*Meeting:* **Cabinet**

*Date/Time:* **Tuesday, 11 October 2016 at 2.00 pm**

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

*Contact:* **Mrs. J. Twomey (Tel. 0116 305 6462)**

*Email:* **joanne.twomey@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

| Item | | Report by | |
|---|---|---|---|
| 1. | Minutes of the meeting held on 16 September 2016. | | (Pages 3 - 16) |
| 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. | | |

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| 4. | 2016/17 Medium Term Financial Strategy Monitoring (Period 5) and Investment Proposals. | Director of Corporate Resources | (Pages 17 - 46) |
| 5. | Unaccompanied Asylum Seeking Children National Transfer Scheme. | Director of Children and Family Services | (Pages 47 - 54) |
| 6. | Supported Living Framework 2017 - 2021. | Director of Adults and Communities | (Pages 55 - 88) |
| 7. | Community Life Choices Framework 2017-20 - Outcome of Consultation on Future Delivery. | Director of Adults and Communities | (Pages 89 - 132) |
| 8. | Government Consultation on the Shale Wealth Fund. | Chief Executive | (Pages 133 - 138) |
| 9. | Items referred from Overview and Scrutiny. | | |
| 10. | 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, 16 September 2016.

PRESENT

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

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

In attendance

Mr. P. G. Lewis CC, Mrs. R. Page CC, Dr. R. K. A. Feltham, Mr. R. J. Shepherd CC, Mr. S. J. Galton CC, Mr. R. Sharp CC, Mrs. J. Richards CC and Mr. O. O'Shea CC.

467. Minutes of the previous meeting.

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

468. Urgent items.

There were no urgent items for consideration.

469. 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 Pain CC declared a Personal Interest in item 11 on the agenda 'Market Harborough Transport Study' as Leader of Harborough District Council.

Members made the following declarations with regard to item 9 on the agenda, 'Dry Recycling Credits Medium Term Financial Strategy Savings' -

Mr. Rushton CC declared a personal interest as a member of North West Leicestershire District Council. He stated that having considered carefully the effect that the proposals may have upon that Authority he did not consider that he needed to declare any further interest and would therefore take part in the debate on the matter.

Mrs Posnett CC declared a personal interest as the Leader of Melton Borough Council. She stated that she had decided to take part in the debate on the matter at the County Council and had delegated responsibility for the matter to the portfolio holder for waste matters at Melton Borough Council.

Mr. Pain CC declared a personal interest as the Leader of Harborough District Council. He stated that he had taken no part in consideration of the issue at Harborough District Council, having delegated responsibility for the matter to the Deputy Leader and the portfolio holder for waste matters at that Authority.

Mr. Rhodes CC declared a personal interest as a member of Melton Borough Council. He stated that he had decided to take part in the debate on the matter at the County Council and had therefore not participated in any consideration of the issue at Melton Borough Council.

Mr. Orson CC declared a personal interest which might lead to bias as the Lead Member with responsibility for waste matters at Melton Borough Council. He undertook to leave the meeting during consideration of this item.

Mr. Blunt CC declared a personal interest which might lead to bias due to having previously considered the matter at North West Leicestershire District Council in his capacity as Leader of the Authority. He undertook to leave the meeting during consideration of this item.

470. Change to the order of Business.

The Chairman sought and obtained the agreement of members to vary the order of business from that set out in the agenda.

471. A50 Bradgate Hill, Markfield Road, Groby Road and Leicester Road in the Parishes of Groby and Glenfield - Proposed Traffic Regulation Orders.

The Cabinet considered a report of the Director of Environment and Transport which sought approval for proposals to introduce a 40mph speed limit and to close a number of gaps in the central reservation on parts of the A50 corridor through Glenfield, Groby and Markfield. A copy of the report, marked ‘Item 13’, is filed with these minutes.

The Cabinet noted comments from two of the local members, Mr Yates CC and Mr Sprason CC, a copy of which are filed with these minutes. Mr Rushton CC advised that he had personally received representation from Edward Argar MP and David Tredinnick MP who both supported the proposals set out within the report.

With the agreement of the Leader, Mr O’Shea CC addressed the Cabinet as the local member for Groby and Ratby.

Mr O’Shea CC thanked the Leader for allowing him to speak on the proposed changes to the A50 corridor which was an important issue within his division and one which he had campaigned on since his election in 2013. He also thanked officers for their hard work and dedication in producing a comprehensive report.

He said that due to the current 50mph speed limit, residents living alongside the A50 Bradgate Hill regularly experienced difficulties accessing their drives. The stretch of road had also seen several fatal and many serious accidents over the years. He said that a reduction in the speed limit to 40mph would help address these problems whilst also provide motorists with a consistent speed limit to follow along the A50 corridor.

He added that he also supported the closure of the gaps in the central reservations which had contributed to three recorded personal injury accidents, including one fatality in 2012.

Mr Osborne CC welcomed the proposed measures which he said would make the stretch of road safer.

RESOLVED:

That the introduction of a 40mph speed limit on Leicester Road, Glenfield, Groby Road, Glenfield, Markfield Road, Groby and Bradgate Hill, Groby and the closure of gaps in the central reservation on Markfield Road and Bradgate Hill, Groby as shown on the plan attached as Appendix A of the report be approved.

REASON FOR DECISION:

Implementing a 40mph speed limit will provide a consistent speed limit along the A50 corridor as well as addressing the concerns of and to improve the quality of life for local residents.

There have been three personal injury accidents recorded in connection with the gaps in the central reservation, including one fatality in 2012, closure of the gaps will improve safety along this stretch of the carriageway. A recent safety audit supports the closure of the gaps and there is overwhelming support to do so from consultation respondents (92%).

472. <u>Medium Term Financial Strategy Update.</u>

The Cabinet considered a report of the Director of Corporate Resources which set out the overall financial position faced by the County Council and the proposed approach to updating the Medium Term Financial Strategy (MTFS). The report also sought approval for a letter to be sent to the Secretary of State for Communities and Local Government to accept a four year settlement.  A copy of the report, marked 'item 4' is filed with these minutes.

Mr. Rhodes CC said that whilst members and officers continued to make representation to the Government to illustrate how poorly funded the Council was and hoped that the continued pressure would lead to fairer funding in the future, the authority must prepare for the worst and this report portrayed what that position could look like.

Mr White said that the situation with the Government's funding arrangements were similar to those experienced within Pubic Health, where a fairer funding formula had not been introduced and as a result the authority continues to lose out.

RESOLVED:

a) That the significant financial challenge faced by the County Council be noted;

b) That the approach outlined in the report to updating the Medium Term Financial Strategy be noted;

c) That a letter, as set out in the appendix to the report, be sent to the Secretary of State to accept the four year local government finance settlement.

(KEY DECISION)

REASON FOR DECISION;

To enable the County Council to continue to develop plans to address the worsening financial position. The acceptance of a four-year settlement will provide the Council with a degree of certainty as to the minimum funding allocation from the Government which will assist in its financial planning.

473. Responses to Consultation on Self-Sufficient Local Government: 100% Business Rates Retention and Business Rates Reform Fair Funding Review: Call for Evidence on Needs and Redistribution.

The Cabinet considered a report of the Director of Corporate Resources which sought approval for proposed County Council responses to Government consultation concerning Business Rates Retention and Business Rates Reform. A copy of the report, marked 'item 5' is filed with these minutes.

Mr. Rushton CC said that it was important that the Government recognised the tough financial position the Council found itself in and understood that the authority needed fairer funding to help pay for its current responsibilities before it could be expected to fund additional services.

RESOLVED:

That the draft responses to the consultation on 100% Business Rates Retention and the Call for evidence on Needs and Redistribution, as set out in Appendices A and B of the report be approved.

REASON FOR DECISION:

To provide a response to two key consultations on proposals that are expected to change the Local Government funding system significantly.

474. Leicestershire and Rutland Local Safeguarding Children Board and Safeguarding Adult Board Annual Reports 2015/16.

The Cabinet considered a report of the Independent Chairman of the Leicestershire and Rutland Local Safeguarding Children Board and the Leicestershire and Rutland Safeguarding Adult Board regarding the key findings of the Boards' Annual Reports for 2015/16. A copy of the report, marked 'item 6', is filed with these minutes.

Members noted the comments of the Adults and Communities and the Children and Families Overview and Scrutiny Committees, copies of which are filed with these minutes.

On behalf of the Cabinet, the Chairman thanked Mr. Burnett, the Independent Chairman, for his work and commended the Annual Reports.

RESOLVED:

a) That the comments of the Adults and Communities and the Children and Families Overview and Scrutiny Committees be noted;

b) That the Leicestershire and Rutland Local Safeguarding Children Board and Safeguarding Adult Board Annual Reports for 2015/16 be welcomed and noted.

REASON FOR DECISION:

The Leicestershire and Rutland Local Safeguarding Children Board (LRLSCB) and Leicestershire and Rutland Safeguarding Adult Board (LRSAB) are statutory bodies and local authorities have a duty to ensure that the Boards are enabled to operate effectively.

It is a requirement of (the statutory guidance) Working Together 2015 that the LRLSCB Annual Report be reported to the Leader of the Council together with the Chief Executive of the local authority, the Chairman of the Health and Wellbeing Board, and the Police and Crime Commissioner. It is a requirement of the Care Act 2014 statutory guidance that the LRSAB Annual Report is also reported to these individuals as well as the Chief Constable and Healthwatch.

It has been considered good practice in Leicestershire to submit both the Annual Report and Business Plans to the Cabinet and the relevant Overview and Scrutiny Committees for the LRSAB and the LRLSCB.

475. Better Care Fund Plan/Disabled Facilities Grant.

The Cabinet considered a report of the Director of Health and Care Integration which provided an update on progress made since its June meeting in regards to the Disabled Facilities Grant allocation as part of the Better Care Fund (BCF) Plan and pooled budget for 2016/17. A copy of the report, marked ‘7’, is filed with these minutes.

Mr White CC welcomed the recent developments which would allow for the continuation of a joined up approach between the Districts and County Council. He said he hoped that clearer Government guidance would be published in due course to avoid such difficulties in future BCF funding arrangements.

RESOLVED:

a) That it be noted that Charnwood Borough Council has now indicated that it wishes to progress the matter in accordance with the recommendation of the Integration Executive as set out in paragraph 28 of the report, and that the Health and Wellbeing Board was informed at its meeting on 15th September;

b) That the response of Charnwood Borough Council be welcomed;

c) That the development of the business case for the Lightbulb Integrated Housing Service, which is predicated on joint investment by partners to incorporate the delivery of Disabled Facilities Grant in a wider offer of support to individual residents, and the constructive engagement of the district councils, be noted and supported.

REASON FOR DECISION:

To update the Cabinet in respect of progress made since the June 2016 Cabinet meeting.

476. Syrian Vulnerable Persons Resettlement Scheme.

The Cabinet considered a report of the Chief Executive which provided an update on the Government's current Syrian Vulnerable Persons Relocation Scheme and detailed its implications for the Authority. A copy of the report marked 'Item 8' is filed with these minutes.

The Cabinet noted comments from Mr. R. Sharp CC, a copy of which is filed with these minutes.

Mr Ould CC said that the Council was still awaiting agreement from the representatives of the district councils as to how the scheme would actually work. He said he would personally seek reassurance that safeguarding issues would be properly catered for.

Mr Houseman CC said that it was very important that the County Council played its part in helping vulnerable people from Syria. Considering the existing requirements and budgetary challenges the County Council already faced, it was imperative that the associated costs were fully met. Such costs should include not only the initial costs of caring for the vulnerable people transferred to the Council's care but also the potential long term costs to care for the more vulnerable who may require additional social care in the future.

Mr Rushton CC added that the Local Government Association continued to insist that the costs associated with the Syrian Vulnerable Persons Resettlement Scheme should be fully reimbursed by Government. He said that the Council was not in a position to be able to shoulder additional financial responsibility.

RESOLVED:

a) That the County Council remains committed to assist in the resettlement locally of families under the Syrian Vulnerable Persons Resettlement Scheme (SVPRS) in keeping with its previous decision and will provide support in accordance with its responsibilities;

b) That it is regrettable that the key issue of social care costs remains unresolved and that the County Council's dealings with Charnwood Borough Council, who are co-ordinating the response to the SVPRS of the district councils as housing authorities, have not been productive;

c) That the recognition by Charnwood Borough Council officers on 13th September that Government funding to support the SVPRS can be used for social care costs, a change from Charnwood's previous position, is welcomed, but the arrangements for and level of reimbursement need clarification taking account of advice from the Regional Strategic Migration Partnership, the Local Government Association and the Home Office;

d) That a unilateral decision by district council officers to draft and sign memoranda of understanding directly affecting the County Council is unacceptable;

e) That the County Council would expect a change of view from district councils in regard to the local governance of the SVPRS, where their decisions currently exclude the County Council and elected members;

f) That no memorandum of understanding will be considered or signed by the County Council until the County Council is satisfied as to arrangements in respect of governance and funding;

g) That the County Council's response to the Government's National Transfer Scheme for Unaccompanied Asylum Seeking and Refugee Children and the Government's Vulnerable Children's Resettlement Scheme, which carry significant financial and other consequences for the County Council, and which will be the subject of a report to the next Cabinet meeting, will be considered alongside the ongoing response to the SVPRS;

h) That a copy of this resolution be sent to all district councils.

REASON FOR DECISION:

To ensure that the Cabinet continues to be aware of the latest position regarding the Syrian Vulnerable Persons Resettlement Scheme, and to seek to ensure the Scheme is appropriately governed and deploys Government funding in line with Government guidance and the support needs of refugee households.

477. Dry Recycling Credits Medium Term Financial Strategy Savings.

(Mr. Orson CC and Mr. Blunt CC, having each declared a personal interest which might lead to bias, left the meeting during consideration of this item).

The Cabinet considered a report of the Director of Environment and Transport which detailed the outcome of consultation on the options appraisal to achieve the required savings on dry recycling credits as identified in the 2016 Medium Term Financial Strategy and sought approval for a preferred option.

Comments of the Environment and Transport Overview and Scrutiny Committee and the Liberal Democrat Group are filed with these minutes.

The Director explained that the County Council's Medium Term Financial Strategy which was approved by the County Council in February 2016, identified a required saving of £1,030,000 from recycling credits in 2018/19. He said that following formal consultation with all of the Waste Collection Authorities (WCA) and an independent financial analysis and deliverability review, Option 4, which proposed that the County Council should procure capacity for all the WCAs dry recycling and direct them to use it, offered the greatest potential savings levels over the period to 2030.

The Director of Law and Governance said that in proposing the changes the Council was acting reasonably and it had engaged with the WCAs, including via a formal consultation process pursuant to the implied duty to consult, and had had regard to their existing contractual arrangements.

Mr Pain CC said that the County Council had arrived at the recommended approach following a lengthy consultation process and detailed review. He said it was important to remember that recycling credit payments were initially provided to WCAs to manage waste on behalf of the County Council and the Authority had now come to the conclusion that a different approach was necessary in order to help manage the financial demands placed upon the Council.

Mr Rhodes CC acknowledged that this was a difficult decision and recognised the good work WCAs had done in recent years to increase recycling rates. Whilst he understood that the County Council's recycling credits had helped the authorities achieve the positive results, the Council had savings targets to reach and following extensive work by officers and discussions with the WCAs it had identified that considerable savings could be made by centralising the disposal of recycling waste and option 4 would maximise those possible savings.

RESOLVED:

a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted;

b) That the outcome of the options appraisal for achieving the necessary savings and the views of the Waste Collection Authorities (WCAs) be noted;

c) That Option 4 as set out in paragraph 32 of the report be agreed;

d) That the Director of Environment and Transport be authorised –

    I. to commence a procurement exercise to secure processing capacity for dry recycling by 1st April 2018;

    II. following consultation with the Director of Law and Governance, to serve reasonable notice objecting to WCAs retaining dry materials for recycling with effect from 1st April 2018 or such other date as the Director of Environment and Transport shall determine for each WCA,

    III. to issue directions to WCAs to deliver dry materials for recycling to the most appropriate facility made available under a new contract following the completion of a procurement exercise,

    IV. following consultation with the Cabinet Lead Member and the Director of Law and Governance, to enter into new local arrangements for incentive payments to financially compensate the WCAs for reductions in residual household waste with such of the seven WCAs as he considers appropriate.

(KEY DECISION)

REASON FOR DECISION:

The preferred way forward, Option 4, offers the greatest potential savings for the County Council within a feasible timescale and authorising the Director to take the necessary actions to give effect to the decision will facilitate the implementation of Option 4 within the planned timescales.

OTHER OPTIONS CONSIDERED:

The following 8 options were considered:

1) Baseline – i.e. to continue with current arrangements.

2) Reach local agreements (individually with each WCA) to reduce the value of the recycling credit.

