tambini@leics.gov.uk

Ravi Lakhani - Finance Business Partner Team, Corporate Resources Department
tel: 0116 305 7626
email: Ravi.Lakhani@leics.gov.uk

PART B

Background

12. The County Council is seeking to help address the issue of fuel poverty. There are a number of options available to local authorities. Nottingham City Council has established a 'full service' not-for-profit energy supply company, Robin Hood Energy. However this type of arrangement is costly to set up and resource, there are significant regulatory hurdles, and the timescales involved can be lengthy. Other options also face similar obstacles to set up.
13. Having assessed the various options, the preferred option for Leicestershire is a white label offering. This effectively uses the 'brand name' of an entity (for example M&S Energy) but works in partnership with a licensed supplier to sell energy under that brand name. The licensed supplier will provide back office functions such as billing, customer service, debt management, meter reading etc. and will ensure compliance with industry codes. This would involve a minimal amount of upfront investment and could be set up within a short period of time.
14. Supply of energy under a specific Leicestershire and Leicester white label offering will not be restricted to residents and businesses within the County boundary, although it is expected that the vast majority of customers will be from within the County and City.
15. There are a number of other examples of Local Authority white label energy supply offerings across the country including Fairerpower For All (Cheshire East Council), Peterborough Energy (Peterborough City Council) and Southend Energy (Southend on Sea Borough Council). All of these offerings have been successful in attracting new customers, but they have not been running for long enough to fully assess the extent of their success. A joint Leicestershire County and Leicester City offering will be the largest to date.
16. The name of the white label supply company is still to be determined although it is expected that it will incorporate the name of both Councils in the title.
17. There will also be the option for a tariff that is based on the supply of 'green' energy in the tender documentation.
18. One reason why a Local Authority white label offering may be a success is that Councils are generally considered trustworthy; certainly they have a higher level of public trust than the major energy supply companies. By being willing to utilise part of the proceeds available from customer acquisition to subsidise the energy costs, it is expected that the tariffs available will compare favourably to the wider energy market.

Partnership Agreement

19. A joint County and City procurement has a number of advantages including reduced tendering costs and a shared customer base; the size of which will make the contract more attractive to licensed suppliers, which should in turn enable better terms to be negotiated.

20. Although there are more premises in the County than there are in the City, as a Housing Authority the City Council will have Local Authority-owned homes that become vacant. When this happens, they can be transferred onto the County/City scheme and an acquisition fee earned, which will be beneficial for the Partnership and also for the future occupants of the properties. The different nature of the two Authorities means that a 50/50 share of the Partnership is considered appropriate.
21. It is probable that the agreement with the licensed supplier will initially be for an agreed period of around three years, and there will be appropriate provision within the agreement between the councils, in respect to arrangements at the end of that period. Assuming that the venture is successful and that the two Councils share a common vision as to how to progress in the future, there is no reason that the arrangement could not continue for many years.

Timescales

22. A significant amount of research has already been undertaken into the white label energy market, and a tendering period of broadly one month from the initial contract notice to award is considered achievable. This is not expected to affect the quality or the number of licensed suppliers that are likely to be interested in acting as a partner.
23. Industry information suggests that a peak for switches of supplier is in the first half of the year, and generally coincides with the receipt of bills covering the winter period. The short tendering period will ensure that the agreement is in place to take advantage of some of this switching.

Conclusion

24. A joint white label offering with Leicester City Council will enable the County Council to enter the market quickly and with little financial outlay. It will help the residents of Leicester and Leicestershire access affordable energy from a trusted supplier as soon as possible.

Background Papers

25. None.

Equality and Human Rights Implications

26. All residents of Leicester and Leicestershire will be able to access affordable energy.

Risk Assessment

27. The main risk of proceeding with this is reputational should any customers fall into arrears and there be a bill dispute. However this will be mitigated through the procurement specification.

**CABINET – 12 JANUARY 2016****REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES****LEICESTERSHIRE'S POLICY ON ADMISSIONS TO MAINSTREAM SCHOOLS: DETERMINATION OF ADMISSION ARRANGEMENTS****PART A****Purpose of the Report**

1. The purpose of this report is to seek the Cabinet's approval of Leicestershire's School Admission Policy, for entry from September 2017 as detailed in Appendix A to this report, and Leicestershire's oversubscription criteria and the three co-ordinated schemes for the normal round of transfers, set out in Appendix B.
2. It is proposed that no changes are made to the existing School Admission Policy, oversubscription criteria, and three co-ordinated schemes, which were agreed by the Cabinet approved in March 2015.

Recommendations

3. The Cabinet is recommended to:
 - a) Agree that Leicestershire's School Admission Policy for entry September 2017 remains unchanged;
 - b) Agree that Leicestershire's oversubscription criteria and the three co-ordinated schemes for the normal round of transfers remain unchanged.

Reasons for Recommendations

4. The County Council, as an admitting authority, is required to ratify school admissions arrangements, even if there are no changes, by 28 February 2016.
5. No changes to Leicestershire's School Admission Policy are proposed due to the Government's decision to begin a consultation in 2016 on changes to the National School Admissions Codes, the outcome of which will come into effect from entry 2017 and will be likely to affect Leicestershire's local admissions policy.

Timetable for Decisions (including Scrutiny)

6. The policy must be determined by 28 February 2016 and must be made available on the County Council's website no later than 15 March 2016. A summary of the Admissions Policy will appear in the annual publication "Your

Guide” for parents and carers, which is made available early in September of each year.

Policy Framework and Previous Decisions

7. The County Council’s policy in this area is relevant to admissions to community schools, voluntary controlled schools, and those Academies (including Free Schools) that have adopted the Local Authority’s admissions policy. The policy must contain clear and objective criteria for administering parents’ requests for school places and all applications must be treated equally, regardless of whether or not the parents live in Leicestershire. To this end, the County Council must have regard to the Department for Education (DfE) School Admissions Code (released December 2014) and School Admissions Appeals Codes. The County Council also has a duty to ensure sufficient school places for every Leicestershire child whose parents seek one.
8. On 16 March 2015 the Cabinet approved Leicestershire’s Schools Admissions Policy for entry from September 2016, its oversubscription criteria and three co-ordinated schemes for the normal round of transfers.

Resource Implications

9. None arising from this report. The cost of administering the admission arrangements is borne within existing budgets.

Circulation under the Local Issues Alert Procedure

10. None. Members will be advised, via the Members News in Brief service, when the policy is published on the County Council’s website.

Officers to Contact

Lesley Hagger, Director of Children and Family Services
 Tel: 0116 305 6300
 Email: Lesley.Hagger@leics.gov.uk

David Atterbury, Head of Strategy Education Sufficiency, Children and Family Services
 Tel: 0116 305 7729
 Email: David.Atterbury@leics.gov.uk

Gurjit Singh Bahra, Head of School Admissions and Pupil Services, Children and Family Services
 Tel: 0116 305 6324
 Email: Gurjit.Bahra@leics.gov.uk

PART B

Background

11. As explained above, Leicestershire's existing Admissions Policy was agreed by the Cabinet in March 2015 and it is proposed that this remains unchanged as the Government has announced that it will consult shortly on changes to the National School Admissions Codes and this will affect Leicestershire's policy.
12. Early indications from the DfE imply a strong likelihood of the Government consulting on tidying up aspects of the Codes and taking the opportunity to seeking views on:
 - the parental right to delay school entry by a year for summer born children;
 - raising the rank of the 'sibling criterion' in the oversubscription criteria rankings that are used to determine who gets a school place, for all admitting authorities (the priority criteria are set out in Appendix B).
13. No clarity as yet has been offered as to whether the consultation would propose giving the right of delayed entry to all summer born children or only those that meet set conditions i.e. premature birth children, children with significant medical needs etc.
14. Similarly, there is no indication as to whether it will be a mandatory requirement to have the sibling criterion second to children in care. The general reasoning indicated by the DfE to raise the sibling criterion is in response to parental wishes to keep siblings together at the same school.
15. As no date has been given to when the Government's consultation will commence and admission arrangements must be determined by 28 February, the Cabinet is asked to confirm continuation of the current policy."

Background Papers

National School Admissions Codes

<http://ow.ly/Waxbl>

Report to the Cabinet, 16 March 2015 "Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements" and minutes of that meeting.

<http://ow.ly/WaxeO>

<http://ow.ly/Waxji>

Equality and Human Rights Implications

16. An Equality and Human Rights Impact Assessment questionnaire was completed to ensure no child would be disadvantaged based the proposals that had been put forward (this is attached as Appendix C to this report).

Appendices

Appendix A – Admissions Policy

Appendix B – School Admissions Oversubscription Criteria entry September 2017

– The three Co-ordinated Admission Schemes include: First Time Admissions; Infant to Junior transfers; Secondary School Transfers and Mid-Term Transfers During the 2015-16 Academic Year

Appendix C – Equality and Human Rights Impact Assessment

APPENDIX A

**LEICESTERSHIRE COUNTY COUNCIL CHILDREN
AND YOUNG PEOPLE'S SERVICE**

**ADMISSIONS TO MAINSTREAM SCHOOLS
(COMMUNITY & VOLUNTARY CONTROLLED)**

POLICY & PROCEDURES

VERSION: FINAL NOVEMBER 2015

(Affecting mid-term transfers from August 2017 onwards and
Secondary transfers for entry in September 2017)

C O N T E N T S

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- Process for when a school is closed, or when there is a significant change in a school's age-range (e.g. change of a whole curriculum year-group or more) 13.52 20
- Children with split residence 13.53 20
- Children of UK Services personnel and other Crown servants 13.54 20

DRAFT

1. **Principles**

1.1 The following principles should be applied in a manner consistent with Leicestershire's continuing commitment to comprehensive community education and the curriculum statement to the benefit of all pupils/students. These principles do not apply to Academies, Studio Schools, Free Schools or those who are their own admitting authority unless the Academy, Studio School, Free School or own admitting authority have adopted fully the Local Authority's School Admissions Policy.

1.2 The Local Authority's admissions policy should:

- i. Offer clarity regarding legal requirements and statutory guidance.
- ii. Identify different types of provision and associated requirements.
- iii. Seek to encourage partnership and avoid conflict at a local and an authority level.
- iv. Maintain parental rights and ease the process of admission for parents and children.
- v. Aim for one consistent first-time admissions date to mainstream education.
- vi. Ensure that extension of provision is a long-term commitment and not at the expense of other local provision.
- vii. Confirm that funding must not be used for groups of pupils outside the designated age-range:
 - ~ Nursery
 - ~ Infants: 4+ to 6+
 - ~ Primary: 4+ to 9+ or 10+
 - ~ Junior: 7+ to 10+
 - ~ Secondary High: 10+ to 13+, 11+ to 13+
 - ~ Secondary Upper: 14+ to 18+
 - ~ Secondary (all through) 11-16/11-19

1.3 Children's entitlements are as follows:

- ~ entitlement to a place in the catchment area school (dependent on the parent applying at the appropriate time, or on compliance with infant class size regulations);
- ~ entitlement to a place in a preferred school if there is room;
- ~ entitlement to be considered according to the same priority criteria as other children where the preferred school is oversubscribed.

2. **Legal Position & Other Requirements: Summary**

2.1 The Local Authority is the admissions authority for community and voluntary controlled schools. There is a minimum 8-week consultation period each year between 1 November and 1 March. Parents and local groups with an interest in the local area must be consulted. Consultation need only take place every seven years unless arrangements are not the same as in the previous consultation. [The Governors are the admissions authority for Voluntary Aided, Foundation, Free, Studio and Academy Schools and must consult as required and publish their admissions policy.]

2.2 The Local Authority is required to coordinate admissions for all residents in its area. To this purpose it must have an approved scheme for coordination.

- 2.3 Governing Body responsibilities for community and controlled schools consist of being consulted once every seven years, even if there is no change (before publication of admission arrangements) and may request the Local Authority to alter the school's admission number. There is no need for such schools to establish an admissions committee to consider individual admissions decisions; as such, decisions are the responsibility of the Local Authority.
- 2.4 The Local Authority has a duty to provide school places for all pupils resident in its area: Leicestershire achieves this by giving high priority to catchment area children, and by allowing parental preference wherever possible.
- 2.5 Parents have a right to express a preference for a school place, including where the child has a Statement of Special Educational Needs. Parents must ensure suitable full-time education for their children by attendance at school or otherwise; they are not obliged to do this before the child has reached compulsory school age.
- 2.6 Compulsory school age is from the term immediately following a child's 5th birthday, this means:
- ~ A child turning 5 in the Autumn term must start school no later than from the start of the Spring term
 - ~ A child turning 5 in the Spring term must start school no later than from the start of the Summer term
 - ~ A child turning 5 in the summer term must start school no later than the following autumn term (Leicestershire paragraph 4.16 applies for summer born children)
- The School Leaving Date for 16 year-olds is the last Friday in June in the school year in which the child becomes 16.
- 2.7 Each school has an Admission Number (AN) for each of its year groups. If this number needs to be altered, in some cases statutory notices must be published to allow interested parties to make representations.
- 2.8 The Local Authority or school cannot argue that a child should not be admitted unless the admission would prejudice the efficient use of resources or efficient education: this normally means that the Admission Number (AN) must have been reached.
- 2.9 The Local Authority must allocate spare places in schools according to objective and published priority criteria. The Greenwich Judgement means that children from other Authorities must be treated in the same way as Leicestershire children. The Rotherham Judgement disallows priority being given to parents who do not express a preference over those who do.
- 2.10 Parents whose preferences are refused have a right to appeal to an Independent Appeal Committee whose decision is binding, except for children with statements whose parents can appeal to the Special Educational Needs Tribunal. Pupils admitted following appeal to community and voluntary controlled schools will have their admission confirmed by the Local Authority (this is because the Admitting Authority has been directed, in effect, to admit the pupil in these circumstances).
- 2.11 The Local Authority has a statutory power to direct the admission of a pupil to a maintained school (i.e. community, voluntary, or foundation).
- 2.12 There are differing premises requirements for children of different ages: these are laid out in the relevant regulations.