3) Develop and agree a new payment model to incentivise a reduction in residual waste / increase in recycling.

4) The County Council to procure capacity for all WCA dry recycling and direct the WCAs to use it.

5) The County Council to procure capacity for all WCA dry recycling and agree a mechanism for cost / income sharing.

6) The County Council to build a materials recovery facility (MRF), individually or with another authority, and direct the WCAs to use it.

7) The County Council to develop a MRF with the WCAs and agree a mechanism for cost / income sharing.

8) The County Council and the WCAs to develop a long term strategic private / public partnership with a private sector company for MRF provision.

(Mr. Orson and Mr. Blunt then returned to the meeting).

478. Future Strategy for the Delivery of Library Services - Outcome of Consultation on Kirby Muxloe Library and Update concerning Desford Library.

The Cabinet considered a report of the Director of Adults and Communities regarding the outcome of consultation with the Kirby Muxloe community regarding alternative library provision and outlined progress made in relation to Desford library. A copy of the report, marked ‘10’, is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee are filed with these minutes.

Mr Blunt CC welcomed the business case submitted by residents within the Kirby Muxloe area which would enable the library to remain open. He continued to be hopeful that issues currently preventing Desford Library’s transfer could be overcome.

Mr Pain CC thanked officers and the Lead Member, Mr Blunt CC, for their hard work and thanked members of the Adults and Communities Overview and Scrutiny Committee for their positive input throughout the process.

RESOLVED:

a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;

b) That the consultation undertaken to explore alternative library provision in the Kirby Muxloe area and the outcome of the consultation be noted;

c) That the submission of an outline business case by a group of residents in Kirby Muxloe which meets the County Council’s criteria and is capable of moving forward to formal agreements be noted;

d) That the Director of Adults and Communities, in consultation with the Director of Law and Governance, be authorised to enter into formal agreements for the transfer of Kirby Muxloe Library;

e) That the current position regarding Desford Library be noted and if an agreed position cannot be reached with the Desford Community Group by the end of September, a three-month consultation exercise in Desford to explore alternative library provision in the area be agreed;

f) That a report in respect of Desford Library be submitted to the Cabinet in the new year detailing the outcome of a consultation exercise referred to in e) above, if an agreed position cannot be reached with the Desford Community Group by the end of September;

g) That the period for which the £150,000 contingency fund is made available be extended until such time as it is exhausted and that the possibility of future provision be reviewed at that time.

(KEY DECISION)

REASON FOR DECISION:

The Council has a statutory obligation to ensure provision of a comprehensive and efficient library service. It has sought to enable and facilitate the ongoing provision, wherever possible, of library services by closer working with communities and other providers, whilst at the same time sustaining the countywide infrastructure to enable it to meet both its statutory obligations and budget challenges.

In November 2014, the Cabinet agreed, inter alia, a delivery model for its library services and a support package for community libraries.

The outline business plan submitted by the Kirby Muxloe community group meets the criteria set out by the County Council to enable it to access the support package.

The County Council and the existing Desford Community Group have been unable to reconcile differences over the provision of leasing arrangements to enable them to progress with their original plans.

479. <u>Market Harborough Transport Study.</u>

The Cabinet considered a report of the Director of Environment and Transport which detailed the findings of a transport study into the current and expected future condition and performance of the transport network in Market Harborough and sought approval for the commencement of a consultation exercise to help develop a transport strategy for the town. A copy of the report, marked ‘Item 11’, is filed with these minutes.

The Cabinet noted comments from the Liberal Democrat Group, a copy of which is filed with these minutes.

RESOLVED:

a) That the emerging outcomes of the recent study work, with particular reference to the key findings and recommendations outlined in paragraphs 31 to 45 of the report be noted;

b) That a consultation exercise to commence later in 2016 on the draft Market Harborough Transport strategy identified within the Transport Study be approved;

c) That a further report be submitted to the Cabinet in the new year detailing the outcome of the consultation and engagement exercise, and identifying how the refinement and implementation of the Transport Strategy will be progressed.

(KEY DECISION)

REASON FOR DECISION:

It is intended that the transport strategy will not only assist with the implementation of Harborough District Council's new Local Plan, but it will also ensure that the County Council continues to deliver an efficient transport network and develop well planned infrastructure to support economic and population growth ambitions in the town.

Government funding for transport projects remains heavily focused on the delivery of economic growth. Government money for local schemes is generally now being awarded via Local Enterprise Partnerships (LEPs), which have to demonstrate how investments will support economic growth.

The strategy will provide a strong evidence base, bringing together existing known and future anticipated transport issues and the enhanced context and justification required to exploit future funding and delivery opportunities. The strategy will be used to inform future bid opportunities, such as the Single Local Growth Fund (SLGF), and will also provide a basis for securing developer contributions.

480. <u>LTP3 Hinckley Area Project Zone 4- Proposed Transport Improvements.</u>

The Cabinet considered a report of the Director of Environment and Transport seeking approval for a consultation exercise on proposals within the Local Transport Plan 3 Hinckley Area Project (Zone 4) covering Hinckley town Centre and the A47 Corridor around the town. A copy of the report, marked 'Item 12', is filed with these minutes.

The Cabinet noted comments which had been received from the Liberal Democrat Group, a copy of which is filed with these minutes.

With the agreement of the Leader, Mrs Richards CC addressed the Cabinet as the local member for Earl Shilton.

Mrs Richards CC informed the Cabinet of two highways issues which had been raised by members of her division. The first concerned the recent removal of three central reservations from a road in Earl Shilton which had made it more difficult to cross. The second was in regard to issues concerning the double yellow lines positioned outside shops at the top of Castle Street in Hinckley.

In response, The Director explained that whilst the issues concerning the central reservations in Earl Shilton did not feature within the Zone 4 proposals being considered by the Cabinet, he would arrange for an officer to meet with Mrs Richards CC to discuss the issue. With regards to the potential removal of double yellow lines, the Director reminded members that the process was often costly due to associated legal and advertising costs but applications would be considered on a case by case basis.

Mr Osborne CC welcomed the proposed Zone 4 works which would build upon and complement the improvements delivered by the Hinckley Area Project, significantly benefiting the economic growth of the town.

RESOLVED:

a) That the commencement of a consultation and engagement exercise on the proposals outline for phase 1 of the Hinckley Project Area Zone 4 as outlined in Paragraphs 31 – 39 of the report be approved;

b) That a further report on the outcome of the Government announcement regarding the next round of Local Growth Funding and the outcome of the consultation and engagement exercise be submitted to the Cabinet in the new year in order to determine how best to progress the Hinckley Area Project Zone 4 transport improvements.

(KEY DECISION)

REASON FOR DECISION:

To enable work to continue to develop proposals for Zone 4, including a key stakeholder and public consultation and engagement exercise.

481. Infrastructure Plan.

The Cabinet considered a report of the Chief Executive which sought approval for the County Council's Infrastructure Plan and subsequent management and review arrangements. A copy of the report, marked '14', is filed with these minutes.

RESOLVED:

a) That the County Council Infrastructure Plan be approved;

b) That the management and review arrangements for the Plan, including strengthening long-term infrastructure planning and associated funding requirement estimates, be overseen by the Enabling Growth Board;

c) That it be noted that the Plan will be reviewed to incorporate projected demographic, housing and employment growth and associated spatial options agreed through the development of the Strategic Growth Plan being prepared by the seven district councils, Leicester City Council and the County Council up until 2050.

REASON FOR DECISION:

The Plan sets out how the Council will establish a more strategic approach to planning infrastructure across service departments by prioritising capital investment to achieve Leicestershire's spatial and economic aspirations in the short (to 2021) and medium (to 2028/31) terms.

The Enabling Growth Board has overseen the development of the Plan to date, and recognises the need to strengthen and further develop long-term infrastructure planning including ensuring realistic funding estimates are available to help prioritise the Council's Capital Programme. The Enabling Growth Board will also work closely with the Council's Finance Team to explore innovative and commercial funding models to help meet future demands.

This is the County Council's first Infrastructure Plan which brings together information on future capital investment requirements as a result of demographic and economic growth. All nine local authorities are currently working collaboratively to develop a Strategic Growth Plan (SGP) which will provide agreed spatial options for housing and economic growth up to 2050 and it will be necessary to align the Infrastructure Plan to the SGP as a second phase of the Plan's development.

482. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

11.00am – 12.40pm CHAIRMAN
16 September 2016

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Agenda Item 4

Leicestershire County Council

**CABINET - 11TH OCTOBER 2016**

**REPORT OF THE DIRECTOR OF CORPORATE RESOURCES**

**2016/17 MEDIUM TERM FINANCIAL STRATEGY MONITORING (PERIOD 5) AND INVESTMENT PROPOSALS**

**PART A**

**Purpose of Report**

1. The purpose of this report is to provide members with an update on the 2016/17 revenue budget and capital programme monitoring position and to seek approval for investments in services predominantly aimed at generating future savings, and investment in Pooled Property Investment Funds.

**Recommendation**

2. The Cabinet is recommended to:

   a) Note the current year financial position as outlined in the report;

   b) Approve the areas of investment set out in paragraph 45 of this report, to be funded from the projected 2016/17 revenue budget underspend;

   c) Approve the investment of up to £10m of the County Council's earmarked funds into a pooled property fund, or a small number of pooled property funds as the Director of Corporate Resources deems appropriate, subject to the medium-term return outlook being acceptable.

**Reasons for Recommendations**

3. To enable the County Council to invest resources in investments which will generate future savings.

4. A total of around £15.6m is expected to be available from the forecast net revenue underspend released in 2015/16. Investment projects have been identified which should assist with future savings, support corporate priorities, and generate income.

5. Earmarked fund balances not required in the short term can be invested in to Pooled Property Investment Funds, to generate additional income.

**Timetable for Decision (including Scrutiny)**

6. The Scrutiny Commission will consider a report on the Medium Term Financial Strategy monitoring and investment proposals at its meeting on 30th November 2016.

**Policy Framework and Previous Decisions**

7. The Medium Term Financial Strategy for 2016/17 to 2019/20 was approved by the County Council on 17th February 2016.

**Resource Implications**

8. The financial position faced by the County Council is both serious and extremely challenging. This is particularly the case for low funded authorities such as Leicestershire as the ability to generate further savings is limited. The forecast current year underspend and the levels of earmarked fund balances provide an opportunity to invest in projects and Pooled Property Investment Funds, to generate additional savings and income.

9. As at 31st March 2016 the County Council had earmarked funds of £85.3m, excluding Dedicated Schools Grant, which are invested in short term (less than 12 months) investments with counterparties who have a minimal risk of default.

10. Investing a further £10m into pooled property funds will reduce earmarked funds to £75.3m and increase the total amount held in property funds to £25m. The rational for using pooled property funds is to increase the income received on the County Council's investments. There is an increase in risk should the value of the property fall below the initial purchase prices, but as the investment is expected to remain in place for a meaningful period of time (at least 5 years) this risk is considered to be low.

11. The acquisition of pooled property funds is accounted for as capital expenditure and this will be included in the Medium Term Financial Strategy (MTFS) capital programme. The investment will be funded from the overall balance of earmarked funds, as some funds are held over the longer term. When the investments are sold the proceeds will be treated as capital receipts, which are restricted by statute to fund future capital expenditure. Substitution with other revenue contributions to the capital programme will therefore be required to reinstate the original level of earmarked funds. This will be monitored to ensure that the position can be managed.

12. The Director of Law and Governance has been consulted on the content of this report.

**Circulation under the Local Issues Alert Procedure**

13. None.

**Officers to Contact**

Mr B Roberts – Director of Corporate Resources
☎ 0116 305 7830 E-mail Brian.Roberts@leics.gov.uk

Mr C Tambini, Director of Finance, Corporate Resources Department,
☎0116 305 6199 E-mail Chris.Tambini@leics.gov.uk

Mr D Keegan, Head of Finance, Corporate Resources Department,
☎0116 305 7668 E-mail Declan.Keegan@leics.gov.uk

# PART B

## Background

14. The latest revenue budget monitoring exercise shows a net projected underspend of £15.6m, as summarised in Appendix 1.

15. The latest capital programme monitoring exercise shows a net projected acceleration of £1.6m compared with the updated budget on those schemes categorised as live. The net position is after the reprogramming of several schemes in the Children and Family Services programme to 2017/18 totalling £8.0m following a detailed review of deliverability.

16. The 2016/17 revenue budget and the 2016/17 to 2019/20 capital programme were approved by the County Council at its budget meeting on 17th February 2016 as part of the Medium Term Financial Strategy.

17. The monitoring information contained within this report is based on the pattern of revenue and capital expenditure and income for the first five months of this financial year.

## REVENUE BUDGET

### Children and Family Services

18. The Department is forecasting a net overspend of £3.3m on the Dedicated Schools Grant (DSG) Block and a net £30,000 (0.0%) underspend on the Local Authority (LA) Block.

19. The DSG Block overspend mainly relates to continuing pressure on the Special Educational Needs (SEN) budget. An overspend of £3.1m was recorded on SEN placements in 2015/16. This, together with further anticipated growth in cost and volume, were addressed within the 2016/17 budget setting exercise when SEN budgets were increased by £7.6m. £4.3m of this was funded from a transfer from the Schools Block, including a reduction in the Age Weighted Pupil Unit within school budgets. Further budget adjustments were also made and the SEN services were allocated a savings target of £2.8m in order to accommodate the costs within the available funding.

20. For 2016/17 a budget overspend of £3.5m is being reported; £2.3m of this relates to the non-achievement of savings. Some actions have been put in place to reduce costs. This includes a limited expansion of local provision for pupils with Autistic Spectrum Disorders (ASD) and an increased support offer to retain primary age pupils within mainstream schools to reduce the need for more costly specialist provision. However, so far the actions and their financial impact has been limited and will be seen in the medium rather than short term, and not at the scale or pace required. The remaining overspend relates to increases in cost and volume of SEN placement. Although in the current year this can be met from the DSG earmarked fund, it is a major concern.

21. In March the Department of Education (DfE) consulted on changes to the methodology for the High Needs grant allocations. Whilst the impact of the proposed changes on DSG income is uncertain, the consultation included firm proposals to ring fence the three elements of DSG to stop local authorities moving funding between schools, early years and high needs. This will have a significant impact on the Authority's budget if overspends on the high needs block are not reduced. The outcome of this consultation and implementation date is unknown.

22. Although it is not possible until all pupil destinations for the 2016/17 academic year are confirmed to ascertain the full extent of any overspend in next year, there is no doubt this budget will be under extreme pressure in 2017/18 and later years.

23. Further options to reduce costs are being formulated and these will be presented to the Schools Forum in October. It is essential that a comprehensive and practical plan is developed as soon as possible. Schools along with the County Council need to work together to address this budget issue as the current emphasis on specialist provision is not affordable. This work is being supported by the Transformation Programme.

24. The net underspend on the LA Block is mainly due to underspends on Education Learning and Skills, Targeted Early Help and Social Care and Safeguarding Assurance, largely offset by agency costs related to interim departmental management changes (£0.4m).

25. There are financial risks within the LA budget that have not been included in the forecasts at this stage but that may arise during the year. These include:

- Social Care Placements – continuing pressure on this budget. The budget overspent by £4.6m in 2015/16 which was addressed by growth of £7.9m to cover this and provide capacity for an increase in costs in 2016/17. The net effect is an increase of £3.3m assuming that the savings included in the budget of £2.1m for reduced cost/ demands on placements, an increase in in-house foster carers and the children's home closure could be met.

  The latest forecast, including a continuation of growth at recent levels, is that the overall budget will be underspent by £0.8m in 2016/17. However, this is a volatile area where local and national child protection cases can be expected to influence the number of children requiring care packages and therefore the underspend has not yet been released.

  Of the £2.1m savings, the focus on reducing costs of placements and the closure of Greengate children's home have reduced costs by £1.5m and can be seen by the reduction in the average placement cost. The balance of savings, relating to the increase in in-house foster care placements of £0.6m, is not yet evident.

  The estimated underlying growth for placements for 2016/17 is £1.9m. Although the average cost of a placement has reduced, the child population continues to grow which will result in a greater number of children in care and lead to financial growth. There is no provision for growth in the current MTFS for future years.

For 2016/17 the number of looked after children has increased from 469 in March to 508 at the end of August. Analysis of the type of placement and the financial position shows a reduction in children in residential care and a movement to lower cost provision.

In summary, of the £3.3m additional funding at the start of the year, £1.9m has been allocated as additional growth, £0.6m savings on foster carers have not yet been evidenced, and £0.8m underspend not yet released. The position is being kept under continual review.