- 2.13 There are no required staffing ratios for junior and secondary age children in education law. Headteacher and teacher associations may issue guidelines on staffing levels. For young four-year-olds, e.g. in 4+ units and nursery, the Local Authority requires a ratio of 1:15. Legislation and regulation on infant class sizes requires an upper limit of 30 children per teacher for infant classes, with specified exceptions.
- 2.14 Department for Education guidance on admissions and appeals is contained in two Codes of Practice.

3. Nurseries (mainstream, Local Authority maintained)

- 3.1 There is only one maintained mainstream nursery in Leicestershire. Admissions to the designated nursery (this does not include 4+ units) are managed by the school and are the responsibility of the Governing Body.
- 3.2 Children must not be admitted until after their third birthday.
- 3.3 Admission to the nursery must be based on objective criteria drawn up by the Governing Body, published in the prospectus and made known to the School Admissions Service, giving details of age for admission, places available, times, provision, and activity. For example the criteria could include the following, in some form of priority order:
- ~ age;
 - ~ children whose parents reside in the catchment area of the school;
 - ~ children who have siblings in the school or the group;
 - ~ children whose parents can demonstrate that the child has particular needs which make their request for admission exceptional;
 - ~ Some form of tiebreaker (such as distance between home and school) or waiting list if there are too many requests.
- 3.4 Policy statements and correspondence to parents must make it clear that attendance at the nursery does not give a subsequent entitlement to a school place. Before children are admitted to main school, parents must write to the School Admissions Service requesting a place: there is a standard form for this.
- 3.5 If a parent complains about refusal of a place for their child in the nursery, the Governing Body must have a mechanism for responding to the complaint.

4. First Time Admissions to mainstream Primary or Infant Schools and Infant to Junior Transfers

- 4.1 This section refers to first-time admissions (4+ entries) to primary/infant schools and the transfer process from infant to junior school which applies to Leicestershire residents only.
- 4.2 Parents must apply to their home local authority for a school place. The best way to apply is by applying online through Leicestershire County Council's website. All requests received by the relevant closing date (*please see co-ordinating scheme for dates*) will be considered first and in accordance with the approved priority criteria. All late applications receive the lowest priority.
- 4.3 The Local Authority that you live in will confirm places from the national offer date 16th April to pupils. No child should be admitted without an offer from the Local Authority you live in; and this is regardless of whether the child lives in the catchment area or otherwise and regardless of whether the child has attended a nursery or pre-school group at the school.

- 4.4 For those pupils who do not live in Leicestershire, the School Admissions Service will inform the relevant Local Authority who will in turn inform the parents of Leicestershire's decision.
- 4.5 Places will normally be allocated up to the Admission Number (AN), with careful consideration being given to the relationship between admission limits and infant class sizes requirements.
- 4.6 It is recognised that some parents are unaware of the need to apply for a school place at first-time admission stage. The Admissions Service in response to this issue launches an annual marketing strategy to publicise and alert parents to the need to complete an application expressing up to three preferences for a place in advance of expected admission.
- 4.7 In this way, it allows the Local Authority, an opportunity to make clear to parents their further rights (e.g. transport).
- 4.8 Date of admission for all infant and primary schools is from the September immediately following a child's fourth birthday i.e. all children who have turned 4 before the end 31st August. The same start date applies to those transferring from Infant to Junior i.e. from September immediately following their 6th birthday.
- 4.9 Children should not be attending before these times but for exceptional pre-admission visits. If pre-admission visits take place before the School Admissions Service has confirmed places, parents of out-catchment children must be informed that this does not guarantee admission to the school. Pre-admission visits should only take place in the term before the child is admitted to school and should not exceed more than two half days per week. Such sessions are not funded.
- 4.10 All schools under the control of Leicestershire County Council have a single start for first time admission at 4+. However parents must ensure full-time education for their child from compulsory school age, from 5+.
- 4.11 Infant Class Size Limits, Multiple Birth Children and Permitted Exceptions (Primary and Secondary)
- In compliance with the relevant regulations, an infant child (i.e., up to and including Year 2) who moves into a school's area once initial allocation decisions have been made will not necessarily be offered a place in the school if the relevant class will already contain 30 children. Enquiries will be made of other schools within a "reasonable distance" (see below) as to whether they could offer a child a place. If not, the child will be an excepted pupil in the catchment school, allowing the class to exceed 30 pupils.
- 4.12 This section does not apply to late in-catchment applicants, who may not be offered catchment places if the infant class is at 30, regardless of distance to the next nearest available school. (The school's AN would also need to be taken into account in these circumstances.)
- 4.13 In the unusual event of there being one space available within the infant class size limit, children of multiple births are permitted exceptions to the class size limit in these circumstances. In addition, all the following are also considered as exception to the class size limits:
- Those children who are in the care of a Local Authority (including previously in care)
 - Children with a Statement of Special Educational needs (including those with a full statement receiving part of their education by arrangement at another school or in an infant class part-time)

- Movement into catchment where there is no other available school within a reasonable distance from the home address (where the reasonable distance is a walking route that is 2 miles for primary or 3 miles for secondary)
- If a recognised error was made during the implementation of the school admission arrangements
- Those admitted by an independent appeal panel
- Children of service personnel e.g. Army children)

Permitted class size exceptions will remain exceptions for the duration of key stage one. In addition, schools will no longer have to take qualifying measures in such circumstances.

4.14 Deferring first-time admission or Delaying entry

When a child's parents are notified of the allocation of a primary school place, they can request deferment of the child's admission. The Local Authority will agree to deferment to later in the school year or until the child reaches compulsory school age in that year. Parents can also request that their child attends part-time until the child reaches compulsory school age. The parent would not however be able to defer entry beyond the beginning of the term after the child's fifth birthday, nor beyond the academic year for which the original application was accepted. The place at the school will be held open for the child until entry and not made available to another child. For summer born children if the place is not taken up by the start of summer term then a fresh application must be submitted, usually for entry into Year 1, as the admissions application is only valid for the academic year in which you applied. The Local Authority may withdraw the offer of the place if it is not taken up after deferment and offer the place to another child according to Local Authority priority criteria. Such withdrawals of offers will only be made when the Admission Number (AN) for the school has been reached and there are additional children seeking places. Where an offer of a place is withdrawn in this way, the child will not be entitled to free transport to a more distant school.

- 4.15 Exceptionally, parents of Summer born children, that is those children born from 1st April to 31st August, can request delayed admission, that is they may request that they are admitted out of their normal age group - to reception rather than Year 1 following their 5th birthday. If such a parent requests admission to Reception not Year 1 all relevant factors will be considered in assessing the request, parents would be expected to provide evidence to show that admission to Reception was in the child's best interests and will be taken into consideration. Parents seeking to delay their child's admission into school should contact the Admissions Service in the Autumn term in the year prior to the normal entry in the following September in order for the Admission Authority of the school to make the decision. Decisions will be made on the basis of the circumstances of each case. This will take into account parents' views, information about the child's academic, social and emotional development. The views of the head teacher of the school concerned will be taken into account. Decisions made by the Admissions Service will be clearly set out. Where the Admissions Service agree to a child being admitted to a year out of their normal age group and as a consequence of that decision the child would be admitted to the age group which pupils are normally admitted to the school, an application will need to be made in the usual way and that application will be processed as part of the main admission round and on the basis of determined admission arrangements. Parents' statutory right to appeal against or refusal of a place at a school for which they have applied does not apply if they are offered a place at the school but it is not their preferred age group.

5. Secondary School Admissions (not sixth form)

- 5.1 Only the Local Authority can confirm secondary school places to pupils, whether the child lives in the catchment area or otherwise. For any admission or transfer the parent must

complete the Local Authority's online Common Application Form (paper forms are available on request). The School Admissions Service will need to check for factors such as exclusions or Statements of Special Educational Needs, and will endeavour to process applications promptly. No child should be admitted without an offer letter from the Local Authority where you live.

- 5.2 Schools receive lists of pupils expected to transfer in advance of admission. These lists are updated regularly in the Spring/Summer before admission.
- 5.3 All requests, in-catchment and out-catchment, must be referred to the School Admissions Service.
- 5.4 Places will normally be allocated up to the Admission Number (AN), but for exceptions see the section on exceeding the AN.
- 5.5 Pupils admitted following appeal would have their admission confirmed by the Local Authority (the Local Authority having been directed, in effect, to admit the pupil in these circumstances).

6. In-Year (mid-term) Transfers (all year groups)

- 6.1 All mid-term transfer requests (in-catchment included) will be co-ordinated through the School Admissions Service for approval before admission takes place.
- 6.2 Before applying parents are encouraged to arrange to visit the school they wish to apply for after which the parent should complete the Local Authority's online Common Application Form (paper forms are available on request).
- 6.3 The aim wherever possible is to always process mid-term applications within 10 working days (5 days if child is indicated as in care or previously in care), delays may occur where further evidence or proof is required i.e. proof of house purchase, tenancy agreement, fair access information for complex or out of authority applications etc.
- 6.4 Where the mid-term application is made through the Local Authority the decision letter will either offer the place or refuse the place because the school is full. A refusal letter will also explain to the parent their right to appeal, and how they should do this.

7. Sixth Form Admissions

- 7.1 Children above compulsory school age have a right to apply and appeal for any school place independently of their parents.
- 7.2 Schools have delegated control of their own sixth form admissions. However, this is within the broader context of the local authority's policy and role as the admissions authority.

Schools must make clear their arrangements for sixth form admissions. An admission number for 6th form must be set if external candidates are to be considered. The admission number must relate only to those being admitted to the school for the first time. It should be based on an estimate of the minimum number of external candidates likely to be admitted, although it would be acceptable to exceed this if demand for available courses can be met.

- 7.3 The school must make clear and publish any minimum entry qualifications, which can include a level of attainment in GCSE and must be the same for internal and external applicants and any over-subscription criteria. Entry requirements may vary from course to course. Entry requirements and over-subscription criteria must be notified to the local authority.

- 7.4 Children already in the school need not apply formally for places in the 6th form. Any applicant refused a place has the right to appeal to an independent appeal panel. The local authority will not be able to present cases in appeal if the conditions of the School Admissions Code, the local authority's policy and the school's entry requirements or over-subscription criteria have not been applied properly. Where the local authority cannot present a case in appeal, it will normally instruct the school to admit the child.

8. Parental Preferences & Criteria used for Prioritising Admissions to Schools

- 8.1 Application forms for school places allow parents to express up to three preferences for school places. Parents should rank their preferences, so that if more than one preference can be agreed the one which the parent wants most is offered. However, the Local Authority considers all preferences to have equal value, e.g. one parent's first preference and another parent's second or third preference are to be considered equally against the admissions criteria. Requests for community and voluntary controlled schools are prioritised according to the admissions criteria below. (Requests for voluntary aided and foundation schools are considered against the individual school's admissions criteria and this is done by the schools themselves.) Late applications receive the lowest priority, i.e. they are only considered after all other applications which were received on time, unless there is a significant reason for lateness (see separate section on late requests).

9. Priority criteria for entry Autumn 2017 admissions and mid-term applications during 2017 / 2018 academic year

For all children whose Education Health and Care Plan (EHCP) names a school in their plan they must be admitted regardless of the criteria below.

If there are too many requests, priority will be given to children in the appropriate age-range, whose parents applied on time, in the following order (see note i below):-

1st	Children who are in public care and those children who were previously looked after children (<i>see note ii</i>)
2nd	Pupils who live in the catchment area. (<i>See note iii</i>)
3rd	Pupils who will have an older brother or sister attending the same school at the same time (<i>see notes iv and v</i>)
4th	Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) (<i>see note v</i>)
5th	Pupils who will have attended a feeder school for at least two years before the time of transfer. (<i>See note vii</i>)
6th	Pupils starting at an Infant school with a sibling attending at the same time in the linked Junior school (<i>see note iv</i>). or Pupils transferring to High school who will have an older brother or sister attending the linked Upper school at the same time (<i>see note iv</i>).

7 th	Pupils basing their application on religious belief (<i>see note viii</i>)
8 th	Pupils living nearest to the school measured in a straight line distance (home to school front gate) (<i>See note ix</i>)

Notes:

- i. Combinations of the above criteria are used where appropriate, in priority order.
- ii. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order¹⁹ or special guardianship order).
- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.
- iv. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.
- v. Regarding brothers or sisters who will be of sixth form age, these are counted as brother/sister connections for criteria 3 or 6 above.
- vi. If criterion 4 is used, professional supporting documentation from the Lead Professional must be supplied and must be submitted with the application. The following list are the areas that are considered exceptional:-
 - Crown Servants
 - Children in the care of a LA
 - Children subject to Child Protection Plans
 - Hard to Place children – who fall under the Fair Access Protocol
 - Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional)
 - A child for who transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year.)

Each case will be assessed on its individual merits.
- vii. For criterion 5 above, the child must have been enrolled at the feeder school on or before the start date of the Autumn Term two years before transfer.
- viii. For criterion 7 above, a letter of support from your Minister or Religious Leader will be required explaining how the school caters for your faith.