- Unaccompanied Asylum Seekers – the Cabinet received a report on 18 July 2016 which detailed the expectation that Leicestershire would receive 74 unaccompanied asylum seeking children (UASC) under the National Transfer Scheme implemented by the Home Office. Grant received from the Home Office largely only covers the cost of accommodation and not social work costs. Whilst precise information is unclear about timings and costs it is estimated that the annual costs from 2017/18 onwards are £2m. The impact on 2016/17 is expected to be minimal. A report concerning the Scheme will be considered by the Cabinet elsewhere on the agenda.

**<u>Adults and Communities</u>**

26. The Department is forecasting a net underspend of £6.3m (4.6%). The main variances relate to:

- An underspend due to predicted growth on the number of commissioned hours and costs of home care (£2.4m) not being required. The number of hours have been relatively stable to date with 2016/17 running at similar levels to 2015/16;

- An underspend on direct payments (£2.0m) due to lower average payments compared with last year, lower growth in expected numbers and clawback of unspent cash payment balances;

- An underspend in supported living (£1.8m) due to the predicted growth in service users, as a result of changes to ordinary residence rules following the introduction of the Care Act, not materialising;

- Other significant savings include reductions in contract costs, increased income from continuing health care and vacancy management (total £1.7m);

- Overspend on Residential and Nursing Care (£1.0m) – Service user contributions are forecast to be £0.5m lower than budgeted and an increase in expenditure on social care provision forecast of £0.5m. Further analysis is being undertaken to understand the reasons for these variances. An update will be provided in the next monitoring report.

27. The forecast position includes a £2m savings requirement for reduced cost and demand for social care. This has been achieved within the underspends reported above and are in the process of being allocated to the specific services.

28. In addition to the above there is a risk to the level of income received for residential care where a shortfall of £0.5m is being forecast. Income varies from year to year and will continue to be closely monitored to identify any trends in the commissioning of services that will have an ongoing impact on budgeted income.

29. During 2016/17 an additional contribution of £0.5m was agreed from the Better Care Fund to fund the same levels of service on residential care and homecare to avoid the impact on the NHS.

**Public Health**

30. The Department is forecast to achieve an overall underspend of around £0.1m, mainly due to a delay to the expansion of Local Area Co-ordination while further evidence of Health outcomes is being collected.

31. As a result of the 2015 comprehensive spending review, which cut non-NHS Public Health funding by an average of 3.9% in real terms per annum, significant savings have had to be achieved in the MTFS. Although the savings have already been or are on track to be achieved, there are risks associated with the reduction in preventive spend. Additionally, NHS England's decision to appeal the High Court ruling that the NHS, and not local authorities, were responsible for providing an anti-retroviral drug aimed at controlling the spread of HIV creates further risk. The cost of this amongst high risk groups for Leicestershire could be in excess of £1m but would be highly dependent on take-up.

**Environment and Transport**

32. At this stage the Department is forecast to overspend by around £0.1m (0.2%).

33. The net position mainly relates to Special Educational Needs (SEN) transport (£0.6m), where there is an increase in the number of pupils coming through the system over and above the additional growth already built into the 2016/17 budget (97 new users or contract changes since February 2016 when growth was agreed). Overall there are approximately 1,600 service users, although this number fluctuates throughout the year. In addition, the risk assessment process has identified individuals with more complex needs, leading to an increase in average daily costs of 2.4%. There is also a forecast overspend of £0.3m on Social Care transport due to increased demand.

34. These overspends are partly offset by savings on Public Bus Service contracts of £0.2m, lower usage of Concessionary Travel of £0.1m, and savings on a number of Environment and Waste budgets, mostly through more cost effective waste treatment and lower waste tonnages.

35. The Department is taking action to contain the potential overspend by the year end through the use of the commuted sums earmarked fund, managing vacancies and managing service demand.

**Chief Executives**

36. The Department is forecast to underspend by around £0.4m (3.7%). The underspend is mainly due to staff vacancies and increased income, partly offset by an overspend of around £0.1m on the Coroners Service, related to increasing running costs and investigations linked to the rising number of Deprivation of Liberty cases.

**Corporate Resources**

37. The Department is forecast to underspend by around £0.5m (1.5%). This is mainly due to staff vacancies in ICT ahead of staff reviews and a shortage of specialist staff (£0.3m). There are no other significant risks to this position at this stage.

**Contingencies**

38. A contingency of £8.0m was made against delays in the achievement of savings. At this stage of the year and in the context of the overall spend reported above, it is unlikely that the contingency will be required and can be released to provide funding for initiatives that reduce future budget pressures.

39. The 2016/17 budget included a £17.2m provision for inflation. This has been increased by a £0.9m carry forward from a balance on the 2015/16 inflation contingency. Allocations of £9.7m have been made to departments at this stage, to cover part of the Adult Social Care Fee Review, the April 2016 pay award, a major change to National Insurance, an increase in pension contribution rates, transport inflation and a number of minor issues. Further transfers will be required to cover the full impact of the National Living Wage on the Adult Social Care Fee Review and a number of other inflation issues.

**Central Items**

40. The recent reduction in bank base rates will have the impact of reducing the amount of interest earned on revenue balances. The loan portfolio does, however, have a large exposure to longer terms loans (6 month/12 month) that were placed late in the last financial year or early in the current one in the expectation that base rates were not going to be rising and the rates offered were, therefore, attractive. Following the outcome of the EU referendum it seemed fairly clear that base rates would actually be reduced and further loans were placed in order to protect returns for as long as possible.

41. The outcome of this action is that there is very little risk that this year's budget of £2m will not be achieved. Forecasts in future years' budgets, which took account of the expectation of gradually increasing base rates over the period, will need to be revised downwards as part of the new MTFS.

42. An underspend of £0.5m is forecast on the Financing of Capital budget, due to the County Council's strategy to take opportunities to utilise one-off revenue balances and earmarked funds to continue to reduce debt.

**Business Rates**

43. The County Council is undertaking quarterly monitoring with the District Councils and Leicester City Council regarding the 2016/17 Leicester and Leicestershire Business Rates Pool. The latest forecasts show a potential surplus of around £4.3m for the sub region in 2016/17. The Pooling Agreement allows for any surplus to be allocated to the Leicester and Leicestershire Enterprise Partnership (LLEP) for investment projects in Leicestershire.

**Revenue Summary / Proposed use of underspend**

44. Overall a net revenue underspend of £15.6m is reported as at period 5, which reflects the early achievement of savings, the contingency for savings not being required in 2016/17 and growth in certain areas not yet materialising. This means that there is an opportunity to use these resources to support additional one off areas of spend that meet the following principles; to fund projects and investments that reduce liabilities and ongoing costs, generate or increases income and offsets areas of high demand and pressure.

45. Proposed uses of the net underspend are set out below:

- Vehicle replacement £1m – to generate savings
- Highways maintenance £5m – including road safety and flood alleviation
- Asset Investment Fund £5m – to generate extra income
- Transformation / Invest to Save £3.6m – likely that the programme will need funding for some time
- Energy Schemes £1m – to generate savings

46. In addition to the above, it is proposed that the Authority invests up to a further £10m into Pooled Property Investment Funds (in addition to the £15m approved by the Cabinet in September 2015) against the overall level of forecast earmarked fund balances (£85.3m as at 31 March 2016, excluding Dedicated Schools Grant). The investment will generate higher financial returns than the funding held as cash balances. The investment can be realised when the funding is needed.

47. The Council has the legal power to invest in a large number of different types of investments, and each of these investments has a different risk/return relationship. Whilst property provides a reasonable return the underlying investment is not liquid, hence can be expensive to trade. The UK property market remains attractive to investors, but this does not prevent economic shocks impacting the capital value of property funds. If an economic downturn coincided with the County Council needing to sell their property fund investment quickly the loss could be significant. This risk can be significantly reduced by the County Council only investing a relatively small proportion of the available cash into medium term investments. This allows the investment in property funds to be held for a reasonable period of time (probably at least 5 years). The Authority can then withstand a certain amount of short-term volatility in the capital value of the investment. Risks will be mitigated further by engaging property managers who are familiar with the market and use a pooled fund or funds to provide diversification from asset-specific risk.

**CAPITAL PROGRAMME**

48. The updated capital programme for 2016/17 totals £100.1m, including funding carried forward from 2015/16. The results of the latest capital monitoring exercise is summarised in Appendix 3 and Appendix 4.

49. The analysis in Appendix 3 shows the current status of delivery of projects analysed by three categories:

- L = Live Schemes: works have commenced or are in a position to start
- P = Preparatory Schemes: schemes identified, require regulatory or internal approval
- F = Funding Available: schemes at ideas stage

Schemes are expected to move through the stages during the year. Schemes at the funding available stage have a greater level of uncertainty and potential for delay.

**Live Schemes**

50. Overall £92.7m of the total programme is categorised as at a 'Live' stage. Forecast spend is £94.3m resulting in acceleration of £1.6m from 2017/18 to 2016/17.

**Children and Family Services**

51. Following a detailed review of the deliverability of the capital programme several projects within the School Accommodation Programme will need to be reprogrammed to different financial years. The net total is £8.0m. The schemes involved are:

Reprogramming to 2017/18 - £8.7m:

- Barwell Area, Primary Places - £1.0m
- Earl Shilton, Townlands Primary School - £1.3m
- Ibstock Junior School - £0.2m
- Market Harborough, Farndon Fields Primary School - £0.3m
- Birstall, Hallam Fields New Primary school - £1.4m
- Wigston Area Special School - £1.5m
- Address Structural Changes (10 + Retention) - £3.0m

Reprogramming to 2016/17 (Brought Forward) - £0.7m:

- Sileby, Highgate Primary School - £0.5m
- Thurnby, St Lukes Primary School - £0.2m

52. The above schemes are funded from the Department for Education Basic Need capital grant, which can be carried forward to 2017/18. This will provide a smoothing of capital expenditure across the three financial years; 2016/17 £26.4m, 2017/18 £4.5m and 2018/19 £16.9m.

53. There is an underspend on the School Accommodation Programme of £0.4m relating to reduced costs of external works at Sileby Redlands Primary School. The funding will be carried forward to 2017/18 to fund additional school accommodation projects.

**Adults and Communities**

54. The forecast expenditure is in line with the updated budget.

**Public Health**

55. The forecast expenditure is in line with the updated budget.

**Environment and Transport – Transportation Programme**

56. The latest forecast shows net acceleration of £2.0m compared with the updated budget.

57. The main variances are reported below:

- Slippage of £1.1m on work to the A42 Junction 13 due to aligning the works with Highways England Maintenance schemes.

- Acceleration of £3.0m on the Street Lighting LED invest to save scheme due to a revised profile of works and additional installation gangs that have been contracted.

58. The updated programme includes £0.7m Pot Hole Action Fund capital grant, awarded by the Department for Transport in April 2016.

**Environment and Transport – Waste Management**

59. The forecast expenditure is in line with the updated budget.

**Chief Executive's**

60. The forecast expenditure is in line with the updated budget.

**Corporate Resources**

61. The latest forecast shows a net underspend of £0.3m compared with the updated budget.

62. The main variances are reported below:

- Underspend of £0.2m on Demolition of Vacant Buildings as a result of requiring potential purchasers to pay for demolition costs.

- Underspend of £0.1m on the Internet Replacement programme. The project is forecast to spend to budget but more costs will now be revenue than capital.

**Corporate Programme**

63. The latest forecast shows a net variance of £0.3m compared with the updated budget. This includes the following variances:

- Slippage of £0.6m on Corporate Asset Investment Fund. The Coalville Workspace Project is forecast to slip to 2017/18 due to delays in obtaining planning permission. An outline plan is due to be submitted to the Local Planning Authority on 6th October 2016.

- Acceleration of £0.8m on the Energy Strategy Invest to Save project due to an increase in interest from maintained and academy schools.

- An overspend of £0.3m on the acquisition of North Kilworth, Walton Holt Farm as part of the Corporate Asset Investment Fund. The agreed purchase fee is higher than originally expected due to the desirability of the site and the number of other bidders.

**<u>Preparatory Stage</u>**

64. Overall there is a total of £4.2m (updated budget) of schemes at the preparatory stage, awaiting approvals to proceed / no longer required. This includes:

- Corporate Programme – investment at Loughborough University Science Enterprise Park (£1.6m) pending confirmation of the investment required.

- Corporate Programme – County Hall Maintenance (£0.5m), first year of a three year programme of works. Scheme preparation is underway with tenders now being prepared. The first phase of works are expected to be completed by year end.

- Corporate Programme - Countesthorpe, The Drive (£0.5m) re-provision of nursery has been delayed while a review of alternatives is being undertaken.

- Environment and Transport - Waste Management - funding no longer required for the Coalville Transfer Station (£0.7m). The business case for Coalville Transfer Station is no longer viable and the proposed scheme will now not take place.

**<u>Funding Available Stage</u>**

65. Overall there is a total of £3.2m (updated budget) of schemes at the funding available stage; awaiting schemes to be identified for investment. These include:

- E&T Transportation – Advanced Design work (£1.9m) work pending the formulation of future year scheme plans.

- E&T Transportation – Fleet Renewal (£1m) and Road Safety (£0.2m) while confirming detailed requirements. The funding is expected to be spent in 2016/17.

- Adults and Communities - new Changing Places / Toilets for people who need personal assistance (£0.1m). Two schemes are expected to be delivered - one at Hinckley Leisure Centre and the other at Watermead Country Park. Further schemes are being scoped that would reduce the underspend if they can be delivered in 2016/17.

**Capital Receipts**

66. The forecast of general capital receipts in 2016/17 is £10.3m. The budget target is £12.1m. The shortfall relates to the delay of sale on one large site which is now expected to take place in 2017/18. The shortfall does not affect the financing of the 2016/17 capital programme as part of the overall budgeted receipts were planned to be used in later years.

**Capital Summary**

67. The latest forecast shows net acceleration of £1.6m compared with the updated capital programme for projects categorised as 'Live'.

## Equality and Human Rights Implications

68. There are no direct implications arising from this report.

## Background Papers

Report to County Council -17 February 2016 – Medium Term Financial Strategy 2016/17 to 2019/20
http://politics.leics.gov.uk/ieListDocuments.aspx?MId=4427

## Appendices

Appendix 1 – Revenue Budget Monitoring Statement
Appendix 2 – Revenue Budget – Forecast Main Variances
Appendix 3 – Capital Programme Monitoring Statement
Appendix 4 - Capital Programme – Forecast Main Variances

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APPENDIX 1

**REVENUE BUDGET MONITORING STATEMENT**

**FOR THE PERIOD : APRIL 2016 TO AUGUST 2016**

| | Updated Budget | Projected Outturn | Difference from Updated Budget | | |
|---|---|---|---|---|---|
| | £000 | £000 | £000 | % | |
| **Schools Budget** | | | | | |
| Delegated | 103,713 | 103,713 | 0 | 0.0 | |
| Centrally Managed | 83,796 | 87,096 | 3,300 | 3.9 | |
| Dedicated Schools Grant (DSG) | -187,509 | -187,509 | 0 | 0.0 | |
| Balance from DSG Earmarked Fund | 0 | 3,300 | 3,300 | n/a | |
| **LA Budget** | | | | | |
| Children & Family Services (Other) | 61,983 | 61,953 | -30 | 0.0 | GREEN |
| Adults & Communities | 137,507 | 131,247 | -6,260 | -4.6 | GREEN |
| Public Health * | -2,450 | -2,520 | -70 | 2.9 | GREEN |
| Environment & Transport | 72,307 | 72,437 | 130 | 0.2 | AMBER |
| Chief Executives | 10,020 | 9,650 | -370 | -3.7 | GREEN |
| Corporate Resources | 35,778 | 35,228 | -550 | -1.5 | GREEN |
| DSG (Central Dept recharges) | -922 | -922 | 0 | 0.0 | GREEN |
| Carbon Reduction Commitment | 355 | 355 | 0 | 0.0 | GREEN |
| Corporate Carry Forwards from 2015/16 | 7,650 | 7,650 | 0 | 0.0 | GREEN |
| Contingency for savings | 8,000 | 0 | -8,000 | -100.0 | GREEN |
| Contingency for inflation | 8,423 | 8,423 | 0 | 0.0 | GREEN |
| Total Services | 338,651 | 323,501 | -15,150 | -4.5 | |
| **Central Items** | | | | | |
| Bank & Other Interest | -1,950 | -1,950 | 0 | 0.0 | GREEN |
| Financing of Capital | 24,100 | 23,600 | -500 | -2.1 | GREEN |
| Repayment of Debt / MRP | 4,475 | 4,475 | 0 | 0.0 | GREEN |
| Revenue Funding of Capital | 3,947 | 3,947 | 0 | 0.0 | GREEN |
| Financial Arrangements etc | -50 | -50 | 0 | 0.0 | GREEN |
| Members Exps & Support etc. | 1,354 | 1,314 | -40 | -3.0 | GREEN |
| Provision for future Elections | 200 | 200 | 0 | 0.0 | GREEN |
| Flood Defence Levies | 280 | 280 | 0 | 0.0 | GREEN |
| Pension Costs | 1,900 | 1,860 | -40 | -2.1 | GREEN |
| Contribution to Discretionary Discounts & Admin. | 225 | 175 | -50 | -22.2 | GREEN |
| Local Support Services Grant | -385 | -355 | 30 | -7.8 | RED |
| New Homes Bonus Grant | -4,170 | -4,170 | 0 | 0.0 | GREEN |
| New Homes Bonus - element of top slice returned | -130 | -130 | 0 | 0.0 | GREEN |
| Education Services Grant | -3,650 | -3,550 | 100 | -2.7 | RED |
| Transition Grant | -3,307 | -3,307 | 0 | n/a | GREEN |
| Total Central Items | 22,839 | 22,339 | -500 | -2.2 | |
| Contribution from Earmarked Funds | -1,000 | -1,000 | 0 | 0.0 | GREEN |
| **Total Spending** | 360,490 | 344,840 | -15,650 | -4.3 | |
| **Funding** | | | | | |
| Revenue Support Grant | -36,992 | -36,992 | 0 | 0.0 | GREEN |
| Business Rates - Top Up | -36,743 | -36,743 | 0 | 0.0 | GREEN |
| Business Rates Baseline | -20,336 | -20,336 | 0 | 0.0 | GREEN |
| Small Business Rate relief etc - S31 Grant | -1,470 | -1,450 | 20 | -1.4 | AMBER |
| Collection Fund net deficit / (surplus) | -3,682 | -3,682 | 0 | 0.0 | GREEN |
| Council Tax | -247,515 | -247,515 | 0 | 0.0 | GREEN |
| **Total Funding** | -346,738 | -346,718 | 20 | 0.0 | |
| **Net Total** ** | 13,752 | -1,878 | -15,630 | | |