For schools listed below a Minister's letter is required to support the parent's application that verifies children from church going families, for example, who have attended a Christian place of worship at least once a month for a year prior to application;

This criterion only applies to the following CE VC schools:

Bottesford	Swithland St Leonard's	Great Bowden
Coalville All Saints	Tugby	Husbands Bosworth

Cossington	Long Whatton	Ibstock St Denys
Fleckney	Frisby	Measham
Hinckley St Mary's	Croxton Kerrial	Melton St Marys
Market Harborough	Blaby Stokes	Swannington
Quorn St Bartholomew's	Broughton Astley Orchard	
Redmile	Castle Donington St Edward's	

- ix For Criterion 8 above, For Criterion 8 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system (Geocoding). Where there is equal distance then lots will be drawn, supervised by an independent officer..

10.0 Out-of-Catchment Requests and Admissions

- 10.1 Parents should be encouraged to visit both the catchment and the preferred school, in order to make informed judgements.
- 10.2 When a parent approaches a school for an out-of-catchment place, the Headteacher (and other staff):
- ~ suggests that the parents visit the catchment school;
 - ~ informs them that if they still wish to apply to the preferred school, they must request this in writing to the School Admissions Service.

School Admissions Service on receiving a request outside the normal transfer cycle:

- ~ contacts the requested school to confirm numbers in relevant year groups;
- ~ suggests to parents that they visit the preferred school;
- ~ allocates a place at a later stage if there is space available within AN for the relevant year group in the preferred school (by standard letter).

During the main period when parents are considering transfer requests, the School Admissions Service will endeavour to keep schools aware of possible numbers. It is helpful if schools can maintain contact with the School Admissions Service at this time.

11. Exceeding the Admission Number (AN)

- 11.1 Subject to paragraph 13.33 and 13.34, at the time of first-time admission, normal transfers as well as mid-year transfers (i.e. in-catchment movement outside the normal round), if there are more requests for in-catchment children than the admission number (AN), the AN will be exceeded to accommodate the catchment area children.
- 11.2 In normal circumstances, the AN will not be exceeded in any one year group by the admission of out-of-catchment pupils. If there are more out-of-catchment requests than places available within AN, places will be allocated up to AN according to the priority criteria, with any outstanding requests normally refused.
- 11.3 Parents whose requests are refused have a right to appeal to an Independent Appeal Committee whose decisions can override local policy. **(NB:** In the case of parents whose children have Statements of Special Educational Needs, the appeal is to the Special Educational Needs Tribunal.)
- 11.4 It may be that in exceptional circumstances a school requests admitting out-of-catchment pupils above AN or the Local Authority asks a school to exceed its AN. These situations should be viewed as exceptional and not as precedents for subsequent years or for other schools.

Exceptional circumstances might be:

- (a) the admission of children who would have siblings in the school;
- (b) if admission assists the Local Authority in fulfilling its responsibilities for the overall provision of places, within the context of efficient use of resources;
- (c) Children in public care;
- (d) "Hard to Place" children whose cases fall within the Fair Access protocol.

11.5 If an exceptional request to exceed AN is made, either to the Local Authority or to a school, any decision to approve this must be made in conjunction with interested parties.

- (a) Parents' requests must still be referred to the School Admissions Service.
- (b) A request from a school to exceed AN must be made to the School Admissions Service; a request from the School Admissions Service to a school to exceed AN must be made to the Headteacher.
- (c) The School Admissions Service makes the final decision, taking account of the views of interested parties and the Local Authority's position.

11.6 At transfer phase, schools may apply to exceed the Admission Number on a 'one off occasion', by 26 pupils through application to LA, i.e. at First Time Admissions and at all other transfer stages only. Applications must be received by schools by specified dates as outlined in the guidance notes (available from School Admissions Service). Part of the assessment process will be for the LA to be satisfied that neighbouring schools will not negatively be impacted. The LA decision outcomes may be:

- To accept the application
- To refuse the application (i.e. the impact to a neighbouring school is too great)
- To partially accept the increase (i.e. to agree a smaller number)

There will be no appeal process to challenge the LA's decision by a school or the governing body. Schools will be informed of the LA decision well in advance of the national offer date(s) to allow for planning and organising. If a school exceeds its AN by 26 children in any three year period the LA must then determine a higher AN at the next available opportunity.

12. Co-ordinated Schemes

12.1 In accordance with the School Admissions Codes, Leicestershire must operate two statutory co-ordinated processes for the purpose of;

- ~ Starting school for the first time (statutory)
- ~ Transferring to secondary school (statutory)

Leicestershire County Council will however in the best interest of the parent continue to co-ordinate:

- ~ Mid-term (In-Year) Transfers

12.2 For Leicestershire residents the School Admissions Service will act as the parent's agent when applying for a school place regardless of whether the school is in Leicestershire, in another Local Authority or is its own admitting authority i.e. Voluntary Aided, Foundation, Studio, Free, Academy, or Trust schools. If applying from outside the authority you are encouraged to apply via the authority you live. If however the move to Leicestershire is imminent, or the home authority do not operate a co-ordinated mid-term transfer process then you should apply through Leicestershire's online system.

For a detailed breakdown of each process, please refer to relevant Co-Ordinate Scheme.

13. Miscellaneous

Children who are in Care or were previously in Care and now adopted

- 13.1 Children in care of a Local Authority and those children who were previously looked after children, but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order) are considered under high priority in Leicestershire.
- 13.2 In such circumstance proof must be a letter from the last local authority that placed the child in care.
- 13.3 To be considered as *'in care or previously in care'*, Leicestershire does not stipulate a minimum length of time the child is or has been in care.

Catchment area definition and how to find out the catchment area school for your home address

- 13.4 Leicestershire divides the county into school catchment areas. The child's full HOME ADDRESS determines the school where you would be given PRIORITY admission, for all community and voluntary controlled schools.

If you are unclear in which catchment area your home address falls please contact the LA's Customer Service Centre in the first instance – (0116) 305 6684, who will be able to inform you in which school catchment your address falls. In addition you will also find in the primary and secondary *'Your Guide to Education'* booklets district maps that outline in general the schools located within the district you live.

Areas of Dual / Multiple Catchment Entitlement

- 13.5 In areas where there is dual or multiple catchment entitlement, children who move into area after admissions have been decided will be refused a place in one of the schools if the relevant year group is full. (If all schools are full in the relevant year group, a place will be offered in the school which has numbers closer to the admission limit.)

Parental Proof of Residence

- 13.6 When, after reasonable enquiry, a school is unclear about a family address, the matter must be referred to the School Admissions Service.
- 13.7 The School Admissions Service will need to seek evidence of residence from parents where the matter is unclear.
- 13.8 All schools are requested to be vigilant regarding addresses given by parents before transfer to the next phase of education, particularly if there is a late or unexpected change of address close to transfer. Any queries should be referred to the School Admissions Service.

Over-subscription Lists

- 13.9 The local authority will only maintain an over-subscription list for schools under its control. Each list is maintained from completion of the decision-making process for first-time admission, infant-junior and secondary transfer cycles to the end of the Autumn Term only. (This waiting list is ranked in the same order as the published oversubscription criteria and not by date of application.) Leicestershire do not hold over-subscription lists for mid-term

transfers.

Tiebreak

- 13.10 In instances where more than one child has an equal weighting in accordance with our priority criteria, the tiebreaker used is straight-line distance between where the home address meets a public highway to the school's designated main front gate, with whoever is closer being offered the school place. Where there is equal distance then lots will be drawn supervised by an independent officer.

Early Transfer or Admission of Children Staying on Outside the Normal Age-Range

- 13.11 Early transfers or admission of children staying on outside the normal age-range are exceptional and must be approved by the School Admissions Service.
- 13.12 The parent must request the exceptional arrangement in writing to the School Admissions Service.
- 13.13 Schools affected should submit a view regarding the suitability of the arrangement. Expected numbers in the year group and the AN will be taken into account.
- 13.14 Professional advice (e.g. from an Educational Psychologist) on the suitability of the arrangement may be sought in some cases, but this would not override any admissions decision. If the child has a Statement of Special Educational Needs or an Educational Health Care Plan, the view of the Special Educational Needs Assessment Service (SENA) must be sought.
- 13.15 Children transferring younger than the normal age for transfer are subject to the same priority criteria as children in the normal transfer age-group, as long as:
- ~ the relevant schools agree that early transfer is appropriate;
 - ~ the Local Authority considers early transfer appropriate;
 - ~ the child has been taught in classes with the academic year group which is one year older for at least three years. (NB: this would normally exclude vertical grouping arrangements in primary schools.)

Children Who Move Out of the Catchment Area

- 13.16 A child who has started attending and whose place of residence changes to an out-of-catchment address is entitled to retain his/her place in the school and should not be asked to leave or have their name deleted from the register.
- 13.17 Such an entitlement does not hold if the child changes phase of education in which case entitlement to a place is according to the new address.
- 13.18 If there are queries about transport in these situations, refer to the School Admissions Service.

Excluded or Potentially Disruptive Pupils

- 13.19 The Local Authority does not allow the refusal of admission because the pupil may disrupt the education of other pupils, but will consider exceptions according to the School Admissions Code. The School Admissions Code allows the refusal of places for children with "challenging behaviour" only for those schools able to demonstrate particularly high proportion of children with challenging behaviour or previously excluded children. In such circumstances the governors must refer the case to the Fair Access Protocol.

13.20 The Local Authority is not able to refuse admission where such a pupil lives in the catchment area and the parent has applied properly, or where there is a place available within the AN. The Local Authority expects pupils excluded from a previous school to be admitted automatically to the catchment area school at normal age of transfer to the next phase of education (dependent on the parent making proper application), unless the parent prefers another school in which case a place will be allocated if there is room.

13.21 There is no obligation to comply with a parental preference for a child who has been permanently excluded from two or more schools, for a period of two years following the latest exclusion. Parents of such children lose their right of appeal regarding admission. Schools for which the Local Authority is the admissions authority will have the right of appeal against a direction to admit such a child; other schools may refer to the Secretary of State regarding directions to admit children.

It is possible that a child may receive a second permanent exclusion just before he or she is due to transfer school (e.g. from high or upper school). In these circumstances the Local Authority will expect the receiving school to admit the child, if the child's second permanent exclusion is issued after a transfer allocation has been notified to the parent, but before the actual transfer to the new school.

13.22 A permanently excluded pupil must not be removed from the school register until any exclusion appeal is complete or until the time limit for notification of appeal has passed.

Children with Special Educational Needs

13.23 The Local Authority does not allow the refusal of admission because it is believed that the school cannot cater for the child's special educational needs.

13.24 Pupils with special educational needs but no Statement are dealt with through normal admissions policy, and schools cannot refuse to admit a pupil because he/she does not have a Statement or is being assessed for a Statement.

13.25 All governing bodies are required by section 324 of the Education Act 1996 to admit to a school a child with a statement of special educational needs that names the school. This is not an oversubscription criterion and schools must admit Statemented children whether they have places or not.

Children from Overseas

13.26 The wording of the School Admissions Code applies.

Late Requests, Appeals (including class size appeals), Further Appeals and Errors

13.27 Late requests for school places, e.g. those received after a closing date, will be considered on their merits, but generally will have the lowest priority of all requests, even when the parents are requesting the catchment area school. This means that it is probable that a late request will not be allowed if the school is oversubscribed and there is no clear and significant reason (supported with documentary evidence) that it was beyond the parent's control for not applying at the appropriate time e.g. parent ill for some time or family returning from abroad.

13.28 To assist parents every effort will be made by the School Admissions Service to explain the basis under which an infant class size appeal is to be considered. The legislation and regulations are extremely stringent and only allow panels hearing an infant class size appeal to uphold the appeal where the following applies:

- The child would have been offered a place if the school's admissions arrangements had been properly implemented *i.e. because of an error or maladministration*, or

- If it is established by the panel that the school's admissions arrangements did not take into account when considering the application:
 - The School Admissions Code
 - Part 3 of the SSFA 1998
 - The decision was not one that a reasonable admissions authority would have made in the circumstance of the case
- 13.29 Where an appeal is being heard for a year group that is full and is not a class size appeal but if successful would cause *'future class size prejudice or breach'*, because future year groups are organised into classes of 30 pupils to one teacher. The appeal will NOT run citing class size legislation as a key principal argument for refusing the application. Leicestershire will instead take the view that the panel is requested to take future prejudice into account when decision-making.
- 13.30 Appellants do not have the right to a second appeal in respect of the same school for the same academic year unless, it can be demonstrated that there has been a significant exceptional or material change in circumstances of the parent, child or school. Examples being:
- Change of address
 - It has been agreed that there were procedural faults in the original appeal
 - New significant evidence has come to light
 - Medical reasons (apart from medical attention for distress or anxiety as a result of unsuccessful appeals)
 - Significant change to the school has come to light
- (This is not a finite list; each case will be considered on its merits by the lead admissions or appeals officer)*
- 13.31 Where the admitting authority has made an error in any aspect of processing school application, and it has been established that had the error not occurred it would have resulted in the applicant legitimately securing a school place. The admitting authority must honour the applicant a school place, even if the school is full.
- 13.32 Where it has been determined the error was made by the applicant the admitting authority will not held responsible, i.e. an incorrect date of birth, failure to mention sibling(s), failure to provide supporting evidence etc.

Arrivals in Catchment and Late Applications

- 13.33 Catchment requests for all students that move into a school's catchment area will be agreed (subject to proof of residence) as a priority even if the school is oversubscribed if there are no other school(s) with places within a 'reasonable distance' (where reasonable distance from Home to school is shortest walking route, 2 miles for primary and 3 miles for secondary) (all distances to be measured by the shortest walking route using an electronic mapping tool - MapInfo). A route is available if it is a route along which a child, accompanied as necessary, can walk with reasonable safety to school. However, where the application is submitted and agreed within 90 days of the house move, the maximum period the priority will be afforded to take up the offer and start at the school is by half a school term from the point the application was received. Applications will be regarded as late if the application is made after 90 days of the family's house move.

- 13.34 To enable the admitting authority to overfill the local school on the basis of taking up residency in the catchment area the parent/carer must have applied within 90 (calendar) days of the date the family moved into the school's catchment area (*mid-term conditions proof of residency must be met*).
- 13.35 Once the admitting authority is satisfied the application for a school place was made within 90 days of the date the family moved into the house (see paragraph 13.45), an Admitting Authority will aim to offer a place in their new catchment school.
- 13.36 If a parent has not taken up an offer of a school place within 20 (school) days of the offer date, a reminder will be sent, parents will be afforded a further 2 (school) weeks to take up the school place. If a place is not taken up with 7 days of the reminder letter, the offer of a school place may be withdrawn. (See paragraph 13.37).

Acceptance or refusal of offers; Withdrawal of Places or of Offers of Places

- 13.37 In the normal admissions round (i.e. when offers are made for first-time admissions national offer date 16th April , or when offers for secondary transfers are made on national offer date of 1st March), it will be assumed by the School Admissions Service that the offer is accepted unless it is refused. Once the academic year begins the school place should be taken up within 20 school days. For mid-term applications (outside the normal round) the offer must be taken up within 20 school days from the offer date. If not the School Admissions Service will afford the parent a reasonable time (the regulations state 2 weeks) plus additional 7 days for a reminder, to accept the offered place. If no acceptance is received the offered place may be withdrawn. In addition the Local Authority reserves the right to withdraw a school place, or an offer of a place where the place has been obtained by false or misleading information, for example an incorrect address or date of birth. Schools should be vigilant about such matters. It may be appropriate for primary schools especially to ask for a sight of the child's short birth certificate before admission.
- 13.38 Offers of places are also withdrawn if they were based on an address and the parent's address changes before the child is admitted. For example, if a child was offered a catchment area place and the family moves out-of-catchment before admission takes place, the offer of the place may be withdrawn.

Home-School Agreements

- 13.39 The School Standards & Framework Act does not allow signing a home-school agreement to be a condition for admission.

Deleting a Child's Name from the Register

- 13.40 The Education Pupil Registration Regulations describe the circumstances in which a child's name can be deleted from a school's register. In normal circumstances it is not reasonable to delete a child's name from the school's register until it is confirmed that he/she is receiving education elsewhere. In unclear cases, please seek advice from School Admissions and Pupil Services.

Changes of Address

13.41 Principles:

- (a) Residence in the catchment area is necessary to give entitlement to a place on request.
- (b) Where a school is over-subscribed or a family move into catchment after a published closing date for submission of applications, the School Admissions Service should seek to clarify parents' claims of change of address.

- (c) Generally, only one address is recognised for each family, and only one family for each address.
 - (d) Places, or offers of places, may be withdrawn if they were based on incorrect information from the parents or their representatives.
 - (e) Each case is considered on its facts.
- 13.42 When a family moves, the Local Authority will aim to offer a place in their new catchment area school on request for schools adhering to this policy (dependent on: proof of residence see verification of address below, para 11.28 and paras 4.11 to 4.15).
- 13.43 What is generally not accepted when allocating places in over-subscribed schools:
- (a) Purchase of a second property by a family, while the first property is retained.
 - (b) Rented accommodation, while a previous property is retained.
 - (c) Offers or exchange of contracts on intended purchases or sales of properties.
 - (d) Informal accommodation arrangements with friends or relatives.
- 13.44 Exceptional circumstances:
- The School Admissions Service will always give serious consideration to any exceptional situations, such as where a family has been forced by circumstance to move into temporary accommodation, having lost their previous residence, or where there is a long-term separation between the parents and the child spends time in the week at two separate parents' addresses.
- 13.45 Verification of address:
- (a) Parents' written confirmation and declarations will be sought regarding important information. Parents will be asked to verify in writing that they are residing at the address claimed and intend to remain in the catchment area. Places will be withdrawn if such declarations are subsequently found to be incorrect or not honoured and the school is oversubscribed.
 - (b) Documentary evidence such as Council Tax payment or, Child Benefit letter information will be sought.
 - (c) Claims of new residence in a school's catchment area will be judged on circumstances and the documents provided; completion of both sale and purchase, where relevant, are normally necessary before a place is allocated.
 - (d) Officers may be authorised to visit addresses to clarify whether families are living at the addresses claimed. Such visits will be undertaken in a reasonable fashion, by officers carrying appropriate identification.
- Significant Change of Circumstance
- 13.46 The School Admissions Service considers fresh information in support of a parental preference for a school place, even if it is received at a late stage in the admissions process. In normal circumstance there will be no difficulty in meeting the parent's preference if all the school places have not been allocated.

13.47 Where the school's places have all been allocated, the School Admissions Service will be unable to offer a place, but may give higher priority to the parent's request if a place subsequently becomes available, according to the family's circumstances, in accordance with the priority criteria.

13.48 Verification, e.g. from professional persons or bodies, may be sought from the parent to confirm a change of circumstances. In such circumstance it remains the parent's duty to gather and provide the evidence.

"Relevant Areas" for Consultation Purposes

13.49 Admission authorities consult within "relevant areas" on admissions arrangements.

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Leicestershire, "relevant areas" are as follows:

- (a) For community and voluntary controlled schools in Leicestershire the geographical boundary of Leicestershire is the "relevant area".
- (b) For each voluntary aided and foundation school in Leicestershire the "relevant area" is 8 kilometres (secondary) or 3.2 kilometres (primary).

How and When to apply changes to a school's Admission Number (AN)

13.50 If a school's AN is increased, this should be applied immediately to every year group in the school, unless this would have a detrimental effect on teaching and learning, e.g. limits to the number and size of rooms available or large numbers in classes.

If a school's AN is decreased, this should be applied only to the entry year group, unless numbers in other year groups need to be restricted, for instance to comply with the infant class size limit or if there is overcrowding in other year groups.

Admissions to schools for pupils resident in boarding houses attached to Leicestershire mainstream schools

13.51 Children to be admitted to boarding houses attached to Leicestershire mainstream schools are regarded as catchment area children for the schools whose catchment areas contain the boarding house, but admission to local schools is not guaranteed, as described below. This affects not just the school to which the boarding house is attached, as the age-range of the children will cover more than one school phase. For all requests for maintained school places, the parent must submit an application to the School Admissions Service in the normal fashion. For particular local circumstances a more detailed description of the process will be made available if appropriate, for the school to give to prospective parents.

- a) At point of transfer

Children already in a boarding house (and attending a [Leicestershire] maintained school) are regarded as catchment area children for the school in the next phase of education, and therefore have relatively high priority for admission.

For children with intended admission to the boarding house before the start of the Autumn Term, parents need to apply before the usual deadline in the preceding October. Applications received after this deadline are regarded as late applications in accordance with the scheme for coordinated admissions.

- b) Mid-term (casual) admissions

Children should not be admitted to boarding houses before the position regarding school admission is clear. If the school is full in the year group in question and unable to admit the child, then either admission to the boarding house must be refused or, if the child is to be admitted to the boarding house, it must be made clear to the parents by boarding house staff that an alternative school must be sought.

13.52 Process for when a school is closed, or when there is a significant change in a school's age-range (e.g. change of a whole curriculum year-group or more)

- There will be a managed process for pupil transfers and where possible this will be part of a normal transfer cycle.
- Parents with children at a school, which is due to close, will be given application forms to submit within a stated timescale.
- The local authority will apply its normal criteria to prioritise requests for oversubscribed schools.
- The local authority will coordinate applications for all types of schools, forwarding requests for Foundation, Studio, Free, Academy, Voluntary Aided and schools in other authorities to those bodies for admission decisions.

13.53 Children with split residence

Where a child lives for part of the week with one parent and for part of the week with the other parent, the address recognised by the local authority is the one where the child lives for the majority of the school week. Where it is claimed that the weekly residence arrangement varies, both addresses will be valid, and in some cases the child will have two catchment area schools. These definitions depend on the written declaration of both parents, and if the claimed residence arrangement is found to be false, the child's place at the allocated school may be withdrawn even if the child has started attending.

13.54 Children of UK Services personnel and other Crown servants

- Such children must be allocated a place in advance, dependent on an official government letter declaring a relocation date and intended address, if the applicant would meet the criteria on relocation.
- A Unit postal address must be accepted, or if appropriate a "quartering area" address in the absence of a new home postal address.

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APPENDIX B

Priority criteria for entry Autumn 2017 admissions and mid-term applications during 2017 / 2018 academic year

For all children whose Education Health and Care Plan (EHCP) names a school in their plan they must be admitted regardless of the criteria below.

If there are too many requests, priority will be given to children in the appropriate age-range, whose parents applied on time, in the following order (see note i below):-

1 st	Children who are in public care and those children who were previously looked after children (<i>see note ii</i>)
2 nd	Pupils who live in the catchment area. (<i>See note iii</i>)
3 rd	Pupils who will have an older brother or sister attending the same school at the same time (<i>see notes iv and v</i>)
4 th	Pupils who have a serious medical condition or exceptional social or domestic needs that make it essential they attend the school requested. (Professional documentation confirming the situation must be submitted with the application.) (<i>see note v</i>)
5 th	Pupils who will have attended a feeder school for at least two years before the time of transfer. (<i>See note vii</i>)
6 th	Pupils starting at an Infant school with a sibling attending at the same time in the linked Junior school (<i>see note iv</i>). or Pupils transferring to High school who will have an older brother or sister attending the linked Upper school at the same time (<i>see note iv</i>).
7 th	Pupils basing their application on religious belief (<i>see note viii</i>)
8 th	Pupils living nearest to the school measured in a straight line distance (home to school front gate) (<i>See note ix</i>)

Notes:

- i. Combinations of the above criteria are used where appropriate, in priority order.
- ii. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a residence order¹⁹ or special guardianship order).
- iii. The child's place of residence is taken to be the parental home. Living in the catchment area does not guarantee you a place at your catchment school.
- iv. The term "brother or sister" includes half brother or sister or legally adopted child being regarded as the brother or sister.

- v. Regarding brothers or sisters who will be of sixth form age, these are counted as brother/sister connections for criteria 3 or 6 above.
- vi. If criterion 4 is used, professional supporting documentation from the Lead Professional must be supplied and must be submitted with the application. The following list are the areas that are considered exceptional:-

- Crown Servants
- Children in the care of a LA
- Children subject to Child Protection Plans
- Hard to Place children – who fall under the Fair Access Protocol
- Parents suffering domestic violence (This is dependent on documentary evidence by a lead professional)
- A child for who transfer to the catchment area school would involve attending a different school until he/she is the right age for transfer. (This is dependent on the child having attended the present school for at least a year.)

Each case will be assessed on its individual merits.

- vii. For criterion 5 above, the child must have been enrolled at the feeder school on or before the start date of the Autumn Term two years before transfer.
- viii. For criterion 7 above, a letter of support from your Minister or Religious Leader will be required explaining how the school caters for your faith.

For schools listed below a Minister's letter is required to support the parent's application that verifies children from church going families, for example, who have attended a Christian place of worship at least once a month for a year prior to application;

This criterion only applies to the following CE VC schools:

Bottesford	Swithland St Leonard's	Great Bowden
Coalville All Saints	Tugby	Husbands Bosworth
Cossington	Long Whatton	Ibstock St Denys
Fleckney	Frisby	Measham
Hinckley St Mary's	Croxton Kerrial	Melton St Marys
Market Harborough	Blaby Stokes	Swannington
Quorn St Bartholomew's	Broughton Astley Orchard	
Redmile	Castle Donington St Edward's	

- ix For Criterion 8 above, For Criterion 8 above, measurement of distance is in a straight line from the centre point of the property to the school's main designated front gate, using a computerised mapping system (Geocoding). Where there is equal distance then lots will be drawn, supervised by an independent officer..

<p style="text-align: center;">CO-ORDINATED ADMISSION SCHEME FOR FIRST TIME ADMISSION TO INFANT AND PRIMARY SCHOOLS, AND INFANT TO JUNIOR TRANSFERS ENTRY SEPTEMBER 2017</p>

Revised August 2015

1. Introduction

- 1.1 The School Admissions (Co-ordination of Admission Arrangements) Regulations 2008 require local authorities to have a scheme covering every maintained school (but not special schools) in its area. Regulations require local authorities (LAs) to exchange specified information with their neighbours. The purpose of a co-ordinated scheme is to establish mechanisms for ensuring, as far as reasonably practical, that every parent of a child living within the LA who has applied for a school place in the normal admission round receives an offer of one, and only one, school place on the same day.
- 1.2 The duty to comply with parental preference is not affected by co-ordinated admission arrangements, except where more than one place could be offered. Nor do co-ordinated scheme affect the rights and duties of governing bodies of own schools which act as their own admissions authority (e.g. voluntary aided and foundation) schools to set and apply their own admission arrangements and oversubscription criteria.
- 1.3 All local authorities are required, by section 88M of the SSFA and the Co-ordination Regulations 2007, to have in place a scheme each year for all maintained, Trust, Foundation, Voluntary Aided schools and Academies in their area. Any changes to arrangements for coordinating these applications must be formulated by 1 January 2011 each year unless they remain unchanged. In which case this will fulfil the legal requirement to formulate a scheme.
- 1.4 For Leicestershire schools the local authority will continue to co-ordinate offers for primary school places, both in-year and at the normal admissions round.