* Public Health funded by Grant (£26.1m)
** Updated budget net total of £13.752m represents carry forwards from 2015/16

'Traffic lights' :

| | |
|---|---|
| Underspending / on budget | GREEN |
| Overspending of 2% or less | AMBER |
| Overspending of more than 2% | RED |

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**APPENDIX 2**

**Revenue Budget 2016/17 – forecast main variances**

**Children and Family Services**

Dedicated Schools Grant

A net overspend of £3.3m is forecast, which will be funded from the DSG earmarked fund. The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| Special Educational Needs | 3,450 | 6% | Increased demand at special schools due to unusual age profile with fewer age 19 leavers and a large intake of younger pupils. Material increase in numbers of pupils diagnosed with Autism Spectrum Disorder (ASD) and needing high cost independent specialist provision. Additional primary school starters and fewer independent school leavers have added to costs. Increased numbers of students at FE colleges in line with changes to the Participation Age with no additional DSG funding.<br>The 2016/17 budget was increased by £7.6m; this included a transfer of £4.3m from the DSG Schools Block to the High Needs Block. Further budget adjustments were made a savings target of £2.8m allocated. £2.3m of this saving hasn't been achieved. £0.4m of SEND grant has been used to reduce the overspend. |
| DSG Early Years Block | 230 | -1% | Grant forecast reduced in line with the 2, 3 and 4 year old summer term 2016 actual data. The forecast grant payments to nursery schools has also been reduced. |
| 0-5 Learning | -360 | -2% | This underspend is as a result of the following:-<br>1. Underspend of £0.1m within the Early Learning and Childcare Improvement team due to staff vacancies.<br>2. Nursery Education Funding - forecasting an underspend of £0.2m as result of the latest headcount information available.<br>3. Early Years - 2 Year old offer |

| | | | |
|---|---|---|---|
| | | | underspend of £0.1m, based on current known data. |

Local Authority Budget

A net underspend of £30,000 (0.0%) is forecast. The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| Directorate | 380 | 47% | Interim CFS management changes and delays in departmental restructure have resulted in a significant proportion of staff agency related spend. |
| Education, Learning & Skills - 5 to 19 Learning | -145 | -22% | Underspend due to:<br>1) Reduction in projects to schools from within the Leicestershire Education Excellence Partnership.<br>2) Schools are performing better than previous summer terms, so less need for commissioned support from within the Education quality improvement budget. |
| Targeted Early Help | -105 | -1% | Underspend due to staff turnover and managed vacancies. |
| Children Social Care & Safeguarding Assurance | -80 | -0% | Underspend within Safeguarding Assurance budgets due to combination of increased traded activities, coupled with turnover of staff within the service. |

**Adults & Communities**

The Department is forecasting a net underspend of £6.3m (4.6%). The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| Reduce Demand and Cost Savings | 2,000 | 100% | Savings have been achieved within the underspends for Residential Care, Home Care, Supported Living, Direct Payments where lower demand trends are being reported. The savings are in the process of being allocated to specific services. |
| Residential & Nursing Care | 1,000 | 2% | Service user contributions are forecast to be £0.5m lower than budgeted. Further analysis is being undertaken to understand the reasons behind this. Increased expenditure on social care provision £0.5m, which is being investigated further. |

| | | | |
|---|---|---|---|
| | | | The budget forecast also includes a reduction in Continuing Health Care (CHC) contributions of £0.5m due to reduced numbers of eligible service users. This is offset by a corresponding reduction in expenditure of £0.5m. |
| Home Care | -2,440 | -9% | Underspend due to predicted increases in demand not materialising, hence growth built into the budget not being required.<br>As a result of the Help to Live at Home project, there have been a number of requests to transfer to a direct payment by service users who prefer to have their future support needs met by their current home care provider. So far this year, around 200 service users have taken this option with the possibility of a similar number following by the start of the new contracts in November. This has the effect of increasing the underspend even further, but will be offset by a corresponding increase in Direct payment expenditure. |
| Direct Cash Payments | -2,000 | -7% | Underspending from 2015/16 is being maintained as the trend for the overall average payment continues to be lower than expected and there are clawbacks from unspent cash payment balances. The average one off payment is £370 and weekly payment is £230. |
| Supported Living | -1,760 | -12% | Underspend achieved in 2015/16 following changes in responsibility rules relating to Ordinary Residence and other contracts is expected to be maintained with a small amount of growth in service users in 2016/17, resulting in a £2m underspend. The new framework contract is delayed and anticipated savings for 2016/17 (£0.2m) will not be achieved and is offset by some of these savings. |
| Better Care Fund | -500 | -3% | Additional contribution of £0.5m agreed from the Better Care Fund to fund the same levels of service on residential care and homecare to avoid the impact on the NHS. |
| PI Locality Teams | -450 | -12% | £0.3m underspend on Employment Support Service which is now absorbed within Direct Cash Payments budget |

| | | | |
|---|---|---|---|
| | | | and staff vacancies pending the A & C workforce strategy review. |
| CLC / Day Services | -395 | -14% | Additional Continuing Healthcare (CHC) income as result of revised in-house Community Life Choices (CLC) charges (£0.1m), plus staffing vacancies as part of wider restructuring (£0.3m). These are early delivery of MTFS savings. |
| Business Support -Staffing | -330 | -18% | Vacant posts held pending outcome of the departmental Workforce Strategy review. |
| Community Income | -285 | 2% | The department is expecting £1m additional Continuing Healthcare Income (CHC) from health as there has been an increase in non-learning disability joint funded care packages. This has been partially offset by reductions in income from self funding service users (£0.4m) and the number of new service users to the department being less than originally anticipated (£0.3m). There are corresponding underspends within expenditure budgets to compensate for this loss of income. |
| Reablement (HART) | -260 | -4% | Vacant posts held pending outcome of the departmental Workforce Strategy review. |
| Supported Living, Residential and Short Breaks | -255 | -7% | Additional CHC income as result of revised in-house charges. |
| Aids, Adaptations and Assistive Technology | -230 | -8% | An underspend from the Community Equipment joint arrangement with Leicester City based on latest demand information. |
| Compliance- Staffing | -130 | -13% | Vacant posts held pending outcome of the departmental Workforce Strategy review. |

**<u>Public Health</u>**

A net underspend of around £0.1m is forecast. The main variance is:

| | £000 | % of Budget | |
|---|---|---|---|
| Local Area Co-ordination (LAC) | -70 | -81% | A proposal to the Better Care Fund (BCF) to expand LAC across Leicestershire has been delayed while further evidence of Health outcomes is being collected. This results in lower BCF and Public Health Grant required in |

| | | | |
|---|---|---|---|
| | | | 2016/17 and a resulting underspend. |

**Environment and Transportation**

At present the Department is forecast to overspend by around £0.1m (0.2%). The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| **Highways** | | | |
| Winter Maintenance | 60 | 4% | Colder conditions in April resulted in additional gritting. |
| Environmental Maintenance – Grass Cutting | 55 | 6% | A significant number of staff absences has led to the need to engage a top-up contractor. |
| Reactive Maintenance | -200 | 8% | Joint sealing and barrier work are now being treated as capital expenditure and funded from the capital programme. Additionally there is a delay in issuing these works due to non-economical tender returns. |
| **Transportation** | | | |
| Special Education Needs Transport | 555 | 7% | Increased pupil numbers coming through since February 2016 (97 new users or contract changes since February 2016 when growth was agreed). In addition to this the risk assessment process has identified individuals with more complex needs and therefore the average daily cost has also risen. |
| Social Services Transport | 290 | 9% | Cost pressures from 2015/16 continue as a result of increased demand. |
| Mainstream School Transport | -260 | -5% | Underspend as a result of reduced demand (result of policy change), service reviews and increased charges. |
| Public Bus Services | -225 | -8% | Savings made through tendering of the Park & Ride contract in February 2016. |
| Concessionary Travel | -140 | -3% | Lower usage in the first 3 months of the financial year, in part due to poorer weather conditions in May and June. |
| **Environment & Waste** | | | |
| Recycling & Household Waste Sites | 100 | 4% | £o.1m reduction in anticipated income from charging - lower tonnages handled and delay in implementation of charging scheme in May. |
| Composting Contracts | -100 | -5% | Underspend due to contract efficiencies and lower green waste. |

| | | | |
|---|---|---|---|
| Recycling & Reuse Credits | -75 | -2% | Early indication is that tonnage growth is not evident at the original expected levels and therefore budget will be underspend. |
| Income | -70 | 6% | Additional trade waste income received over and above the MTFS position. |
| Treatment Contracts | -55 | -1% | Underspend due to more cost effective treatment of waste tonnages. |
| **Staffing & Administration** | 200 | 1% | Overspend due to a delay in implementing a revised planning and charging regime. |

**Chief Executives**

An underspend of around £0.4m (3.7%) is forecast. The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| Coroners | 105 | 12% | Overspend relates primarily to increased pressures on the Leicester City and South Leicestershire Coroner's Service run by Leicester City Council. Increased costs were identified at the end of 2015/16 relating to confirmation that the Coroner is entitled to a non-contributory pension and increasing investigation linked to the rising number of deprivation of Liberty cases. |
| Democratic Services & Admin | -105 | -7% | This underspend relates to a number of staff on career grades being on the lower part of their grades. There are also vacancies which are being recruited to, and a short term secondment creating a vacancy in the service which will not be recruited to. |
| Trading Standards | -100 | -7% | Several vacancies currently exist within the service resulting in an underspend that is partially offset by use of agency staff. The service has also been able to attract more funding from the National Trading Standards Board. |
| Planning, Historic & Natural Environment (HNET) | -85 | -18% | This underspend is largely due to staff vacancies. Recruitment to some of these vacancies is currently taking place. |

| | | | |
|---|---|---|---|
| Registration | -65 | 34% | Following on from 2015/16 where fee income was buoyant, it is forecast that this will continue into 2016/17. |
| Strategy & Business Intelligence | -50 | -1% | Underspend is due to vacancies from staff turnover in the service. |

**Corporate Resources**

An underspend of around £0.5m (1.5%) is forecast. The main variances are:

| | £000 | % of Budget | |
|---|---|---|---|
| ICT | -330 | -4% | Challenges recruiting technical specialists and vacancies held in anticipation of future year savings and Review. |
| Commissioning | -100 | -16% | Timing of vacancies being filled. |
| Strategic Finance | -75 | -2% | Vacancies held in anticipation of future year savings/ impending review. Work is being absorbed and prioritised accordingly. |
| Learning & Development | -65 | -3% | Saving based on latest forecast demand in Student Support, Management Competency and Health and Safety. |

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**CAPITAL PROGRAMME MONITORING STATEMENT (PERIOD 5)** **APPENDIX 3**

Live schemes – Works have commenced or are in a position to start.

| | Original Budget £m | Outturn adjustment and Changes in Funding £m | Updated Budget £m | Forecast £m | Updated Budget v Forecast Variance £m |
|---|---|---|---|---|---|
| Children & Family Services* | 31.2 | -2.4 | 28.8 | 28.4 | -0.4 |
| Adults and Communities | 4 | 0.7 | 4.7 | 4.7 | 0 |
| Public Health | 0.3 | 0 | 0.3 | 0.3 | 0 |
| E&T-Transportation | 38.9 | -0.3 | 38.6 | 40.6 | 2.0 |
| E&T-Waste Management | 0.3 | 0.1 | 0.4 | 0.4 | 0 |
| Chief Executive's | 4.7 | -0.5 | 4.2 | 4.2 | 0 |
| Corporate Resources | 2.7 | 2.0 | 4.7 | 4.4 | -0.3 |
| Corporate Programme | 8.8 | 2.2 | 11.0 | 11.3 | 0.3 |
| **Total** | **90.9** | **1.8** | **92.7** | **94.3** | **1.6** |

*Excludes Schools Devolved Formula Capital

Preparatory schemes – schemes identified and requiring regulatory or internal approval.

| | Original Budget £m | Outturn adjustment and Changes in Funding £m | Updated Budget £m | Forecast £m | Updated Budget v Forecast Variance £m |
|---|---|---|---|---|---|
| E&T-Waste Management | 0.4 | 0.3 | 0.7 | 0 | -0.7 |
| Corporate Programme | 3.5 | 0 | 3.5 | 3.1 | -0.4 |
| **Total** | **3.9** | **0.3** | **4.2** | **3.1** | **-1.1** |

Funding available – for schemes at ideas stage.

| | Original Budget £m | Outturn adjustment and Changes in Funding £m | Updated Budget £m | Forecast £m | Updated Budget v Forecast Variance £m |
|---|---|---|---|---|---|
| Adults and Communities | 0.1 | 0 | 0.1 | 0 | -0.1 |
| E&T-Transportation | 1.9 | 1.2 | 3.1 | 3.1 | 0 |
| **Total** | **2.0** | **1.2** | **3.2** | **3.1** | **-0.1** |

Overall Summary

| | Original Budget £m | Outturn adjustment and Changes in Funding £m | Updated Budget £m | Forecast £m | Updated Budget v Forecast Variance £m |
|---|---|---|---|---|---|
| Children & Family Services* | 31.2 | -2.4 | 28.8 | 28.4 | -0.4 |
| Adults and Communities | 4.1 | 0.7 | 4.8 | 4.7 | -0.1 |
| Public Health | 0.3 | 0 | 0.3 | 0.3 | 0 |
| E&T-Transportation | 40.8 | 0.9 | 41.7 | 43.7 | 2.0 |
| E&T-Waste Management | 0.7 | 0.4 | 1.1 | 0.4 | -0.7 |
| Chief Executive's | 4.7 | -0.5 | 4.2 | 4.2 | 0 |
| Corporate Resources | 2.7 | 2.0 | 4.7 | 4.4 | -0.3 |
| Corporate Programme | 12.3 | 2.2 | 14.5 | 14.4 | -0.1 |
| **Total** | **96.8** | **3.3** | **100.1** | **100.5** | **0.4** |