2. Main obligations imposed by the regulations

School Admissions Code December 2014 applies.

- 2.1 The common application must allow parents to express at last 3 preferences, which may be for schools within or beyond their home local authority area, and the reasons for their preferences.

- 2.2 Local authorities and admission authorities in the area must exchange information on applications made and potential offers by the last working day in March in the offer year (as specified in the regulations).
- 2.3 Local authorities must pass information on applications to other local authorities about applications to schools in their area. The maintaining local authority must inform the home local authority if it intends to offer a place, by the dates specified in the scheme.
- 2.4 The maintaining local authority must tell the home local authority if it could offer a place. The home local authority may take account of this in deciding whether or not to offer the parent a place at a school in its own area, but must explain its intentions clearly to parents in its composite prospectus.
- 2.5 Offers of places must be sent on **16th April 2017** (or the next working day if the **16th April 2017** is not a working day) in the year during which a child will be admitted to school by the home local authority. Schools must not contact parents about the outcome of their application until after these offers have been received. Only the local authority can make an offer.
- 2.6 Parents who cannot be offered one of their preferred schools must be advised of how to enquire about availability of places at other schools.
- 2.7 It remains a requirement to co-ordinate fully across borders. The home authority will make the offer of a single place.
- 2.8 Schemes must continue after the offer date to ensure that places which become available are reallocated effectively.

3. Administration of the Scheme for first time admissions to Infant and Primary schools:

NB¹ For all dates mentioned below, if the date is not a working day, then close of business on the next working day applies.

NB² Leicestershire schools which receive direct applications in error must inform Leicestershire LA whether or not the parent lives in the area so that the home LA can ensure that the parent has received an application.

- 3.1 Leicestershire LA's first time admission application invites all parents resident in the LA to name their preferred school(s) by **15th January**. Parents may express a preference for at least three schools and those preferences must be ranked. It is made clear that parents should name all schools at which they wish their child to be considered for a place, including any foundation, voluntary aided, trust or academy school. Parents are recommended to include their catchment area school in their preferences. Although parents must rank their preferences, all preferences will be treated as equal by admissions authorities in applying their own admissions policies. Ranking only applies when more than one school can be allocated as a means to

decide which school should be offered, i.e. the school with the highest ranking by the parent which can offer a place will be the school offered.

- 3.2 Leicestershire residents who wish to apply for a school within the area of another local authority must do so by applying to their home authority i.e. Leicestershire. Non-Leicestershire residents who wish to apply for a place in Leicestershire must apply through their home authority who acts as their agent and shares information with Leicestershire.
- 3.3 By **30th January** Leicestershire LA will share their application information of those Leicestershire residents who have applied for school places with other LA's. Files from other LA's should also be received at this time to be imported into ONE and validated according to Leicestershire's criteria.
- 3.4 By **10th February** Leicestershire will then share their application data with the Leicestershire Admissions Authority Schools e.g. Voluntary Aided, Academy, Trust, and Foundation for the school Governors to apply their admissions criteria then rank the list of applications according to their admission criteria, to return to Leicestershire LA. The list should indicate the order in which all children for whom application to the school has been made, have priority by reference to the over-subscription criteria. Although applications need to be assessed and grouped against the criteria, admission authorities of seriously over-subscribed schools need not give rankings to individual applicants except where a priority group falls across the Admission number (AN). They do, however, need to notify the LA of those children who are next in line, should places become available as a result of applying the scheme.
- 3.5 Leicestershire LA applies its own admissions criteria to requests for places in community, voluntary aided and those academy schools who have adopted the LA's admissions policy, whether applications have come direct from parents resident in Leicestershire or those who are resident in other authorities and have applied via their home authority.
- 3.6 Leicestershire LA then compares the lists from all schools in its area. Where a child qualifies for more than one offer of a place, a place would be offered at the school which was highest up the parents' order of ranking. For applicants living in other local authorities, Leicestershire notifies the home LA whether or not it is able to offer a place in line with any preferences made.
- 3.7 Leicestershire LA then adjusts the list for any other school for which a preference was expressed by that parent, moving another child, who was previously not eligible to be allocated a potential place up the list to a provisional place, which has been vacated.
- 3.8 By **20th March** Leicestershire LA will also have received notifications from other local authorities of any places which that LA or schools in their area can offer in response to any preference expressed by Leicestershire residents. There will be, at most, one such offer from the home LA. If no preferred school

in Leicestershire LA can be offered, Leicestershire LA will not look for an alternative place if it knows that another LA will be making an offer of a place.

If Leicestershire LA is made aware that another LA will be making an offer of a place in a school which is higher up the parent's order of ranking than the school to be offered by Leicestershire LA, then Leicestershire LA will not make an offer for a place in a Leicestershire school.

- 3.9 On national offer day of **16th April** (or the next working day if the **16th April 2017** is not a working day) Leicestershire LA sends all Leicestershire schools the final lists of pupils allocated places.
- 3.10 On national offer day of **16th April** (or the next working day if the **16th April 2017** is not a working day) Leicestershire LA contacts every resident parent who completed an application to inform them of the outcome of their requests.
- 3.11 Late applications and requests for changes to list of preferences will be dealt with as follows:

Received after **15th January** closing date but before **16th April**

When Leicestershire LA considers that applications are received late for a good reason, e.g. when a single parent has been ill for some time, or a family has moved into the area since **15th January** or a family are returning from abroad, these will be considered along with the applications received before the deadline, providing documentary evidence of the reason for lateness is also received. Changes of address after **15th January** will not be considered as late applications. [Applications received once the IT system is in the final stages of processing (for 2017 this is **20th March**) will be held until **5th May** (see below, received after 16th April) and will be dealt with as late.]

Any other applications will be considered to be late and will not be dealt with until after places have been allocated to those who met the deadline.

Received after 16th April

These will be dealt with as a whole batch with a closing date of **5th May** with decisions sent out after **5th May**. After **5th May** any further late applications will be dealt with as and when they arrive.

- 3.12 Admission applications received after the normal admission round will be handled as quickly as possible, according to Leicestershire's admissions policy.
- 3.13 All admitting authorities must maintain over-subscription waiting lists (OSLs) for a minimum of the Autumn Term in the academic year of admission, ranked in the same order as the published oversubscription criteria.

4. Administration of the Scheme for Infant to Junior transfers and Infant to Primary school:

NB¹ For all dates mentioned below, if the date is not a working day, then close of business on the next working day applies.

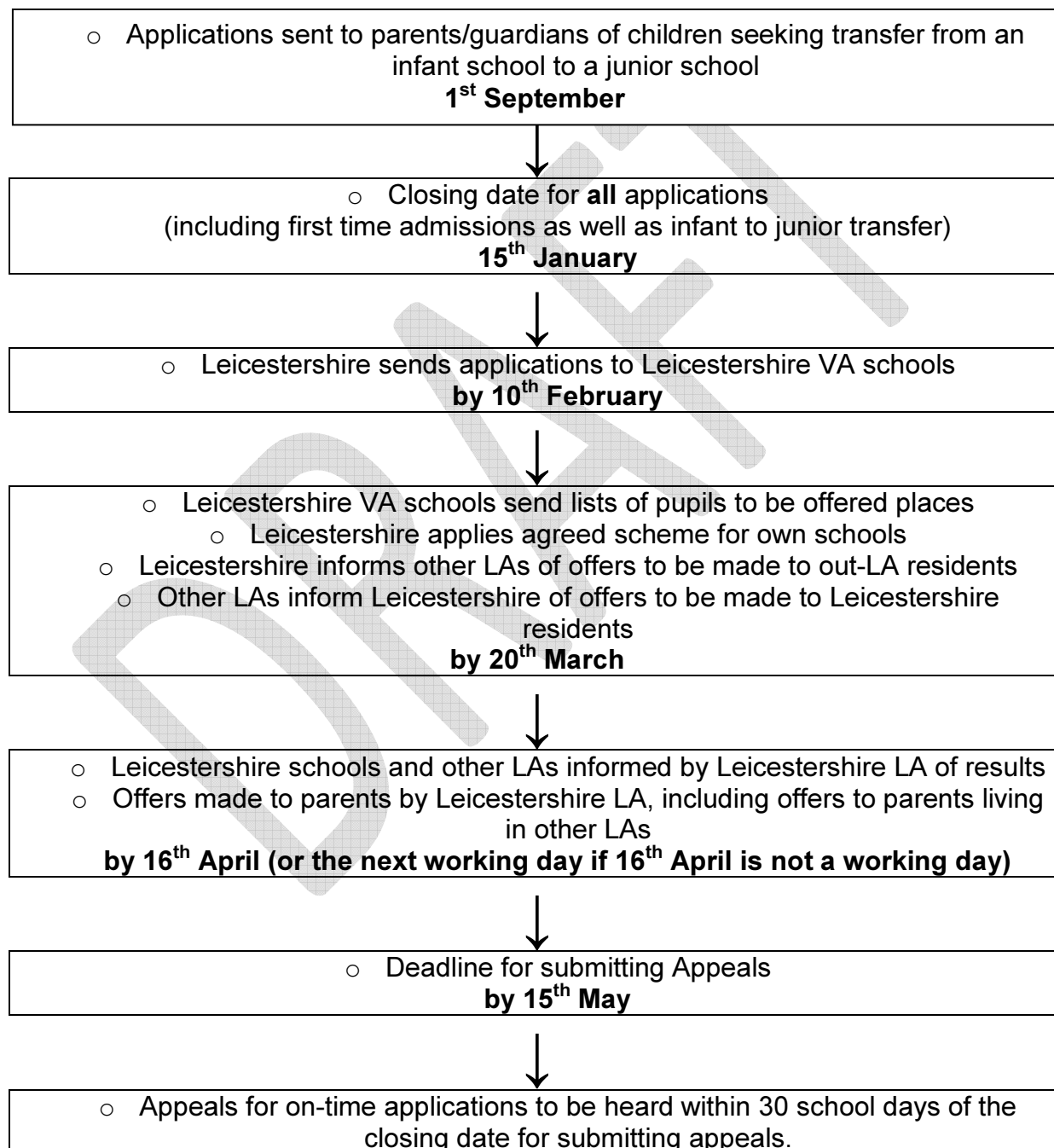
NB² Leicestershire schools which receive direct applications in error must inform Leicestershire LA whether or not the parent lives in the area so that the home LA can ensure that the parent has received an application form.

- 4.1 Application information is sent to parents from **1st September**. Leicestershire's application information invites all parents resident in Leicestershire to name three preferred schools, in order of preference by close of business on **15th January** for admission the following September. It is made clear that parents should name all schools at which they wish their child to be considered for a place including their catchment area school or any foundation or voluntary aided school.
- 4.2 The remainder of scheme will follow the first time admissions timetable as detailed from 3.2 to 3.13.
- 4.3 For those applications seeking a transfer from an infant school to a primary school, these will be considered as in-year (mid-term) transfers. Parents and guardians will be asked whether they wish their child to move immediately, or be considered for mid-term transfer at the end of the summer term for a September start.

5. Primary Scheme Timetable (All schools)

For any dates identified below:

- action to be taken by close of business on that date
- if the date is not a working day, then close of business on the next working day applies.



**CO-ORDINATED ADMISSION SCHEME FOR SECONDARY SCHOOL
TRANSFERS ENTRY SEPTEMBER 2017**

(TO HIGH SCHOOL AND HIGH SCHOOL TO UPPER SCHOOL)

Revised August 2015

1. Introduction

- 1.5 The School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 require local authorities to have a scheme covering every maintained school (but not special schools) in its area. Regulations require local authorities (LAs) to exchange specified information with their neighbours. The purpose of a co-ordinated scheme is to establish mechanisms for ensuring, as far as reasonably practical, that every parent of a child living within the LA who has applied for a school place in the normal admission round receives an offer of one, and only one, school place on the same day.
- 1.6 The duty to comply with parental preference is not be affected by co-ordinated admission arrangements, except where more than one place could be offered, nor do co-ordinated scheme affect the rights and duties of governing bodies of own admission authority (e.g. voluntary aided and foundation) schools to set and apply their own admission arrangements and over subscription criteria.
- 1.7 All local authorities are required, by section 88M of the School Standards and Framework Act and the Co-ordination of Admission Arrangements 2007, to have in place a scheme each year for all maintained, Trust, Foundation, Voluntary Aided schools and Academies in their area. Any changes to arrangements for coordinating these applications must be formulated by 1 January each year unless they remain unchanged. In which case this will fulfil the legal requirement to formulate a scheme.
- 1.8 Local authorities must coordinate all applications to maintained schools from parents in their area for admissions from the 2011/12 academic year onwards, whenever the application is received and for whichever age group.
- 1.9 Only the home local authority can make offers for secondary school places.

2. Main obligations imposed by the regulations

School Admissions Code December 2014 applies.

NB. The School Admissions Code defines schools admitting children below 11 as primary schools, but this does not cater for Leicestershire's 10-14 high schools which contain predominantly secondary-age children. Therefore, for the purposes of coordinating admissions, Leicestershire treats 10-14 high schools as secondary schools as is generally understood by parents and schools.