*Excludes Schools Devolved Formula Capital

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**APPENDIX 4**

## Capital Budget – Updated budget and forecast main variances

### Identified Variances

The significant variances on schemes at period 5 are:

| Department | Reasons | £000 |
|---|---|---|
| C&FS – School Accommodation | Underspend forecast on Sileby, Redlands Primary School £0.4m due to the reduced costs of external works. Also unallocated amount of £0.1m for Bulge Classes and Primary School Places. | -491 |
| A&C – Changing Places/Toilets | Two schemes are expected to be delivered - Hinckley Leisure Centre and Watermead Country Park. Further schemes are being scoped that will reduce the underspend further if they can be delivered in 2016/17. | -129 |
| A&C – Carlton Drive Respite Service | Works and fee costs are higher than the original budget. Build costs higher due to tree roots which required additional / specialist foundations. | 50 |
| E&T – A42 Junction 13 | Slippage due to alignment of works with Highways England Maintenance scheme. | -1,100 |
| E&T – LED Street Lighting (Invest to Save Scheme) | Acceleration of spend due to revised profile of works and additional installation gangs that have been contracted. | 3,000 |
| E&T – Loughborough Town Centre and Earl Shilton Bypass | Land compensation payments which are not budgeted for, after completion of schemes. | 150 |
| E&T – Waste – Coalville Transfer Station | The business case for Coalville Transfer Station is no longer viable and the funding will no longer be required. | -739 |
| Corporate Resources – Demolition of Vacant Buildings | Underspend as potential purchasers will now be required to fund demolition works. | -172 |
| Corporate Resources – Intranet Replacement | Overall project is expected to spend to budget but there are likely to be more revenue costs now than capital. | -118 |
| Corporate Resources – Industrial Properties | The slippage relates to timeliness of delivery of projects - i.e. design, procurement, delivery - at the moment unable to physically deliver in the timescale for spending in this financial year due to other commitments, premises availability and lead times for the various elements. | -100 |
| Corporate Programme – Coalville Workspace | Delays obtaining planning permission. An outline plan is due to be submitted to planning on 6 October 2016. | -635 |
| Corporate Programme – Countesthorpe, The | Slippage pending a review of the scheme and alternative options. | -500 |

| Department | Reasons | £000 |
|---|---|---|
| Drive | | |
| Corporate Programme – Energy Strategy | Acceleration as maintained and academy schools have found the scheme attractive. | 761 |
| Corporate Programme – North Kilworth, Walton Holt Farm | Agreed purchase fee higher than originally expected due to the attractiveness of the site and the number of other bidders. | 263 |

**Capital Programme – Changes in Funding**

Changes in funding on the capital programme 2016/17:

| Department | Reasons | £000 |
|---|---|---|
| Outturn Adjustments | 2015/16 Outturn adjustment:<br>• C&FS -<br>• A&C –<br>• Public Health -<br>• E&T Transportation -<br>• E&T Waste Management -<br>• Chief Execs -<br>• Corporate Resources -<br>• Corporate Programme –<br>• E&T - slippage carried forward to 2017/18 (Zouch Bridge) | <br>5,463<br>676<br>-8<br>-81<br>473<br>730<br>799<br>2,114<br>-1,709 |
| **Sub Total (outturn changes)** | | **8,457** |

| Department | Reasons | £000 |
|---|---|---|
| C&FS | School Accommodation – various Section 106 developer contributions to schemes | 398 |
| C&FS | Capital Maintenance Grant adjusted to reflect final allocation from DfE based on LA schools | -255 |
| C&FS | DfE Basic Need Capital Grant carried forward to 2017/18:<br>Following a detailed review of the deliverability of schemes within the programme:<br>Reprogramming to 2017/18, £8.7m<br>- Barwell Area, Primary Places - £1.0m<br>- Earl Shilton, Townlands Primary School - £1.3m<br>- Mkt Harb.Farndon Fields Primary School - £0.3m<br>- Ibstock Junior School - £0.2m<br>- Birstall, Hallam Fields New Primary school - £1.4m<br>- Wigston Area Special School - £1.5m<br>- Structural Changes (10 + Retention) - £3.0m<br>Reprogramming to 2016/17 (acceleration) £0.7m:<br>- Sileby, Highgate - £0.5m<br>- Thurnby, St. Lukes - £0.2m | -8,045 |

| | | |
|---|---|---|
| **Department** | **Reasons** | **£000** |
| E&T - Transportation | Fleet Renewal (revenue funding c/fwd from 2015/16 – Cabinet 17th June 2016) | 1,000 |
| E&T - Transportation | Maintenance (revenue funding c/fwd from 2015/16 – Cabinet 17th June 2016) | 747 |
| E&T - Transportation | Road Safety (revenue funding c/fwd from 2015/16 – Cabinet 17th June 2016) | 200 |
| E&T - Transportation | Pothole Grant funding 2016/17 – DfT | 717 |
| Chief Executives | Loughborough University Science Enterprise Park (LUSEP) transferred to Corporate Programme | -1,275 |
| Corporate Programme | Loughborough University Science Enterprise Park (LUSEP) transferred from Chief Executives | 1,275 |
| **Sub Total** | | **-5,238** |
| | | |
| **Overall Total** | | **3,219** |

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Leicestershire County Council

## CABINET – 11TH OCTOBER 2016

## UNACCOMPANIED ASYLUM SEEKING CHILDREN VOLUNTARY NATIONAL TRANSFER SCHEME

## REPORT OF THE DIRECTOR OF THE CHILDREN AND FAMILY SERVICES

### Purpose of the Report

1. The purpose of this report is to advise the Cabinet on the implications of participation in the Unaccompanied Asylum Seeking Children (UASC) voluntary National Transfer Scheme and of proposals to disengage from the Scheme.

### Recommendations

2. It is recommended that:

(a) The County Council reaffirms its commitment to the overarching principle of the scheme whilst recognising its responsibilities to prioritise the needs of Leicestershire children and young people;

(b) The current service difficulties in meeting the needs of Unaccompanied Asylum Seeking Children who have already transferred to the care of the County Council under the National Transfer Scheme be noted;

(c) The financial, logistical and placement difficulties being experienced in relation to Unaccompanied Asylum Seeking Children be noted;

(d) In light of the above, it be noted that the County Council will disengage from the voluntary Scheme until such time as the Government:
- meets the full costs of placements and service provision;
- makes adjustments to the operation of the scheme to make it practical to deliver;
-or makes participation in the Scheme mandatory;

(e) The support of Leicestershire MPs be sought to support the County Council's case.

**Reasons for Recommendations**

3. A grant is paid to local authorities by the Home Office in relation to the age of the unaccompanied asylum seeking child for the period in which he or she is in care. At its highest rate the grant is sufficient to meet the costs of placements (i.e. with a foster carer) but not the additional support required. At its lowest for older children the grant is insufficient to meet placement costs. The current estimated full year gross cost for supporting 70 UASC in Leicestershire is £4.64 million which at the present level of Government grant aid would require the County Council to contribute £2.05 million from its own resources.

4. The County Council's estimated costs include additional annual staffing for social workers, independent reviewing officer functions, and the support of the virtual school (a statutory requirement to promote educational achievement and positive outcomes for all children in the care of Leicestershire) all of which are legitimate costs. There has been no allowance made for any other specialist costs that may be incurred such as educational psychology and special educational needs which will be bespoke to the needs of individual children and are difficult to quantify at this time.

5. It is also exceptionally difficult to estimate precisely the full cost as the age and needs of the children and young people are not known and without this information, it is impossible to predict the type of care or type of placement they will require.

6. For children and young people transferred from the care of another authority Leicestershire will be expected to retain placements where children are settled and it is in their best interests to do. This will mean supporting placements outside Leicestershire and potentially at some distance away. At present the County Council is supporting placements in Kettering and Coventry. This creates significant and additional logistical and financial pressures and is at odds with good practice standards which require wherever possible placements to be maintained within County.

**Timetable for decisions (including Scrutiny)**

7. The voluntary National Transfer Scheme was launched by the Government on 1st July 2016.

8. A report on this matter was presented to the Cabinet on 18th July 2016.

**Policy Framework and Previous Decisions**

9. The Transfer Protocol forms the basis of voluntary agreement between local authorities to ensure a fairer distribution of UASC across all local authorities and all regions. It is intended to ensure that no local authority faces an unmanageable responsibility in accommodating and looking after unaccompanied children pursuant to its duties under parts 3, 4, and 5 of the Children Act 1989, simply by virtue of being the point of arrival of a

disproportionate number of UASC, and in doing so to ensure that all appropriate services are available to all unaccompanied children. Unfortunately, it does not meet that test.

10. The Transfer Protocol has been drafted in cooperation between the Department for Education, the Home Office, the Association of Directors of Children's Services and the Local Government Association and gives effect to, and operates in accordance with, the provisions for the transfer of responsibility for relevant children under Part 5 of the Immigration Act 2016. Specifically, it provides a scheme under section 72(1) of this Act to assist local authorities in effecting transfers in accordance with section 69. It is regrettable there was not wider consultation within local government before the Protocol was agreed.

**Resource Implications**

11. The quota for each local authority is 0.07% of its existing child population; based on this Leicestershire could be requested to care for an additional 70 UASC under the Scheme.

12. Having now operated this scheme for a period and from information gained from UASC arriving directly within Leicestershire, there is now a better understanding of costs and original estimates have been revised. The updated estimated average daily gross cost per UASC is £181.78. The average daily grant received, which largely covers the cost of accommodation and not social work costs, is £102.50 per UASC, making the estimated net daily cost to the Council approximately £79.28 per UASC.

13. The expected annual cost to care for the additional 70 UASC Leicestershire would receive under the Scheme is now estimated to be £2.025 million. This is an increase from previously reported projection which was £1.5million.

14. These costs include additional annual staffing for social workers, independent reviewing officer functions and the virtual school duties. They already take into account the increase in national rates for new arrivals effective as from the 1st July 2016.

15. The Children's Social Care budget is under considerable pressure. In the current year £7.9m of additional growth was allocated to meet spending pressure following a £4.6m overspend in 2014/15. Even without the added pressure from asylum seekers it is anticipated further growth will be required in 2017/18 and later years.

16. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

**Circulation under the Local Issues Alert Procedure**

17. A copy of this report is being circulated to all Members of the Council via the Members' News in Brief Service.

**Officers to Contact**

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## PART B

### Background

18. There has been a significant increase in the number of people seeking asylum within the United Kingdom. Within this cohort there has been an increase in the number of children who are unaccompanied and seeking safety.

19. Under section 72 of the Immigration Act 2016 the Secretary of State is granted power to prepare a scheme for transferring responsibilities between specified local authorities and to direct those local authorities to comply with the Scheme.

20. There is also a proposal in the Immigration Act 2016 to amend the rights of UASC post 18 years which will have an impact on the Council’s duty and provision of services. Essentially, it will require the Council to offer a two-tier provision to young people who have left care who are resident and those who have not been granted right to remain. The Council will not be reimbursed any costs but could be left with responsibilities to provide support to this vulnerable group of young people who could be at high risk of exploitation. Further legal advice is needed to understand the implications of these proposals for unaccompanied young people and for the Council.

21. The large number of UASC entering the UK has resulted in the Secretary of State exercising this power and the Government launched the National Transfer Scheme on 1 July 2016. This is currently a voluntary Scheme whereby UASC are dispersed around the country with the intention that all social care authorities contribute to the welfare and maintenance of those children.

22. Of the 9 regional local authority areas, 3 are yet to participate in the voluntary Scheme. Within the East Midlands, not every social care authority is signed up, although East Midlands Councils has notified the Home Office that the region is signed up.

23. These children and young people are not in the care of a family member and are therefore transferred as Looked After Children (Section 20 Children Act), to whom the Council has a statutory and corporate parenting responsibility.

24. Based on the threshold of 0.07% of child population being used by the Home Office, Leicestershire would be expected to care for a total of 94 UASC. Care Leavers are excluded from the calculation and this number is reduced during the year by any UASC who arrive directly in Leicestershire. The total for the National Transfer Scheme has therefore been reduced to 70 to reflect this.

### Operation of the Scheme

25. Where an unaccompanied child first presents in a local authority which is over the ceiling of 0.07% UASC to child population, the local authority is expected

to arrange for the transfer of the child through the National Transfer Scheme, unless there are clear reasons why it would not be appropriate to transfer the child.

26. The percentage of 0.07% is not a target, but will be used by the Home Office to indicate when a local authority has reached the point where they would not be expected to receive any more unaccompanied children. This percentage is agreed for the year 2016-17 and will be reviewed annually. The percentage calculated for each local authority does not include care leavers or looked after children living in a local authority who are not the legal responsibility of that authority, i.e. they have been placed out of area.

27. A central administration team decides to which region to allocate, and the regional administration leads then decide to which local authority to allocate. The allocation of UASC to local authorities by the regional administration lead will be in accordance with a methodology agreed by each region and where unaccompanied children should be placed in their best interests. There is a concern that such processes by-pass individual social care authorities and their decision-making processes.

28. UASC who arrive ‘spontaneously’ are managed through normal operational procedures as they arrive. ‘Spontaneous’ arrivals are those young people who are transported, usually in commercial vehicles, and dropped off at a port or a designated boundary. Leicestershire has three designated boundaries – East Midlands Airport, Donington Service Station and Junction 21 of the M1. UASC are usually reported to the police who will contact the relevant local authority.

29. The local authority has a duty (under the Children Act 1989) to complete a compliant age assessment and where the person is assessed as being under 18, place him/her in local authority care.

**<u>Impact on Leicestershire</u>**

30. Based on the threshold of 0.07% of child population being used by the Home Office, Leicestershire would be expected to care for a total of 94 UASC with Looked After status.

31. Currently, the Council has 51 UASC children and young people to whom it has a statutory duty. Of these, 24 have Looked After status (they are children who are in the Council’s care) and 27 are Care Leavers. 7 of these children transferred to Leicestershire’s care following 1st July 2016 as part of the voluntary National Transfer Scheme. All 7 have Looked After status.

32. Taking the Council’s current UASC with Looked After status into account, under the Scheme the Council would be expected to care for a further 70 children.

33. The Council has experienced a number of difficulties relating to the transfer of the 7 UASC under the Scheme including the following:

(i) Financial

The Home Office grant does not cover the full costs of placements for these children and young people.

Children under 16 years are always placed in a family based placement, which requires a greater financial commitment which is not fully covered by the grant.

There is the option of placing older children (young people aged 16 and 17 years) in semi-independent accommodation. However, this decision is made based on the young person's needs. These young people have had very difficult life experiences and often require one to one care and as such cannot be placed in independent or semi-independent lodgings.

6 of the 7 children who have transferred to the Council's care have remained in their original placements (independent fostering agency placements) in Coventry - the transfer took a few weeks to arrange, during which time the children/young people settled into placements and could no longer be classified as an emergency placement. As such, moving the children/young people is subject to Care Planning Regulations, which necessitates Independent Reviewing Officer oversight.

(ii) Sufficiency

The number of unplanned arrivals (usually arriving on lorries and dropped off at motorway service stations) has increased the Council's number of UASC (Looked After Children and Care Leavers). This has increased demand for placements and use of independent fostering agency placements where the need requires this level of care.

A large number of the Council's UASC are already placed out of area (29 of the 51). Leicestershire has a large number of children from other local authorities placed within its borders, reducing the availability of local independent beds (family based and independent).

(iii) Logistical

Staff (social workers, reviewing officers, personal advisors, virtual school etc.) are having to travel great distances to provide statutory services to children and young people who have transferred to the Council's care.

34. The County Council is working with the district councils to offer support to children, young people and their families who are transferring through the

Syrian Vulnerable Person's Resettlement Scheme. Eleven families are transferring into the County over the next year under this Scheme and these children and young people would not be included in the 70 UASC that would transfer under the National Transfer Scheme.

## Conclusion

35. It is regrettable that the consequences, financial and otherwise, of the Scheme have not been thought through by the Home Office; that the voluntary nature of the Scheme was previously not made clear to the County Council; and that the East Midlands Councils response to the Government was not originally as challenging as it could have been.

36. In the light of the difficulties already experienced by the Authority and the financial risks posed to the Authority if it continues to be a part of the Scheme, in particular to the Children and Families Departmental budget which is already under pressure, the Council should disengage from the voluntary National Transfer Scheme until such time as the Government meets the full costs of placement and service provision and also makes adjustments to the scheme to make it practical to operate, or until the Secretary of State makes the Scheme mandatory which she has the power to do under the Immigration Act 2014. It is also noted that other Schemes are being developed by the Government which may result in the Council being asked to receive more young refugees and asylum seekers, again in all probability increasing the cost to the County Council.

## Background Papers

Report to the Cabinet dated 18 July 2016 – Unaccompanied Asylum Seeking Children
http://politics.leics.gov.uk/documents/b10261/Unaccompanied%20Asylum%20Seeking%20Children%20Monday%2018-Jul-2016%2014.00%20Cabinet.pdf?T=9

## Equalities and Human Rights Impact Assessment

37. Initiation of the voluntary National Transfer Scheme was launched and led by the Home Office under section 72 of the Immigration Act 2016. As such, local authorities have not initiated local authority impact assessments.

Agenda Item 6

Leicestershire County Council

**CABINET – 11TH OCTOBER 2016**

**SUPPORTED LIVING FRAMEWORK 2017-2021**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to ask the Cabinet to delegate authority to the Director of Adults and Communities to undertake the procurement of a new Supported Living Framework.

**Recommendation**

2. It is recommended that the Director of Adults and Communities, in consultation with the Director of Law and Governance, be given delegated authority to undertake the procurement of the new Supported Living Framework.

**Reasons for Recommendations**

3. The current Supported Living Framework agreement expires on 31 March 2017 and a new contractual framework will be required from 1 April 2017.