- 2.1 The common application form must allow parents to express at last 3 preferences, which may be for schools within or beyond their home local authority area, and the reasons for their preferences.
- 2.2 Local authorities and admission authorities in the area must exchange information on applications made and potential offers by the dates specified in the scheme.
- 2.3 Local authorities must pass information on applications to other local authorities about applications to schools in their area. The maintaining local authority must inform the home local authority if it intends to offer a place, by the dates specified in the scheme.
- 2.4 The maintaining local authority must tell the home local authority if it could offer a place. The home local authority may take account of this in deciding whether or not to offer the parent a place at a school in its own area, but must explain its intentions clearly to parents in its composite prospectus.
- 2.5 Offers of places must be sent on **1st March** (or the next working day if the 1st is not a working day) in the year during which a child will be admitted to school by the home local authority. Schools must not contact parents about the outcome of their application until after these offers have been received. Only the local authority can make an offer.
- 2.6 Parents who cannot be offered one of their preferred schools must, if there are places available, be informed of where places exist at other schools.
- 2.7 It remains a requirement to co-ordinate fully across borders. The home authority will make the offer of a single place.
- 2.9 Schemes must continue after **1st March** to ensure that places which become available are reallocated effectively.

3. Administration of the Scheme

NB¹ For all dates mentioned below, if the date is not a working day, then close of business on the next working day applies.

NB² Leicestershire schools which receive direct applications in error must inform Leicestershire LA whether or not the parent lives in the area so that the home LA can ensure that the parent has received an application form.

- 3.1 Application information is sent to parents late in **August** or on **1st September**. Leicestershire's application invites all parents resident in Leicestershire to name three preferred schools, in order of preference by close of business on **31st October** for admission the following Autumn Term. It is made clear that parents should name all schools at which they wish their child to be considered for a place including their catchment area school or any foundation or voluntary aided school.
- 3.2 **21st November**, Leicestershire LA sends other admission authorities details of applicants for their schools. Any additional information received by the other admissions authorities direct (e.g. letter of support from minister, professional documentary evidence etc) can be treated in the same way as that received via Leicestershire LA once it has been established that this only relates to applications which are mentioned and ranked on Leicestershire LA's form.
- 3.3 Leicestershire LA applies its own admissions criteria to requests for places in its own schools whether applications have come direct from parents resident in Leicestershire or those who are resident in other authorities and have applied via their home authority.
- 3.4 The other admission authorities then apply their admission criteria, and send Leicestershire LA, by **16th January**, a list indicating the order in which all children for whom application to the school has been made have priority by reference to the over-subscription criteria. Although applications need to be assessed and grouped against the criteria, admission authorities of seriously over-subscribed schools need not give individual rankings to applicants in the lowest priority grounds for admission, if there is no likelihood of being able to offer them a place after elimination of multiple offers. They do, however, need to notify the LA of those children who are next in line, should places become available as a result of applying the scheme.
- 3.5 Leicestershire LA then compares the lists from all schools in its area. Where a child qualifies for more than one offer of a place, a place would be offered at the school which was highest in the parent's order of ranking. For applicants living in another LA, Leicestershire notifies the home LA whether or not it is able to offer a place in line with any preferences made.
- 3.6 Leicestershire LA then adjusts the list for any other school for which a preference was expressed by that parent, moving another child, who was previously not eligible to be allocated a potential place up the list to a provisional place, which has been vacated.
- 3.7 By **16th January**, Leicestershire LA will also have received notifications from other LAs of any places which those LAs or schools in their areas can offer in response to any preference expressed by one of their residents. There will be, at most, one such offer from each other LA. If no preferred school in Leicestershire LA can be offered, Leicestershire LA will not look for an alternative place if it knows that another LA will be making an offer of a place.

If Leicestershire LA is made aware that another LA will be making an offer of a place in a school which is higher up the parent's order of ranking than the school to be offered

by Leicestershire LA, then Leicestershire LA will not make an offer for a place in a Leicestershire school.

- 3.8 Leicestershire then sends Leicestershire schools the final lists of pupils allocated places.
- 3.9 On **1st March** – the “National Offer Day” – Leicestershire LA communicates to every resident parent who applied for a place to tell them of the decision. Parents who have not applied or for whom no preference can be agreed will be informed of schools where there is space and will be invited to make an application.
- 3.10 Late applications and requests for changes to list of preferences will be dealt with as follows:

Received after 31st October closing date but before 1st March

When Leicestershire LA considers that applications are received late for a good reason, e.g. when a single parent has been ill for some time, or a family has moved into the area since the 31st October, or a family are returning from abroad, these will be considered along with the applications received before the closing date, providing documentary evidence of the reason for lateness is also received.

Any other applications will be considered to be late and will not be dealt with until after places have been allocated to those who met the closing date. This will include requests to amend previously submitted applications that are received once the final allocation offer process has been completed (normally early February).

- 3.11 On 1st March, Leicestershire parents who have not applied will be sent a list of schools where there is space and asked to express a preference. Similarly a

list of schools with spaces is always sent to parents whose preferences have not been met.

3.11 Received after 1st March

Applications received after 1st March will be batched and considered three weeks after the offer date. Applications received after this time will be dealt with as and when they arrive.

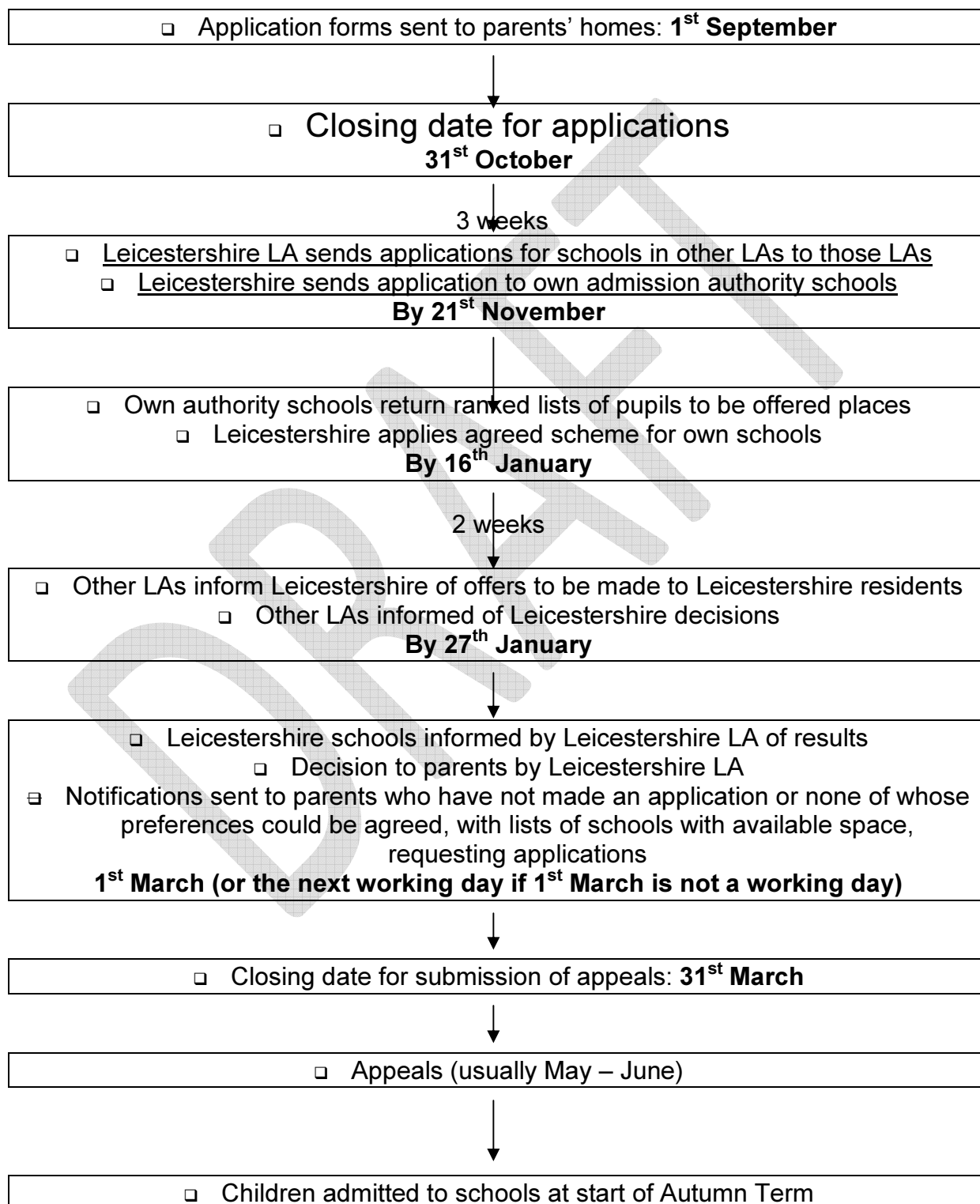
3.13 Admission applications received after the normal admission round will be handled as quickly as possible, according to LA admissions policy.

3.14 All admitting authorities must maintain over-subscription waiting lists (OSL) for a minimum of the Autumn Term in the academic year of admission, ranked in the same order as the published over-subscription criteria.

4 Scheme Timetable

For any dates identified below:

- action to be taken by close of business on that date
- if the date is not a working day, then close of business on the next working day applies.



**CO-ORDINATED ADMISSION SCHEME FOR
MID-TERM TRANSFERS 2017/18**

Revised August 2015

Definition:

- All Leicestershire mid-term transfers from Autumn Term 2011 onward will continue to be co-ordinated through the Local Authority using a common application form.

1. Introduction

- 1.10 From the 2010-2011 academic year, local authorities must have in place a co-ordinated scheme for 'mid-term' or 'casual' applications across all year-groups as outlined in the School Admissions Code 2010. The scheme must cover all maintained schools (but not special schools) in its area. The purpose of this co-ordinated scheme is to establish mechanisms for ensuring, as far as reasonably practical, that every parent of a child living within the LA who has applied for a school place part way through a year receives an offer of one place.
- 1.11 The duty to comply with parental preference is not affected by co-ordinated admission arrangements, except where more than one place could be offered. Nor do co-ordinated scheme affect the rights and duties of governing bodies of own schools which act as their own admissions authority (e.g. voluntary aided and foundation schools) to set and apply their own admission arrangements and oversubscription criteria.
- 1.12 Only the home local authority can make offers for 'mid-term' school places.

6. Main obligations imposed by the regulations

School Admissions Code December 2014 applies.

- 3.1 The common application form must allow parents to express at least 3 preferences, which may be for schools within or beyond their home local authority area, and the reasons for their preferences.
- 3.2 Local authorities and admission authorities in the area must exchange information on applications made and potential offers by the dates specified in the scheme.
- 3.3 Local authorities must pass information on applications to other local authorities about applications to schools in their area. The maintaining local authority must inform the home local authority if it intends to offer a place, by the dates specified in the scheme.

- 3.4 The maintaining local authority must tell the home local authority if it could offer a place. The home local authority may take account of this in deciding whether or not to offer the parent a place at a school in its own area, but must explain its intentions clearly to parents in its composite prospectus.
- 2.5 Offers of places must be sent on the first available offer date when this is not possible it will be the next working day in the year during which a child will be admitted to school by the home local authority. Schools must not contact parents about the outcome of their application until after these offers have been received. Only the local authority can make an offer.
- 2.6 Parents who cannot be offered one of their preferred schools must, if there are places available, be informed of where places exist at other school(s).
- 2.7 While there is no requirement to co-ordinate fully across borders, it is good practice for local authorities to eliminate multiple offers of places across borders and many local authorities already co-ordinate in this way. Regulations provide that where a place can potentially be offered at schools in two or more local authority areas, and the local authorities concerned agree, only one offer of a place is made. Where they do so, schemes must specify which local authority will make the offer of a single place. However, it is still possible that some parents who have applied for schools within their own local authority and elsewhere may receive an offer from each local authority.
- 2.10 Schemes must continue to ensure that places which become available are reallocated effectively.

7. Administration of the Scheme

NB¹ For all dates mentioned below, if the date is not a working/school day (depending on school holidays), then close of business on the next working day applies.

NB² Leicestershire schools which receive direct applications in error must inform Leicestershire LA whether or not the parent lives in the area so that the home LA can ensure that the parent has received an application form.

- 7.1 Leicestershire LA's common mid-term co-ordinated admission application form invites those parents resident in Leicestershire wishing to transfer part way through an academic year to name up to three preferred school(s). The preferences parents make must name the schools in ranked order and regardless of whether they are Community, VA, Academy, Studio, Free, Trust or Foundation schools. Although parents rank their preferences, all preferences will be treated as equal by admissions authorities in applying their own admissions policies. Ranking only applies when more than one school can be allocated as a means to decide which school should be offered, i.e. the school with the highest ranking by the parent which can offer a place will be the school offered.

- 7.2 Leicestershire residents who wish to apply for a school within the area of another local authority should do so by applying through Leicestershire's common application form.