4. The Council's Medium Term Financial Strategy (MTFS) 2016/17–2019/20 identified a savings requirement of £1.165 million by 2019/20 and the new framework aims to provide the structure to facilitate the delivery of these savings.

**Timetable for Decisions (including Scrutiny)**

5. Subject to Cabinet approval, the procurement of the new Supported Living Framework will proceed on 19 October 2016. The new framework will be in place from 1 April 2017 and individual reviews will be undertaken with service users to ensure a smooth transition onto the new framework. It is expected that all service users will be transitioned onto the new framework by October 2017.

6. It is intended that the new Framework will be in place for a period of four years from 1 April 2017.

**Policy Framework and Previous Decisions**

7. The relevant policy framework includes:

- The Care Act 2014.
- Leicestershire County Council MTFS 2016/2017-2019/20.
- Leicestershire County Council Adult Social Care Strategy 2016-20 and Commissioning Intentions.

8. The new Supported Living Framework will support the following priorities approved by the Cabinet as part of the "Meeting Need" elements of the Adult Social Care Commissioning Intentions 2016-20:

   - Develop and embed progressive models of support, to promote increasing wellbeing, maximise independence and ensure that capacity is available to meet the demand in growth in numbers of people needing support.
   - Develop a flexible approach to providers to allow for innovation, in the context of a greater focus on managing providers' performance through improved strategic relationships to ensure the Council is getting the most from its commissioning and contracting arrangements.
   - To support the development of cost-effective alternatives to residential care.

**Resources Implications**

9. The supported living budget (independent sector) for 2016/17 is £14.1million and proposed savings outlined in the MTFS are £250,000 in 2016/17 rising to £700,000 in 2017/18, £865,000 in 2018/19 and £1.165m by 2019/20. The MTFS savings requirement represents 8.3% of the 2016/17 budget.

10. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

**Circulation under the Local Issues Alert Procedure**

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

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## PART B

## Background

12. Supported living describes a combination of housing and support services, provided to enable people to be as independent as possible, to have choice and control over where they want to live, who they want to live with and the support they receive.

13. Supported living is a support option provided to people who are eligible for social care and is relevant to the 'Meeting Need' category of the Adult Social Care Strategy 2016-20 and associated Commissioning Intentions.

14. The current Supported Living Framework agreement (which is the existing mechanism to commission supported living services) expires on 31 March 2017.

15. A framework is an agreement with suppliers that sets out terms and conditions for making specific purchases (call-offs) as and when required without any guarantee of business.

## Review of Supported Living

16. The Supported Living Framework has been reviewed in line with the new Adult Social Care Strategy and associated Commissioning Intentions, to ensure supported living is a cost effective and sustainable option for people who need it, and can support reductions to residential care admissions particularly for adults of working age.

17. The number of providers on the current framework exceeds 70 and approximately 20 of these providers receive business via the framework. Hourly rates on the existing framework range from £12.24 to £15.65 per hour and variations are provider-led rather than associated with the complexity, level of need or geographical location of the individual being supported.

18. The new Supported Living Framework proposes a reduction to five providers that would each be contracted to deliver supported living services in a specific area of the County, which would be divided into five geographical 'lots' as outlined in Appendix A to this report. By apportioning the County thus, the Council will be better able to manage resources, focus on driving up service quality, offer greater volumes of business to contracted providers, and improve value for money by increasing economies of scale. It is intended that each provider will be responsible for delivering all existing and future demand for supported living for people who access the service using a managed budget, in their respective 'lot'.

19. Revised arrangements are required to ensure that the Supported Living Framework is a cost-effective and sustainable option for people in Leicestershire, which can:

    - Motivate the delivery of outcomes and a progressive model of support.
    - Support the delivery of the Council's ideas to 'meet need'.
    - Support the delivery of the Adult Social Care Strategy 2016-20.
    - Facilitate improved relationships between the Council and providers through effective risk sharing and reducing the number of relationships needed, allowing resources to focus on delivering good quality support.

20. It is proposed that the Director of Adults and Communities is authorised to undertake the procurement of the new Supported Living Framework in consultation with the Director of Law and Governance.

21. As highlighted within the Commissioning Intentions document for Adult Social Care presented to the Cabinet in February 2016:

> *"We will work with providers to embed progressive models of support, to maximise independence and ensure that capacity is available to meet the demand from the growth in numbers of people needing support. In the shorter term this will be implemented through the procurement of Home Care, Supported Living and Community Life Choices – working with fewer providers to progressively achieve optimum levels of independence for service users and reduce the amount of support required."*

22. Supported living savings will be achieved by reducing the number of providers, and dividing the County into 'lots' as detailed in paragraph 18 above. These areas have been identified by commercial viability of geographical areas and the amount of existing business (based on current commissioning).

23. The table below shows the proposed five lots, and the number of individuals currently receiving a supported living service within those areas, together with the commissioned hours of that service and the total number of providers currently delivering that service (as of 31 July 2016). (As can be seen in Appendix A, the five areas cover the whole County; the names given to each in the table below do not correspond to town or district boundaries).

| **Lot** | **Number of individuals** | **Total weekly hours** | **Number of providers** |
|---|---|---|---|
| Coalville | 68 | **3,639** | 14 |
| Hinckley | 57 | **2,402** | 10 |
| Loughborough | 52 | **2,066** | 12 |
| Market Harborough | 58 | **2,738** | 14 |
| Melton Mowbray | 54 | **2,914** | 11 |
| **Total Weekly** | **289** | **13,759** | **~** |

24. In addition to facilitating greater flexibility and consistency of service delivery in each area, this approach is expected to drive down the cost of supported living by increasing economies of scale and allowing providers sufficient geographically clustered business to maximise efficiencies.

25. Realisation of MTFS savings in supported living will be further secured through effective reviews of individual packages of care, and ongoing work by the Council alongside providers to maximise the potential for ongoing savings whilst effectively meeting individual need.

26. Service providers will be expected to have the right expertise and will be best placed to determine the right methodology for savings through the identification of both innovation and efficiency related opportunities. The five successful providers will

work with the Council to identify ways of reducing the overall costs of service delivery throughout the term of the new Framework.

27. Contract management meetings will be used to proactively identify the progressive models of support. This will include the use of more flexible approaches, pooling of support, Assistive Technology, back office improvements or any other opportunities identified that can reduce the overall cost of service delivery within each financial year.

28. Reducing the number of providers will enable the Council to work more effectively with those providers as strategic partners, with the aim of continuous service improvement and development in line with customer and Departmental requirements.

29. It is expected that providers will be able to offer lower hourly rates due to:

- Economies of scale and geographical concentrations of business, which minimise travel and other operating costs;
- Lead provider status in a designated area providing a critical mass of business activity from which additional services and/or a self-funded client-base can be developed.
- Providers understanding and optimising use of free or low-cost local community assets for service user and business benefits.

30. Assurance on the procurement process has been undertaken through the Adult Social Care Steering Group, the Adults and Communities Departmental Management Team and the ESPO (Eastern Shires Purchasing Organisation) Quality Assurance Panel. Risk management and commercial viability will be key considerations during the procurement evaluation.

**Provider and service user engagement**

31. Regular engagement and communication with providers has taken place throughout the development of the new model, including workshops, surveys and online communication. Providers have shown both an interest and capability in delivering supported living using the new model and have cited the financial benefits of commissioning services in one area to maximise opportunities to share support, increasing economies of scale.

32. Face to face meetings took place with existing supported living customers who volunteered to provide feedback on their positive and negative experiences and views. Continuity and competency of staff were commonly cited as important for individuals receiving the service, along with having choice and control, and opportunities to try new activities that promoted people’s independence. It was also noted that being supported to feel safe and secure both inside and out of their home, being able to access medical appointments and treatment, having support to access work opportunities and access the community were deemed important.

33. Feedback from this exercise has been used to inform the development of the new service specification and to support transition arrangements. Having financial support in terms of being supported to manage people’s finances was deemed important.

34. The proposals for the new Supported Living Framework are consistent with the approved Adult Social Care Strategy (including Commissioning Intentions) which was the subject of public consultation in Autumn 2015, and savings set out in the MTFS. The Strategy and MTFS were agreed by the full Council in February 2016.

**Transition to the new Framework**

35. All people currently accessing supported living will transfer to the new arrangements to ensure that the new approach is applied consistently. As a result, existing users are likely to have a change in the organisation from which their support is provided. Detailed transition and communication plans are being developed to ensure all moves to the new framework are managed effectively by communicating with stakeholders and responding to any issues that may arise in a timely manner. Working with the providers, and taking into consideration the communication and disability-related needs of service users to ensure minimal disruption is a key focus for the transition process.

36. Due to the level of change required and to ensure the needs of the individuals are considered, this process will be phased. It is the intention that all services are transferred within six months of the new framework starting. However, there may be exceptions in specific circumstances, such as where services have been set up within the last 12 months and a transition would be detrimental to an individual's package of care. In these cases, individuals will be given the option of taking their Personal Budget as a Direct Payment, should they wish to continue with their current provider.

37. In the case of applications for Direct Payments where more than one service user shares the same accommodation, reviews will be undertaken on a scheme by scheme basis to ensure that services continue to be commissioned jointly with the current or new provider, to maximise the delivery of cost effective care.

**Conclusion**

38. The proposed new Supported Living Framework aims to provide the structure to facilitate the delivery of the MTFS savings and will ensure a legally compliant mechanism is in place for the commissioning of new supported living services for individuals wanting to take their service as a managed budget.

**Background Papers**

- Report to Cabinet: 5 February 2016 - Adult Social Care Strategy 2016-2020 – http://politics.leics.gov.uk/documents/s116262/5.Adult%20Social%20Care%20Strategy%202016-20.pdf
- Report to Cabinet: Medium Term Financial Strategy 2016/17 to 2019/20 - http://politics.leics.gov.uk/documents/s116262/5.Adult%20Social%20Care%20Strategy%202016-20.pdf

**Appendices**

Appendix A - Map of new lots
Appendix B - Equality and Human Rights Impact Assessment

**Relevant Impact Assessments**

Equality and Human Rights Implications

39. A full EHRIA (attached as Appendix B) was considered by Adults and Communities Departmental Equalities Group (DEG) representatives in September 2016 including an Equality and Human Rights Improvement Plan (EIP). The EIP pays particular attention to the vulnerable nature of Supported Living service users. Their individual needs and circumstances will be taken into account during transition and as services develop in the context of the revised strategy for social care in Leicestershire.

40. Objectives included in the plan focus on supporting transition and effective communication, reducing reliance on long term services by maximising resilience for existing users and making supported living a realistic alternative to residential care for more people (particularly those of working age). Comments made by service users during engagement meetings regarding continuity and competency of staff are also addressed and the EIP and the actions will be reviewed at appropriate intervals to test for effectiveness and make necessary recommendations.

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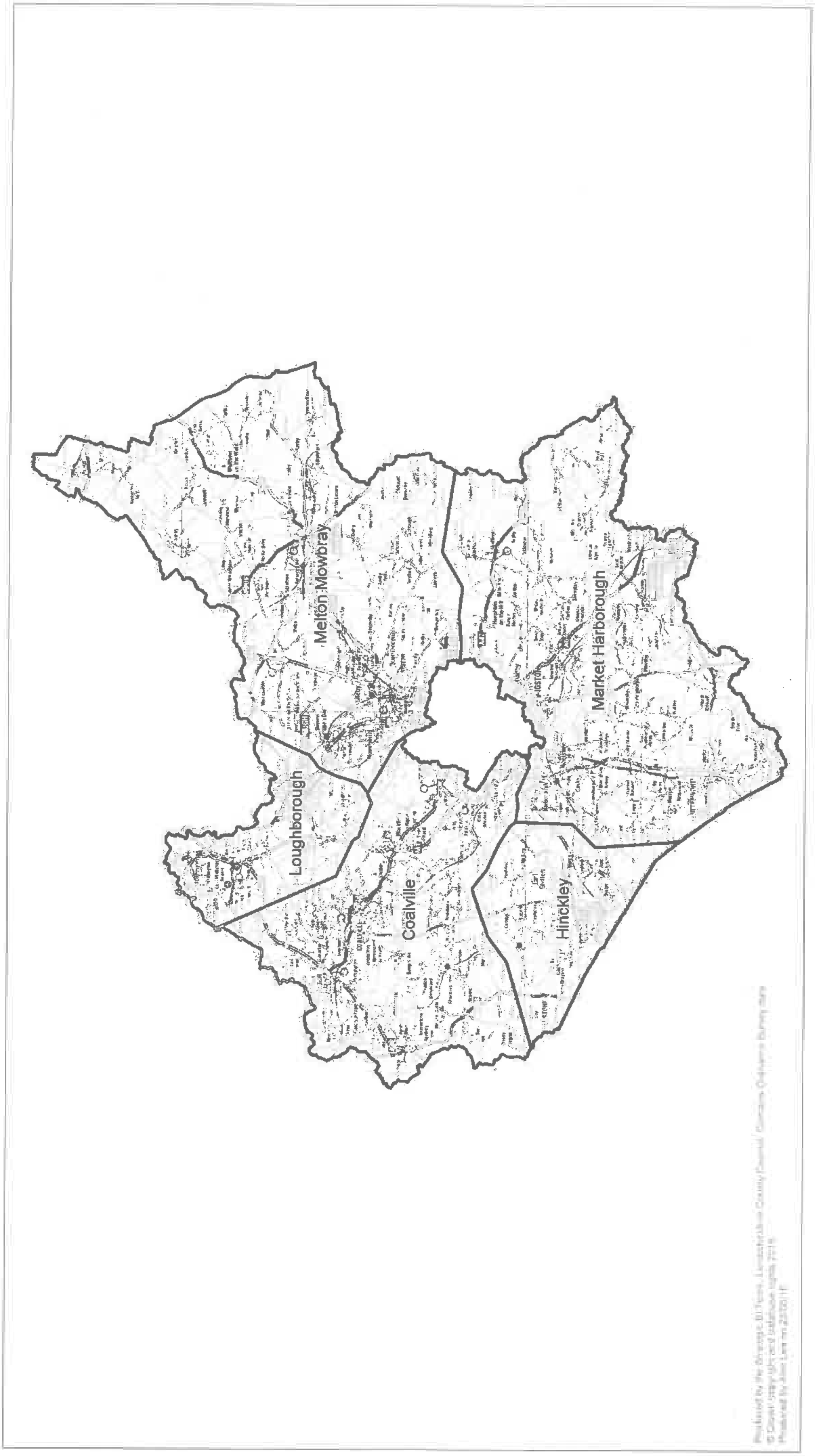
Melton Mowbray
Market Harborough
Loughborough
Coalville
Hinckley

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Leicestershire County Council

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:** | Supported Living Framework 1st April 2017 - 31st March 2021 |
| **Department and section:** | Adults & Communities Department |
| **Name of lead officer/ job title and others completing this assessment:** | Louise Melbourne<br>Strategic Planning and Commissioning Officer |
| **Contact telephone numbers:** | 0116 3055604 |
| **Name of officer/s responsible for implementing this policy:** | Sandy McMillan<br>Assistant Director, Adults & Communities |
| **Date EHRIA assessment started:** | 15/12/2015 |
| **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** | **What is new or changed in this policy?** *What has changed and why?*<br><br>Supported living describes a combination of housing and support services, provided to enable people to be as independent as possible, to have choice and control over where they want to live, who they want to live with (if anyone) and the support they get. Supported living is a support option provided to people who are eligible for social care and is relevant to the 'meeting needs' category of the Adult Social Care Strategy 2016-20.<br><br>The current supported living framework (which is the existing mechanism to commission supported living services) operates until 31st March 2017.<br><br>The supported living framework has been reviewed in line with the new Adult Social Care Strategy and Commissioning Strategy, to ensure supported living is a cost effective and sustainable option for people who need it, and can support reductions to residential care admissions particularly for adults of working age.<br><br>This EHRIA is concerned with the commissioning proposal for a new supported living framework in Leicestershire. New arrangements are needed to ensure that the supported living framework is a cost effective and sustainable option for people in Leicestershire and which can achieve the following:<br><br>• Motivate the delivery of outcomes and a progressive model of support.<br>• Support the delivery of our ideas to 'meet need'.<br>• Support the delivery of the Adult Social Care Strategy (2016-20) and Working Age Adults Strategy<br>• Facilitate improved relationships between the council and providers through effective risk sharing and reducing the number of relationships needed allowing resources to focus on delivering good quality support.<br><br>Medium Term Financial Strategy Savings targets are £1.16 million over a four year period, agreed by Cabinet in February 2016, the budget for supported living in 15/16 was £12.4 million.<br><br>The new arrangements involve the reduction of providers on the framework to 5 across the county, each of whom will be responsible for delivering all managed supported living services for a geographical division of the county. It will also involve formally introducing progression into the services, to ensure people's independence is continually optimised. The relationship between the |

| | |
|---|---|
| | provider and the council will ensure delivery of outcomes and the reduction in the number of providers will enable officers to focus on driving up quality.<br><br>Engagement with the supported living provider market has taken place as part of the review process and has been key to determining how supported living can be more cost effective to deliver savings targets whilst delivering the individual outcomes required. Demand and supply for supported living has also been analysed locally to determine the changes required and the potential impact of those changes.<br><br>Key learning from the engagement workshops included:<br>• Providers have a desire to drive down costs and the principles of supported living fit with “prevent, reduce, delay and meet needs” principles of the Adult Social Care Strategy. Providers do require support from the council to ensure processes; systems and culture do not discourage reductions in packages.<br>• Incentivisation of progressive support is thought to be achieved by the successful provider receiving more business and the lotting approach will support this better.<br>• Providers are best placed to understand opportunities for efficiencies creating the potential for providers to play a lead role in reviewing packages of care.<br>• The relationships between providers and the council needs to improve to develop trust to ensure the principle of ‘just enough support’ can be realistically and safely applied.<br>• Feedback about the potential for reductions in packages of care varied. Providers with a large volume of business in a given area have been able to respond to local authorities’ target savings due to their ability to offset savings in one area with higher savings elsewhere. Organisations with smaller volumes of business, are unable to do this, and are opposed to blanket savings targets being applied in Leicestershire. |
| **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.*<br>The Adult Social Care Strategy 2016 - 2020 has been prepared to outline the vision and strategic direction of social care support for the next 4 years. The life of the strategy has been determined by matching to the life of the current Medium Term Financial Strategy (MTFS), in order for us to meet our financial targets and implement our new approach to adult social care.<br>The need for a new strategy arose from new and updated legislation (e.g. the Care Act), increasing demographic pressures, ongoing budget cuts and plans for the integration of health and social care services. All of these factors will have a significant impact on our approach, and on how people are supported in the future.<br><br>The new model of social care outlined in the ASC Strategy is a ‘stepped’ |

approach, designed to ensure that people can get the right level and type of support, at the right time to help prevent, delay or reduce the need for ongoing support, and maximise people's independence. The 'stepped' approach outlines how the Department can support people with different levels of need in order to:

- prevent a need for social care (by making universal services e.g. advice and information, public health wellbeing initiatives available),
- reduce the need for social care (through targeted interventions, e.g. social groups),
- delay the need for social care (through reablement and rehabilitation services) and for those most in need,
- meeting needs with the minimum amount of support by identifying and using a broad set of social resources as well as formal service provision, and through progressive planning.

The following strategies/workstreams are related to this area of work:

- Adult Social Care Strategy 2016-20
- Help to Live at Home Project
- In-House Services Review
- Adult Social Care Commissioning Strategy
- Medium Term Financial Strategy
- Adult Social Care Workforce Strategy
- Working Age Adults Strategy
- Finance
- Assessment, support planning and review
- Resource allocation
- Learning and Development
- Compliance
- Performance Management
- Integration with health
- Market shaping

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

The potential impact of any changes to the commissioning supported living services is relevant to people living in Leicestershire with an eligible need or potential need for social care support who may be suitable for supported living. This may also include their relatives and 'carers'. A significant proportion of people accessing supported living in Leicestershire via a commissioned service have learning disabilities (215 out of 264 as of January 2016).

The intention of the changes are to ensure that the new model of support can:

- Prevent escalation (increasing need) or a crisis, and maximise independence;
- Deliver the right support to prevent, reduce or delay need, without creating dependence, delivered by the right people with the right skills.

| | |
|---|---|
| | There are elements of supported living that are proposed to change as a result of the new supported living framework which are outlined below, which aim to meet MTFS savings without negative impact on existing or future users:<br><br>**Introducing progression and incentivisation:**<br>The focus for service provision is to support people to achieve their outcomes, and to deliver only as much formal support as needed to enable them to do so, whilst maximising informal support from families and communities, and self-management.<br><br>Promotion of independence should be seen as a positive impact as packages of support will only be reduced where appropriate support planning is in place and risk assessments carried out. The overall impact of reducing support should lead to greater independence by;<br>• being able to do more things for themselves<br>• accessing universally available support and greater integration with mainstream services and activities<br>• joining up with other forms of support<br><br>However, for recipients of supported living services who may have been used to having people doing things for and / or with them, accompanying them when out and about this will be a big change and could have the impact of reducing social activity/increasing isolation and transition planning will need to address this.<br><br>The new contractual arrangements will facilitate this by setting budget targets that the provider will need to work towards through service efficiencies and/ individual progression. Any additional reduction in budget will be rewarded by the providers being able to retain that annual saving. The mechanisms for this process are currently being finalised.<br><br>Service users with protected characteristics in addition to disability will continue to receive assessed care, support and enablement appropriate to their needs. It is not anticipated there will be disproportionate negative impact on people who identify with other protected characteristics, e.g. race, ethnicity, sexual orientation, gender etc.<br><br>**Lotting approach:**<br>Provider engagement has focussed on understanding cost drivers for supported living and harnessing ideas to reduce costs. Providers have consistently cited the financial benefits of commissioning services in one area to maximise opportunities to share support and increase economies of scale. The current supported living framework does not support this approach and the new framework will ensure this is encouraged regardless of which model is agreed. There are potential benefits of this approach to both existing and new recipients of supported living in terms of opportunities to access peer support and benefit from shared support where applicable.<br><br>The current arrangement is an open framework which means that the number of providers have increased to a number which is unmanageable. It is also arranged so that there are a few providers who work with not all client groups, |

preferring to work to their constitution. The council will ensure that the needs of individuals can be met by the provider responsible for the geographical lot. This will be achieved through the pre-procurement engagement, procurement exercise and ongoing contract management. There is flexibility in terms of how specialist providers will support the delivery of the new model by either lead provider or sole provider and providers will be supported as required to develop services as and when required.

The new framework will need to demonstrate this most effectively through meeting the needs of people via the Transforming Care agenda. The framework procurement will test the provider to ensure they have the right approach, skills and resources to meet any emerging needs not being supported by the existing workforce. If/ when this does occur work with the provider will take place to ensure they are given sufficient time to upskill and / or recruit a team and a transition plan will be developed. If it is deemed that, with support, the provider cannot meet the specific individual needs, the other four providers will be considered. Ongoing learning will need to ensure that service development continues and gaps in provision are addressed.

Reducing the number of providers will enable the council to work more effectively with those providers, with the potential benefits of improving data and quality.

**Transition:**
Adult Social Care Steering Board gave the mandate to transition existing supported living users to the new framework to ensure the benefits of the new approach are applied consistently. As a result of this decision existing users are likely to change where they source their support from. A transition plan and decommissioning plan will be required when the framework has been commissioned.

**Supported living Utilisation:**
At 31st January 2016 there were 264 individuals accessing supported living that will be affected by the commissioning, as recorded on the IAS system, broken down by the following groups:

| Client Category | Number of individuals |
|---|---|
| Mental: Learning Disability | 215 |
| Mental: Memory & Cognition | 3 |
| Mental: Mental Health | 17 |
| Physical: Access & Mobility Only | 20 |
| Physical: Personal Care Support | 7 |
| Sensory Visual | 1 |
| Social: Substance Misuse | 1 |

In-house provision and services that are being dealt with by Leicester City Council’s procurement are excluded from this data.

| 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 | x | | The strategy and delivery model focus on individual outcomes for each person and encompass the full range of need, |
| | Advance equality of opportunity between different groups | x | | The supported living framework will enable commissioning workers to arrange supported living for people who do not want to take their personal budget as a cash payment. The support provided to eligible individuals, as with any type of social care support, will need to support this area in line with their support plan. |
| | Foster good relations between different groups | x | | The new supported living model will be based on inclusion, focussing on maximising family and community assets and supporting people to be part of a wider community network. |

# 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**<br>**A: Research and Consultation** | | | |
|---|---|---|---|
| **5.** | Have the target groups been consulted about the following? | **Yes** | **No*** |
| | 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. | | |

There has been formal consultation as part of the Draft Adult Social Care Strategy consultation which included detail about our ideas for how the council will ‘meet need’. 321 questionnaire responses were received during the consultation, 19 per cent of respondents were people who use social care, and a further 19 per cent were family member/carer of an adult who uses social care. A further 732 individuals were engaged with through the consultation period, as part of workshops and meetings, 21 per cent of who were people who used social care and 10 per cent were family member/carer of an adult who uses social care.

The following table shows the responses to the specific questions in the strategy consultation which relate to the principles around meeting need, demonstrating majority support for the proposals.

| Question number | Grid option | Response | |
|---|---|---|---|
| Q8a | We will work out what support the community can provide before considering local authority funded support. This might include community groups and activities, volunteering and education opportunities. | Agree | 197 (67.5%) |
| | | Neither agree nor disagree | 43 (14.7%) |
| | | Disagree | 43 (14.7%) |
| | | Don't know | 9 (3.1%) |
| Q8b | We will support people to manage their personal budget as a cash payment (this could be helping people through the process of employing personal assistants). For people who cannot manage cash payments, we can manage the personal budget for them. We call this a managed budget. | Agree | 203 (69.3%) |
| | | Neither agree nor disagree | 48 (16.4%) |
| | | Disagree | 26 (8.9%) |
| | | Don't know | 16 (5.5%) |
| Q8c | We will work with a smaller number of providers to deliver quality, cost effective support (this may mean less choice of provider for those on a managed budget) | Agree | 152 (51.7%) |
| | | Neither agree nor disagree | 55 (18.7%) |
| | | Disagree | 76 (25.9%) |
| | | Don't know | 11 (3.7%) |
| Q8d | We will require providers to work in ways that can maximise people's independence and reduce reliance on the services that the council pay for. | Agree | 189 (64.3%) |
| | | Neither agree nor disagree | 58 (19.7%) |
| | | Disagree | 37 (12.6%) |
| | | Don't know | 10 (3.4%) |
| Q8e | We will make sure people get just enough support to meet their needs. Regular reviews will mean that levels of support will change as a person's needs change. | Agree | 193 (65.6%) |
| | | Neither agree nor disagree | 46 (15.6%) |
| | | Disagree | 45 (15.3%) |
| | | Don't know | 10 (3.4%) |
| Q8f | We will develop alternative approaches to residential care, including Supported Living, Extra Care Housing and Shared Lives. | Agree | 186 (64.6%) |
| | | Neither agree nor disagree | 73 (25.3%) |
| | | Disagree | 20 (6.9%) |
| | | Don't know | 9 (3.1%) |

| | |
|---|---|
| | If people's support changes as result of this work, it will be managed through transitional/ decommissioning processes to ensure any negative impact to the user is minimised and/ or mitigated and the aim is to secure the resources of the Pathway to Housing Project to help with the process to ensure people can make informed choices about what is going to affect them.<br><br>As part of the engagement with existing providers, work has been done to involve people who currently use supported living services to develop the new service specification A series of work was done to inform the best way of involving users of the service with the majority of respondents suggesting that face to face meetings were most suitable –As a result officers met with people and asking them questions that gathered people's views about what a good and bad service looks like to them.<br><br>The information gathered has been used to inform the service specification and derive a method statement for the procurement which people who currently use services will be evaluating. |

| **Section 2<br>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.** | | | |
| **Section 2<br>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 potentially be affected by this policy and describe any positive and negative impacts, including any barriers. | | |

| | **Yes** | **No** | **Comments** |
|---|---|---|---|
| **Age** | x | | Older people make up the largest group of users of social care, and numbers are increasing. However supported living users tend to be younger age adults as tend to access these services earlier in their lives. As of January 2016, 220 people accessing supported living affected by the new framework were under 65, and |

| | | | | |
|---|---|---|---|---|
| | | | | 44 were 65 years and over. |
| | **Disability** | **x** | | All people accessing supported living services will be eligible for social care services in line with national eligibility criteria. Data from January 2016 (section 8) shows that almost 100 per cent of people have social care needs resulting from a disability. As a result of this work, changes to people's support package in terms of the way that they are supported and who they are supported by, may occur. Any associated changes to individuals support will need to consider the best way to do this for the individuals involved, through both transition planning and the decommissioning processes. |
| | **Gender Reassignment** | | **x** | |
| | **Marriage and Civil Partnership** | | **x** | |
| | **Pregnancy and Maternity** | | **x** | |
| | **Race** | **x** | | The focus on achieving individual outcomes will support equality of service delivery. Ongoing monitoring is required to ensure that services are accessible and inclusive. |
| | **Religion or Belief** | **x** | | As above |
| | **Sex** | **x** | | As above |
| | **Sexual Orientation** | **x** | | As above |
| | **Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after** | **x** | | Integration and partnerships with health services will contribute to addressing health inequalities. |

| | | | | |
|---|---|---|---|---|
| | **children, deprived or disadvantaged communities** | | | |
| | **Community Cohesion** | x | | The focus on maximising use of community resources should promote greater inclusion and community cohesion. |

**11.**

Are the human rights of individuals potentially affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? **(Please tick)**

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]

| | **Yes** | **No** | **Comments** |
|---|---|---|---|
| **Part 1: The Convention- Rights and Freedoms** | | | |
| **Article 2: Right to life** | x | | Safeguarding is likely to engage this article |
| **Article 3: Right not to be tortured or treated in an inhuman or degrading way** | x | | Social Care services including supported living is underpinned by ASC duty to promote wellbeing and personal dignity. All services, either in house or commissioned, are expected to be delivered at an acceptable standard to maintain health and dignity. |
| **Article 4: Right not to be subjected to slavery/ forced labour** | | x | |
| **Article 5: Right to liberty and security** | x | | Safeguarding will protect these rights |
| **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 | | Supported living is focused on how to support people to remain independent in the setting of their choice taking into account their right to privacy. |
| **Article 9: Right to freedom of thought, conscience and religion** | | x | Support providers will be expected to ensure that a person's cultural and religious needs are understood, respected and |

| | | | | |
|---|---|---|---|---|
| | | | | supported. |
| | **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 | | The values and principles of supported living are designed to ensure that no particular groups are intentionally or unintentionally excluded or disadvantaged from accessing or benefitting from them. |
| | **Part 2: The First Protocol** | | | |
| | **Article 1: Protection of property/ peaceful enjoyment** | x | | Supporting people to remain independent in the setting of their choice supports this article, together with safeguarding policy |
| | **Article 2: Right to education** | | x | |
| | **Article 3: Right to free elections** | | x | |

**Section 2**
**D: Decision**

| | | **Yes** | **No** | **Unknown** |
|---|---|---|---|---|
| **12.** | Is there evidence or any other reason to suggest that: | | | |
| | a) this policy could have a different affect or adverse impact on any section of the community; | | X | |
| | 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 ☐ | Positive Impact ☐ | Neutral Impact ☒ x | Negative Impact or Impact Unknown ☐ |

**Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.**

| | | | |
|---|---|---|---|
| **14.** | Is an EHRIA report required? | Yes ☐ | No ☒ x |

**Section 2: Completion of EHRIA Screening**

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is requried 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<br>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?<br><br>a) current needs and aspirations and what is important to individuals and community groups (including human rights);<br><br>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);<br><br>c) likely barriers that individuals and community groups may face (including |

| | |
|---|---|
| | human rights) |

**Current Users Views:**
Working with organisations who currently deliver supported living services in Leicestershire, a methodology was developed to engage with people who use services that consider their individual needs and preferences. Providers who know the people well were asked about the best ways to involve them in the service development. As a result a basic questionnaire was produced and a series of meetings were arranged to meet face to face with people.

The questionnaire focussed on asking the following:
- What makes a good provider?
- What makes a bad provider?
- What does a good day look like?
- What does a bad day look like

Face to face customer engagement:
A total of 13 meetings took place including a number of one to one sessions/visits in a variety of settings, including a person's own home, a shared home and a group of individual flats. Continuity and competency of staff were commonly cited as important for individuals receiving the service. Feedback from this exercise has been used to inform the development of the new service specification and to support transition arrangements.

The information gathered as part of this process, along with other national research on quality standards for this service area has been used to inform the service specification and the procurement method statements. There is aspiration for the future service to recruit people who can play an active part in the ongoing role evaluation of quality checkers that will feed into the contract management process. The Department's Co-Production Officer is supporting this process as improved co-production in commissioning.

A "Need to Consult" questionnaire was completed to determine risks associated with the proposal and whether consultation would mitigate these risks, highlighting concerns about communicating changes and the anxieties this may cause. The advice provided suggested that further work with users and providers would be beneficial in terms of reducing the risk associated a potential challenge to the council. Legal advice has subsequently been sought in relation to the council's duty's to inform users of changes to the services they receive and has recommended that communication about the changes should take place prior to procurement, focussing on the changes being at a level that should not cause disruption to those people who receive a service. A plan is being developed as to how the council and providers will identify and support those people who would be detrimentally affected by this communication, considering what methods would be best to use, and what support would need to be available.