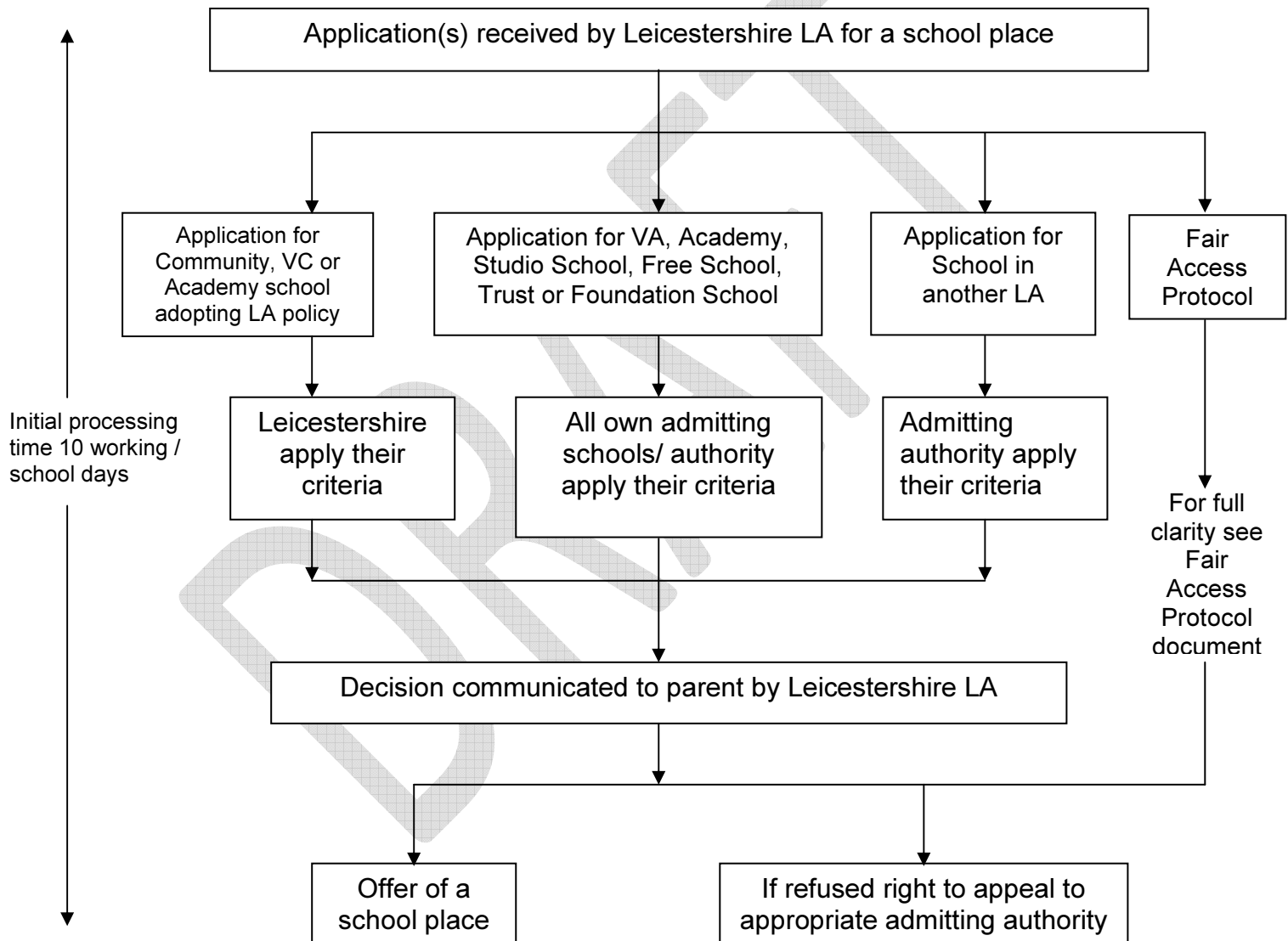
Non-Leicestershire residents who wish to apply for a place in Leicestershire should use their home authority's common application form or may, if they wish, apply direct to Leicestershire using Leicestershire's online admission form.

- 7.3 Applications for VA, Academy, Studio, Free, Trust or Foundations schools in Leicestershire will be forwarded to the individual admitting authorities. Any additional information (if required) will be requested directly by that admissions authority i.e. religious commitment. VA, Academy, Studio, Free, Trust, Foundation schools are expected to, where possible, process forms within 10 working/school days (depending on school holidays). In addition they are required (para 3.22) of the Code to communicate the availability of places to the LA when requested. Once the admitting authority has made their decision they will inform the LA who will in turn inform the applicant of the decision
- 7.4 Leicestershire LA applies its own admissions criteria to requests for places in Leicestershire community, voluntary controlled and academy schools who have adopted Leicestershire's admissions policy, whether applications have come direct from parents resident in Leicestershire or those who are resident in other authorities.
- 7.5 Where a child qualifies for more than one offer of a place, the highest ranking school expressed will be offered. For applicants living in other local authorities, Leicestershire will notify the home LA whether or not it is able to offer a place in line with any preferences made.
- 7.6 Where Leicestershire LA receives requests from other local authorities it will apply its own criteria and inform the other authority of its decision.
- 7.7 If Leicestershire LA is made aware that another LA will be making an offer of a place in a school which is higher up the parent's order of ranking than the school to be offered by Leicestershire LA, then Leicestershire LA will not make an offer for a place in a Leicestershire school.
- 7.8 If any Leicestershire child looks like remaining unplaced, Leicestershire LA considers how to place them in schools within its area, having regard to any reasons expressed by the parent for their unsuccessful preferences.
- 7.9 For those schools where Leicestershire is the admitting authority and for those schools who have adopted Leicestershire's admissions policy, the requirement is to maintain an oversubscription waiting list (OSL) for a minimum of the Autumn Term in the academic year of admission, ranked in the same order as the published oversubscription criteria.
- 4.1 In Leicestershire each admitting authority will be expected to maintain its own OSL in accordance to its criteria for a minimum of one term.

8. 'Mid-Term Scheme Timetable (All schools)

Notable timeframes identified below:

- Leicestershire will aim to process all applications with in 10 working or school days (depending on school holidays) from the date the application has been received by the LA.
- Leicestershire will aim to offer places where possible on a daily basis by 4 pm, where this is not possible it will move to the next available offer date.
- Wherever possible Leicestershire will aim to initially process an application within 10 working/school days (subject to Fair Access protocol).



APPENDIX C

Equality Questionnaire

This questionnaire is a pre Equality Impact Assessment tool which will enable you to decide whether or not the **new, proposed or significantly changed** policy/ practice/ procedure/ function/ service needs to go through a full Equality Impact Assessment. For further information on the equality questionnaire see the guidance.

Name of policy/ practice/ procedure/ function/ service being assessed:		School Admissions Consultation entry 2017	
Department and Section:		Children and Families Dept	
Name of lead officer and others completing this assessment:		Gurjit Singh Bahra	
Contact telephone numbers:		0116 3056324	
Date EIA assessment completed:		November 2015	
1.	What is its purpose? Ensure consultation is EIA robust		
2.	What are its main objectives? Ensure no one is disadvantaged		
3.	What will it achieve? Who are its beneficiaries? Transparency both parents and LA		
4.	Who is responsible for implementing it? School admissions Service		
		Yes	No
5.	Has prior consultation on the proposal been undertaken?		No
6.	Has this consultation indicated any dissatisfaction with it from a particular section of the community?		No
7.	If yes to Question 6, please state what this dissatisfaction is:		
		Yes	No
8.	Is there evidence or any other reason to suggest that it could have a different effect or adverse impact on any section of the community? Or more specifically, one or more of the protected characteristics?		No
9.	Is a system in place to monitor its impact?	Yes	
10.	If yes to Q9, what does this monitoring show? Various school admission and school appeal statistics are maintained in order to pick-up and address concerns.		

Note: If no to Question 9, you will need to ensure that monitoring systems are established to check for impact on all nine protected characteristics.

11. Who is likely to be affected by the proposal? Which of the protected characteristics? **(Please tick)**
Explain how each protected characteristic is likely to be affected below:
[NB. Alternatively, if no protected characteristic is deemed to be affected, please explain why]

	Yes	No	Comments
Age		X	
Disability		X	
Gender Reassignment		X	
Marriage and Civil Partnership		X	
Pregnancy and Maternity		X	
Race		X	
Religion or Belief		X	
Sex		X	
Sexual Orientation		X	
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities		X	
Community Cohesion		X	

12. Other comments:

13. Decision:

No Impact

Positive Impact

Neutral Impact

Negative Impact or Impact Not Known¹

Note: If ticked 'Negative Impact or Impact Not Known' box at Question 15, will need to progress to full EIA.

14. Proceed to full EIA?

Yes

No

15. What are your reasons for your decision? Changes will affect any one group negatively.

1st Authorised signature (Lead Officer): Gurjit Singh Bahra
Date: 12/11/15



2nd Authorised Signature (Member of DMT):
Date:

Once completed and authorised by the Departmental Equalities Group, this Equality Questionnaire will need to be published on our website. Please send a copy of this form to the Members Secretariat in the Chief Executives Department to louisa.jordan@leics.gov.uk

¹ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

**CABINET – 12 JANUARY 2016****EXCEPTION TO CONTRACT PROCEDURE RULES FOR DEPRIVATION OF LIBERTY SAFEGUARDS (BEST INTEREST ASSESSMENTS) - URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of the Report**

- 1 The purpose of this report is to advise the Cabinet of urgent action taken by the Chief Executive, following consultation with the Leader of the Council, to approve an exception to the Contract Procedure Rules to enable a contract to be awarded to Quality Assured Projects for the delivery of Best Interest Assessments in relation to the Deprivation of Liberty Safeguards (DOLS).
- 2 As a consequence of a Supreme Court judgement in March 2014 there has been a fourfold increase in referrals to the DOLS service. In order to address the backlog of assessments and authorisations that has arisen and to protect the Council from risk of challenge it was necessary to commission an external agency to undertake assessments, allowing time for the Authority to develop additional internal capacity to deal with the growing demand and to explore other potential solutions.

Recommendations

- 3 That the urgent action taken by the Chief Executive, following consultation with the Leader, to grant an exception to the Contract Procedure Rules be noted.

Reasons for Recommendations

- 4 Rule 6 (b) (ii) of the County Council's Contract Procedure Rules states that an exception to the Rules may be made within the relevant law and with the authority of the Executive [the Cabinet] where it is satisfied that an exception is justified on its merits. In an urgent case the Chief Executive after consultation with the Council Leader or Deputy Leader (save where this is not practicable) may direct that an exception be made subject to this being reported to the next meeting of the Executive.

Timetable for Decisions (including Scrutiny)

- 5 Implementation of the contractual arrangements with Quality Assured Projects will need to commence in January 2016 in order to ensure that the required number of Best Interest Assessments can be completed in 2016.

Policy Framework and Previous Decisions

- 6 The DOLS service was implemented in 2009 and hosted by the County Council across Leicester, Leicestershire and Rutland via a Partnership Agreement, which was extended until 2014 with Cabinet agreement. In 2014 all supervisory body responsibilities transferred to the local authorities and Leicester City established its own service. The County Council continues to provide the service to Rutland via a Service Level Agreement.

Resource Implications

- 7 Discussions have taken place with Quality Assured Projects, a division of Liquid Personnel Ltd. Quality Assured Projects meets the Council's minimum eligibility requirements for providers of services to vulnerable service users (in terms for instance of its equality and personnel policies) and it can offer a managed service. The total value for this arrangement will not exceed the UK Public Contract Regulations threshold for the 'Light Touch Regime', i.e. £589,148. This includes any additional costs related to purchasing mental health assessments. Some in-house and managerial and administrative support will also be required. Independent advocacy support as needed will be supplied via existing arrangements.
- 8 It should be noted that the Council will only pay for assessments as they are completed and signed off by the Adults and Communities Department as the signatory body. The cost will be met from a combination of this year's departmental underspend and growth that will be included in the 2016/17 Medium Term Financial Strategy.

Circulation under the Local Issues Alert Procedure

- 9 None.

Officer to Contact

Jon Wilson, Director of Adults and Communities
Adults and Communities Department
Telephone: 0116 305 7454
Email: jon.wilson@leics.gov.uk

Heather Pick, Assistant Director (Personal Care and Support)
Adults and Communities Department
Telephone: 0116 305 7456
Email: heather.pick@leics.gov.uk

PART B**Background**

- 10 The purpose of DOLS is to protect vulnerable adults from arbitrary decisions to deprive them of their liberty, and to provide a robust and transparent framework within which to challenge the authorisation of DOLS. People who lack the capacity to consent to arrangements made for their care and treatment may need to be deprived of liberty in their own best interests in order to protect them from harm. DOLS provides a legal framework for this.
- 11 Authorisation must be sought from supervisory bodies (local authorities) in order to lawfully deprive a person of their liberty. Where a request for a standard authorisation of DOLS is made, the local authority - in this case the County Council - is responsible for arranging a number of assessments to determine whether the authorisation should be granted.
- 12 In March 2014 the Supreme Court extended the definition of what constitutes a deprivation to include people who live in community settings such as supported living, shared lives, residential schools and, in some circumstances, people's homes. This led to a substantial increase the number of applications received by local authorities.
- 13 As well as being responsible for DOLS for residents in Leicestershire the County Council currently hosts the DOLS service for Rutland Council under a service level agreement. In 2013-14 there were 695 referrals across Leicestershire and Rutland, rising to 2,030 in 2014-15. In the first half of 2015-16 there were 1,672 referrals, reflecting the national trend.
- 14 The County Council has always taken a proactive approach to DOLS and was therefore in a strong position to deal with the rise in applications but despite this it is unable to meet current demand. There are currently 1,852 referrals awaiting allocation. There are also around 120 people in supported living or shared lives arrangements who are likely to require an assessment.
- 15 Individuals waiting for a DOLS assessment could be deprived of their liberty without appropriate legislative safeguards in place, putting them at risk of arbitrary decisions being made about their residence and care and leaving them unable to appeal those decisions. This would also place managing authorities, particularly supervisory bodies, open to legal challenge, with the associated financial and reputational risks. The Care Quality Commission report "Monitoring the Deprivation of Liberty Safeguards 2014-15" recognised the pressure that local authorities faced and acknowledged the backlog of applications nationally but stressed the importance of compliance with DOLS.
- 16 Quality Assured Products has capacity to clear the majority of Leicestershire's backlog within 9 months. This will help ensure that individuals' rights are protected and that they receive appropriate care and treatment, and will also enable the Council to develop additional internal capacity to deal with the growing demand in the meantime. In order to expedite the work the Chief Executive, following consultation with the Leader of the Council, has agreed an exception to the Council's Contract Procedure Rules.

Background Papers

None.

Relevant Impact Assessments**Equality and Human Rights Impact Implications**

- 17 The County Council's arrangements for DOLS relate to some of the most vulnerable service users and patients, and their operation serves to protect these individuals in a way that is compliant with the Equalities Act 2010 and the Human Rights Act 1998. The provider will be made aware of our policies in this regard and expected to act in accordance with them.



CABINET - 12 JANUARY 2016

REPORT OF THE COUNTY SOLICITOR

**REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) -
REVISED POLICY STATEMENT**

PART A

Purpose of the Report

1. The purpose of this report is to advise the Cabinet on the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period from 1 October 2014 to 30 September 2015, and to recommend the adoption of a revised Policy Statement to reflect legislative changes that have taken place.

Recommendations

2. It is recommended that -
 - (a) The Council's use of the Regulation of Investigatory Powers Act 2000 for the period from 1 October 2014 to 30 September 2015 be noted;
 - (b) That the County Council's Policy Statement on the use of RIPA powers (appended to this report) be agreed;
 - (c) That the Cabinet continues to receive annual reports from the Corporate Governance Committee on the use of RIPA powers and whether the Policy remains fit for purpose.

Reasons for Recommendations

3. The Policy Statement requires updating to reflect legislative changes regarding the supply of nicotine inhaling products that have taken place since its previous consideration by the Cabinet in December 2013.

Timetable for Decisions (including Scrutiny)

4. A revised Policy Statement will be implemented following approval by the Cabinet.

Policy Framework and Previous Decisions

5. Since October 2000 the County Council has had statutory responsibilities under RIPA to ensure there is appropriate oversight for the authorisation of its officers who are undertaking covert surveillance governed by the Act.
6. The RIPA Codes of Practice require elected members of a local authority to review the authority's use of RIPA and set the policy at least once a year. They should also consider internal reports on the use of RIPA to ensure that it is being applied consistently with the local authority's policy and that the policy remains fit for purpose. Elected members should not, however, be involved in making decisions on specific authorisations.
7. In November 2013 the Council's Corporate Governance Committee agreed changes to the Policy Statement to reflect legislative changes and the recommendations made following an inspection undertaken by the Office of Surveillance Commissioners. The Cabinet subsequently agreed the Policy Statement on 13 December 2013.
8. On 20 February 2015 the Corporate Governance Committee agreed that it would receive annual reports on the use of RIPA.

Resources Implications

9. There are no resources implications arising from this report.

Circulation under the Local Issues Alert Procedure

10. None.

Officer to Contact

Andrew James, County Solicitor
Tel: 0116 305 6007
Email: andrew.james@leics.gov.uk

PART B

Background

11. The Trading Standards Service is the primary user of RIPA within the County Council. The three activities primarily used by the County Council are "Directed Surveillance", the conduct and use of "Covert Human Intelligence Sources" (CHIS), and authorisations to acquire certain types of "communications data". These are the RIPA 'powers' referred to in this report.
12. **Directed surveillance** is the pre-planned covert surveillance of individuals, sometimes involving the use of hidden visual and audio equipment.
13. **CHIS** includes the use of County Council officers, who pretend to be acting as consumers to purchase goods and services, e.g. in person, by telephone or via the internet.
14. **Communications data** relates to information obtained from communication service providers, for example, subscriber details relating to an internet account, mobile phone or fixed line numbers, but does not include the contents of the communication itself.
15. Legislative changes in November 2012 implemented an additional layer of scrutiny which means that local authority authorisations under RIPA can only take effect if an order approving the authorisation or notice has been granted by a Magistrates' Court.
16. Subsequent amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 brought about further restrictions on the use of RIPA. A local authority can only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminality. These are criminal offences and only those offences which on conviction are punishable by a maximum term of imprisonment of six months or more, or offences relating to the sale of alcohol or tobacco to children.

The Process

17. An application by the Authority for a RIPA authorisation or notice is considered at a hearing in the Magistrates' Court. The hearing is conducted in private and heard by a Magistrate or District Judge who will read and consider the RIPA authorisation or notice applied for.
18. Home Office guidance recommends the County Council Monitoring Officer should designate certain officers for the purpose of presenting RIPA cases to the Magistrates' Court. Delegated powers agreed by the Cabinet enable the County Solicitor to "authorise staff to prosecute, defend or appear in proceedings before Magistrates' Courts on behalf of the County Council". A pool of suitable officers within Regulatory Services (in the Chief Executive's Department) are designated for this purpose. The existing delegated power will allow for further designations to be made by the County Solicitor should it

become necessary and appropriate for officers from other service areas to be able to represent the Council in RIPA hearings.

19. The Corporate Governance Committee continues to be the appropriate body to review the RIPA Policy Statement annually, with a view to reporting to the Cabinet on both the use of RIPA powers and whether the policy remains fit for purpose.
20. Procedures and all published Home Office guidance for local authorities are available to all employees via the County Council's intranet.

Use of RIPA by the County Council

21. For the period from 1 October 2014 to 30 September 2015 the following authorisations were approved:
 - a) 7 directed surveillance
 - b) 4 CHIS
 - c) 17 relating to the acquisition of communications data.
22. All RIPA authorisations granted within this period were associated with covert surveillance activities undertaken by the Trading Standards Service. These criminal investigations related to the supply of counterfeit or unsafe products; unfair trading practices conducted via the internet or on the doorstep; the sale of alcohol or tobacco to children; the illegal importation of canines and the supply of psychoactive substances.
23. All the above RIPA applications were approved by a District Judge or a Magistrate sitting at Leicester Magistrates' Court. On each occasion an application was put before the Court, the County Council was able to demonstrate that appropriate consideration had been given to the necessity and proportionality of the surveillance to be undertaken and that it was being sought for a legitimate purpose.

Illegal Sales of Butane, Knives and Fireworks

24. In December 2013 the Cabinet agreed to revise the Policy Statement to enable the Council to undertake covert investigatory techniques in respect to the prevention and detection of illegal sales of butane, knives, and fireworks, which are age-restricted products. These products do not meet the criteria specified in the Protection of Freedoms Act 2012 and therefore do not attract the protections of RIPA in respect to these covert investigatory techniques.
25. The Council has implemented a procedure to ensure that it continues to comply with its obligations under Article 8 of the European Convention on Human Rights, requiring its Trading Standards Service to adhere to the same authorisation procedures for RIPA authorisations and/or notices, except for the requirement to seek the approval of a Magistrates' Court.

26. In the period from 1 October 2014 to 30 September 2015 an authorisation was granted to undertake a series of covert test purchases relating to fireworks, butane, and knives. No sales were made.

Legislative Changes

27. With effect from 1 October 2015 the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 made it an offence to sell nicotine inhaling products to persons under the age of eighteen. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2015 provides the necessary gateway to enable a local authority to apply for judicial approval to use covert surveillance when investigating the supply of this type of age-restricted product.
28. The Council's Policy Statement therefore requires an amendment at Section 3 to reflect these legislative changes and agree that the Council may, subject to judicial approval, use covert surveillance to investigate the supply of nicotine inhaling products to persons under the age of eighteen.

Background Papers

Report to the Cabinet on 13 December 2013 "The Regulation of Investigatory Powers Act 2000 Policy Statement December 2013" and minutes of that meeting.

<http://ow.ly/W4cTP>

<http://ow.ly/W4cWZ>

Report to the Corporate Governance Committee on 17 November 2015 "Regulation of Investigatory Powers Act 2000 (RIPA) - Annual Report" and minutes of that meeting.

<http://ow.ly/W4d3g>

<http://ow.ly/W4d6G>

Equality and Human Rights Implications

29. None arising from this report.

Appendix

The Regulation of Investigatory Powers Act 2000 (RIPA) draft Policy Statement

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Covert Surveillance and the Acquisition of “Communications Data” Policy Statement

1. This policy sets out how Leicestershire County Council (the Council) will comply with the Regulation of Investigatory Powers Act 2000 (RIPA), the Human Rights Act 1998 and the European Convention of Human Rights (ECHR) - Article 8, when carrying out any covert investigatory techniques. If such covert investigatory techniques are conducted by the Council, RIPA regulates them in a manner that is compatible with ECHR, particularly the right to respect for private and family life (Article 8). The use of covert investigatory techniques are an interference with the rights protected by the ECHR (Article 8) and there may be a potential violation of those rights, unless the interference is in accordance with the law and is necessary in a democratic society in the interests of:
 - national security;
 - public safety;
 - economic well-being of the country;
 - prevention of disorder or crime;
 - protecting of health or morals; or
 - the protection of the rights and freedoms of others.

Any such interference must be proportionate requiring a balancing of the seriousness of the intrusion against the seriousness of the offence and consideration of whether there are other means to obtain the required information.

The Council has a number of specific core functions requiring it to investigate the activities of private individuals, groups and organisations within its jurisdiction, for the benefit and protection of the greater public. Such investigations may require the Council to undertake covert investigatory techniques.

2. In accordance with RIPA the Council will only use three covert investigatory techniques for its core functions (details set out below).

“Directed Surveillance” will only be used for the purposes of the Council’s investigations. This is covert non-intrusive surveillance, which is carried out in such a way that the persons subject to the surveillance are unaware that it is or may be taking place. It is undertaken for the purposes of a specific investigation or operation and is conducted in such a manner, that it is likely to result in the obtaining of private information about a person and in circumstances other than by way of an immediate response to events where it would not be reasonably practicable to seek authorisation for the surveillance. The Council will not undertake surveillance in residential properties or private vehicles.

“Covert Human Intelligence Source” will only be used for the purposes of the Council’s investigations. These are individuals, who establish or maintain a

personal or other relationships with another person(s), without revealing his or her true identity, for the covert purpose of obtaining information and disclosing the information to the Council.

“Communications Data” (CD) will only be used for the purposes of the Council’s investigations. CD is the ‘who’, ‘when’ and ‘where’ of a communication, but not the ‘what’ (i.e. the content of what was said or written). In accordance with RIPA the Council will only utilise the less intrusive types of CD: “service use” (e.g. the type of communications, time sent and duration) and “subscriber information” (e.g. billing information). Under **no circumstances** will the Council obtain “traffic data” (e.g. information about where the communications are made or received) under RIPA. The Council will **not** intercept the content of any person’s communications, as it is an offence to do so without lawful authority.

3. The Council will not utilise a “Directed Surveillance” or “Covert Human Intelligence Source” authorisation or a “Communications Data” notice(s) under RIPA, until an order approving the grant or renewal of an authorisation and/or notice(s) has been granted by a Magistrates’ Court.

Before an authorisation is submitted to a Magistrates’ Court it must be internally authorised by an “Authorising Officer” or a “Designated Person” of the Council. Such covert investigatory techniques will only be used where it is considered necessary (e.g. to investigate a suspected crime) and proportionate (e.g. balancing the seriousness of the intrusion into privacy against the seriousness of the offence and whether the information can be obtained by other means). The Council will follow the relevant Codes of Practice on the scope of powers, necessity and proportionality.

In accordance with the Protection of Freedoms Act 2012 the Council will only submit a “Directed Surveillance” authorisation to the Magistrates’ Court for authorisation, for the purpose of preventing crime, where a criminal offence(s) is punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months’ imprisonment, is suspected, or if the offence relates to the underage sale of alcohol tobacco or nicotine inhaling products and where the necessity and proportionality tests are met. The Council will ensure that any authorisations and/or notices, which are granted and/or renewed by the Magistrates’ Court or by the Council’s Authorising Officers, are not utilised beyond the statutory time limits prescribed.

4. The Council will maintain a list of senior officers, who are designated to oversee the covert investigatory techniques specified in paragraph 2, in respect of the Council’s internal procedures for authorisations and/or notices under RIPA, prior to the authorisations and/or notice(s) being approved by a Magistrates’ Court and to oversee the process following such approvals until cancellation. A record of approved authorisations and notices will be kept by the Council and certain information about the approvals will be published on the Council’s website. The Council’s County Solicitor, being the Senior Responsible Officer under RIPA, will ensure that the senior officers with responsibility for overseeing any covert investigatory techniques are at

Director, Head of Service, Service Manager or equivalent level of seniority and are aware of the Council's obligations to comply with RIPA and with this policy. Furthermore, all officers who are required to undertake covert techniques will receive appropriate training or be appropriately supervised.

5. The Council may undertake any of the covert investigatory techniques specified in paragraph 2 above, in respect to the prevention and detection of illegal sales of the following age restricted products: Butane, Knives and Fireworks, even though these products do not meet the criteria specified in the Protection of Freedoms Act 2012 and therefore do not attract the protections of RIPA, in respect to these covert investigatory techniques. The Council believes that it is important that the Council's Trading Standards Service is authorised to use any of the aforementioned covert investigatory techniques, in order to undertake enforcement activities in respect of the aforementioned products, even though the Council will not be afforded the protection of RIPA. The Council will ensure that it continues to comply with its obligations under the ECHR (Article 8), by requiring its Trading Standards Service to adhere to the same authorisation procedures for RIPA authorisations and/or notices, except for the requirement to seek the approval of a Magistrates' Court.
6. The Council will ensure that any other covert investigatory techniques, not requiring the approval of a Magistrates' Court, will be subject to the same internal authorisation processes as referred to above.
7. This policy and the procedures for the proper approval of authorisations and/or notice(s), the recording of covert investigatory techniques, will be reviewed when it is considered appropriate to do so.

Approved: Cabinet 3rd June 2005

Revised: Cabinet 13 December 2013

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