Individuals will continue to have the option to take their Personal Budget as a cash payment if for example, they wish to continue with their existing provider and that provider is not responsible for delivering supporting living in that area under the new arrangements. It should be noted that where people share their support in the same setting, agreement about who provides the support must be reached to ensure support does not become disaggregated.  Work will continue to be carried out to ensure this will happen, as it is done currently.

| | |
|---|---|
| **Ongoing evaluation of impact:**<br>Individuals accessing supported living now and in the future will be assessed as eligible for adult social care therefore will have an assessment of need and associated support plan identifying individual's needs and aspirations.<br><br>In addition to statutory assessment and support planning, the supported living providers will be expected to work with the person to identify ongoing needs and aspirations through ongoing support assessments, support plans, person centred plans, helping them to identify and achieve goals as part of progression.<br><br>The contract management process will oversee the delivery of service outcomes which will include how individual outcomes will be delivered and if they are not, the evidence as to why.<br><br>The statutory review process for each individual will check progress against individual outcomes including needs and aspirations. | |
| **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? |
| Ongoing assessment of impact will be monitored and managed by business as usual activity as outlined above. | |
| 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? |
| See response in paragraph 15. | |
| **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 – advice has been sought about the need to consult and concluded that ongoing involvement and communication should be conducted at relevant points in the process. |

| | |
|---|---|
| **Section 3**<br>**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 likely be affected by this policy. Describe any positive and negative impacts, |

including what barriers these individuals or groups may face.

| | Comments |
|---|---|
| **Age** | Older people make up the largest group of users of social care, and numbers are increasing. However supported living users tend to be younger age adults as they tend to access these services earlier in their lives. As of January 2016, 220 people accessing supported living affected by the new framework were under 65, and 44 were 65 years and over. |
| **Disability** | All people accessing supported living services will be eligible for social care services in line with national eligibility criteria. Data from January 2016 (section 8) shows that almost 100 per cent of people have social care needs resulting from a disability. As a result of this work, changes to people's support package in terms of the way that they are supported and who they are supported by, may occur. Any associated changes to individual support will need to consider the best way to do this for the individuals involved through transition planning and decommissioning processes. |
| **Gender Reassignment** | No specific impact identified |
| **Marriage and Civil Partnership** | No specific impact identified |
| **Pregnancy and Maternity** | No specific impact identified |
| **Race** | The focus on achieving individual outcomes will support equality of service delivery. Ongoing monitoring is required to ensure that services are accessible and inclusive.<br>The table below shows number of people accessing supported living by ethnicity taken from LAS data on 31.1.16 |

| Ethnicity | Total |
|---|---|
| Asian/ Asian British-<br>….Any other<br>… British Chinese<br>….British Indian<br>… Black British-African | 7 |
| Not recorded | 6 |
| White – | 266 |

| | | |
|---|---|---|
| | | <table><tr><td>…Any other background<br>…English<br>… Welsh<br>… Scottish<br>… N. Irish<br>… British</td><td></td></tr><tr><td>Total</td><td>279</td></tr></table> |
| | **Religion or Belief** | No data collected. As with all services provided by LCC, the expectation is that they will be delivered with sensitivity to the requirements of all faiths, and provision for observance made where required. |
| | **Sex** | Sex of people accessing supported living on 31.1.16 taken from LAS data:<br><table><tr><th>Sex</th><th>Total</th></tr><tr><td>Female</td><td>120</td></tr><tr><td>Male</td><td>159</td></tr><tr><td>Total</td><td>279</td></tr></table> |
| | **Sexual Orientation** | As above |
| | **Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities** | Integration and partnerships with health services will contribute to addressing health inequalities. The promotion of supported living to more people may help parent carers to see supported living as an attractive service encouraging them to start planning in advance. |
| | **Community Cohesion** | The focus on maximising use of community resources should promote greater inclusion and 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 likely 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** | Safeguarding is likely to engage this article |
| | **Article 3: Right not to be tortured or treated in an inhuman or degrading way** | Social Care services, including supported living, are underpinned by ASC duty to promote wellbeing and personal dignity. All |

| | | |
|---|---|---|
| | | services, either in house or commissioned, are expected to be delivered at an acceptable standard to maintain health and dignity. |
| | **Article 4: Right not to be subjected to slavery/ forced labour** | |
| | **Article 5: Right to liberty and security** | Safeguarding will protect these rights |
| | **Article 6: Right to a fair trial** | |
| | **Article 7: No punishment without law** | |
| | **Article 8: Right to respect for private and family life** | Supported living is focused on how to support people to remain independent in the setting of their choice. |
| | **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** | The values and principles of supported living are designed to ensure that no particular groups are intentionally or unintentionally excluded or disadvantaged from accessing or benefitting from them. |
| | **Part 2: The First Protocol** | |
| | **Article 1: Protection of property/ peaceful enjoyment** | The right to own tenancy within supported living supports this article |
| | **Article 2: Right to education** | |
| | **Article 3: Right to free elections** | Supported living supports the involvement in community and political democracy. |

| | |
|---|---|
| **Section 3**<br>**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. |
| There is no adverse impact anticipated however it is important to recognise that any change, if not managed well, can itself result in negative impact. The importance of | |

managing this process, including positive communication and involvement will be essential to ensure any of the groups affected, regardless of equalities, are not adversely affected.

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.<br><br>a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination<br><br>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<br><br>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why |

As mentioned above the transition and decommissioning process will be tailored to ensure people get the right information and support to help them deal with any of the changes that occur as result of this commissioning. Help to Live at Home Project commissioning is currently setting out a new approach to commissioning

For new people accessing supported living, the impact is intended to be positive by making supported living available to more people, and maximising people's independence through a progressive model of support, making them less reliant on formal support. This will be done by effective risk assessment and supporting individuals to make choices about the way they live in line with the rest of society. Making the services as cost effective as possible aims to make it more cost effective than residential care and in turn encouraging the commissioning of supported living where historically residential care would have been commissioned.

There are a number of activities that will support our intentions, however these activities are broader than supported living recommissioning:

1. The forthcoming departmental restructure which aims to ensure the arrangement of staff and teams aligns with the requirement of the business in relation to developing proactive commissioning approaches and developing strategic relationships with providers.
2. Procurement and detail in the service specification
3. Workforce Strategy – associated staff training and development for the team and staff managing the contracts
4. The reduced number of contracted providers will allow more time for workers to contract manage.
5. The contract management tool (Quality monitoring toolkit).

In terms of sustainability and making it more available to all, we are finalising our pricing evaluation and looking at an approach that looks at whole lifetime costs and allows us to deal with inflationary costs such as National Living Wage increases.

We are planning a market testing activity to see whether the pricing that we need to set to deliver the savings will allow us to buy sustainable and effective services. We will hopefully determine whether what we are thinking is achievable.

In addition to statutory assessment and support planning, the supported living providers will be expected to work with the person to identify ongoing needs and aspirations through ongoing support assessments, support plans, person centred plans, helping them to identify and achieve goals as part of progression.

The contract management process will oversee the delivery of service outcomes which will include how individual outcomes will be delivered and if they are not, the evidence as to why. The statutory review process for each individual will check progress against individual outcomes including needs and aspirations.

**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 new supported living framework will continue to support Leicestershire County Council to meet the responsibilities in relation to equality; diversity, community cohesion and human rights by ensuring people are supported in line with our Adult Social Care Strategy.

**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?<br><br>If people's support changes as result of this work, it will be managed through transitional/ decommissioning processes to ensure any negative impact to the user is minimised and/ or mitigated. The aim is to secure the resources of the Pathway to Housing Project to help with the process to ensure people can make informed choices about what is going to affect them. |
| **25.** | How will the recommendations of this assessment be built into wider planning and review processes?<br>*e.g. policy reviews, annual plans and use of performance management systems*<br><br>Any recommendations from this assessment will be built into relevant wider processes as part of the introduction of more strategic relationships between contracted providers and the council through a continuous cycle of improvement and development. |

**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 people currently accessing supported living are supported well through the changes that are being implemented | Skilled resources are available to support this process, a robust exceptions policy is in place | Transition to new framework is seamless and people feel informed and supported to make choices.<br>Needs are identified early enough to support service development to meet needs. | TBD – a task and finish group is being established to do this work. | October 2017 |
| Eligible individuals are supported to maximise their resilience and independence | Formal implementation of progression and recovery | Reduction in total spend on supported living (not taking into account growth) can be achieved without detriment to the individuals | Contract Compliance | Ongoing throughout the life of the contract |
| Supported living is a realistic alternative to more people (particularly those of working age) to residential care. | Increase cost effectiveness of supported living though better commissioning. | Reduction in numbers of people entering residential care | Strategic Planning and Commissioning | Ongoing through the life of the contract. |

| | | | | |
|---|---|---|---|---|
| Improve availability and suitability of local services | Commissioning approach (whole cycle) for supported living helps to develop the local market to ensure providers can respond to requirements of eligible population locally | Better strategic relationships with providers increase quality, flexibility and responsiveness. Improvement in service quality and capability resulting in reduction of exceptions | Strategic Compliance and Associated Management | Ongoing throughout the life of the contract. |
| Promote continuity and competency of care staff in service delivery to maintain and improve the quality of care provided | Embed and ensure delivery of outcomes within contract.<br><br>Evaluate procedures for supporting users through change | Minimise the incidence of staff turnover in accordance with the wishes of services users, as stated in engagement events.<br><br>Promote good standards of care provision by ensuring that National Living and Minimum Wage levels are reflected in hourly rates paid to providers. | Market Development (procurement) and Compliance | Procurement and throughout the lifetime of the contract. |
| Improve collection and analysis of monitoring data in relation to service users. | Compliance team to use data to identify any issues/ changes or trends of access for protected groups, | Ensure that services remain inclusive across protected groups.<br><br>Improve our understanding of the needs of the Supported Living service user | Compliance Team | Ongoing throughout the lifetime of the contract. |

| | | | | |
|---|---|---|---|---|
| | | group, and more accurate appraisal as services develop in the progressive model. | | |

# 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): …… [signature] ……………………………

Date: ……27 September 2016……

Leicestershire County Council

**CABINET – 11TH OCTOBER 2016**

**COMMUNITY LIFE CHOICES FRAMEWORK 2017-20
OUTCOME OF CONSULTATION ON FUTURE DELIVERY**

**REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to present the findings from the consultation on proposals relating to the future delivery of Community Life Choices (CLC) services (often referred to as day services), and to seek approval for the implementation of recommendations as detailed in this report.

**Recommendations**

2. It is recommended that:

   a) The outcome of the public consultation exercise, including the comments of the Adults and Communities Overview and Scrutiny Committee be noted;

   b) That the Director of Adults and Communities be authorised to:

      i) Implement Proposals A and B for the future delivery of Community Life Choices as detailed in paragraphs 32-42 of this report;

      ii) Take mitigating actions as detailed in paragraph 53 of this report in order to respond to the concerns raised during the consultation;

      iii) Agree any individual exceptions to the implementation of Proposals A and B where an individual review of needs identifies a clear likelihood of there being a significant adverse impact on the safety or wellbeing of an individual.

**Reasons for Recommendations**

3. The new delivery model will support an outcomes-based approach to commissioning; deliver a progressive model of support in line with the principles set out in the Adult Social Care Strategy 2016-20, and deliver savings as set out in the Medium Term Financial Strategy (MTFS) 2016/17–2019/20.

4. A recent review of current CLC services highlighted that the current practice for individuals in residential care to access CLC does not represent a cost effective or equitable approach to commissioning individual support as it is not applied

consistently to all service user groups. A significant level of concern was raised by the majority of respondents in the consultation about potential negative impacts on the welfare of affected people currently living in residential care. A range of measures to mitigate these potential impacts are outlined in this report, and this will ensure that eligible service users will still have their care and support needs met appropriately. The affected service users will all be offered an individual review of their needs before changes to their CLC services are considered.

5. During the review it was identified that there is a potential to reduce the number of weeks of CLC commissioned services in order to deliver efficiency savings. A majority of consultation responses were not in favour of the proposed change but there was recognition by many that it would have a low impact on most service users. Where there is the likelihood of a negative impact on individual welfare exceptions will be considered for those who require alternative care during any CLC holiday closures.

6. Failure to implement the proposals will result in a reduced level of budget savings. This will mean that other savings would have to be made as part of the MTFS. The consultation did not identify any alternative ways to make the required savings.

**Timetable for Decisions (including Scrutiny)**

7. The Adults and Communities Overview and Scrutiny Committee considered the two delivery proposals relating to future delivery of CLC services on 6 September 2016, as part of the consultation process.

8. The Committee noted the strategic review of CLC and raised concerns that in changing services, friendships could be broken which could have a negative impact on the service users. Members were assured however, that before making major changes for individuals, needs of service users would be reviewed taking into account their full circumstances.

9. If approved, the proposals will be implemented from July 2017, which will allow sufficient time for officers to carry out comprehensive service user reviews and to support providers to adapt to any impact upon them.

**Policy Framework and Previous Decisions**

10. The Adult Social Care Strategy 2016-20 outlines the vision and strategic direction of social care support for the next four years. The life of the strategy is matched to the life of the current MTFS in order to meet financial targets and implement the new approach to adult social care.

11. The new model will support outcomes based commissioning and delivery of a progressive model of support in line with the principles (prevent, reduce, delay and meet need) set out in the Adult Social Care Strategy.

12. On 18 July 2016, the Cabinet noted the CLC Framework 2017-20 which commences from 1 January 2017, and approved the consultation on the two delivery proposals, as outlined in paragraphs 32-42 of this report.

**Resources Implications**

13. The total CLC budget (in-house and independent sector) for 2016/17 is £7.7 million and proposed savings outlined in the MTFS are £500,000 in 2017/18, and a further £250,000 in 2018/19. The proposed saving includes all types of day activities (independent and in-house provision) and overall the target for gross savings to be achieved will represent 9.5% of the current CLC budget.

14. In addition to the potential savings that could be achieved from the two proposals, savings will also be achieved through the introduction of a pricing schedule for CLC services, enabling the Department to achieve the overall MTFS savings target.

15. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

**Circulation under the Local Issues Alert Procedure**

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

**Officers to Contact**

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## PART B

### Background

17. CLC is often referred to as day services. It is commissioned to meet the support needs of people with learning disabilities, physical disabilities, mental ill health and older people within Leicestershire County with varying levels of eligible need.

18. A review of CLC services was undertaken by the Adults and Communities Department between September 2015 and June 2016, to identify an approach which not only supported delivery of the Adult Social Care Strategy 2016-20, but also delivered the savings set out in the Council's MTFS.

19. A total of 45 independent sector providers, currently providing a total of 102 services were included in the review, although the principles for delivery of the new model and associated proposals will also impact upon the delivery of the 13 in-house services provided directly by the Adults and Communities Department.

### Community Life Choices (CLC)

Current Service Provision

20. The current independent sector CLC framework commenced on 1 October 2012 for a period of four years ending on 30 September 2016. An extension of three months was approved by the Director of Adults and Communities to allow further work/ service modelling to be carried out in order to finalise the proposed CLC model, therefore the current framework is due to end on 31 December 2016.

21. There are numerous types of services available from the CLC framework, such as Confidence Building, Employment Support, Activities, Arts, Crafts, Wheelchair Sports, Outreach and Community Support.

22. Support is currently provided within a group or on a one-to-one basis, can be either building based or out in the community, and available either as hourly, half or full day sessions depending on the person's assessed need. There are 13 services delivered directly by the Department and the framework currently has 73 independent providers offering 198 services.

23. The review highlighted several issues in the context of the current provision of CLC including:

- A lack of clarity in outcomes achieved;
- Some people receiving levels of support not linked to level of need;
- Some services are significantly underutilised;
- The framework is currently underutilised - only 45 providers out of 73 are currently securing business through the framework;
- A lack of equity in provision due to geographical limitations of some services;
- Inconsistency in costs for support.

Service Demand

24. As at November 2015, there were 849 people accessing CLC activities (both in-house and independent). The largest cohort of service users accessing CLC services are of working age with learning disabilities. The types of services accessed by this cohort include support to gain employment, volunteering opportunities, learning life skills etc.

| **Primary Need** | **Age** | | **Total number of service users** |
|---|---|---|---|
| | **18-64** | **65+** | |
| Mental Health | 7 | 64 | 71 |
| Learning Disability | 470 | 62 | 532 |
| Physical Disability and Sensory | 84 | 162 | 246 |

Figures as of November 2015

25. The review of the CLC framework was undertaken to help determine future arrangements and has been informed by ongoing engagement with existing providers, the wider CLC market, adult social care staff and managers.

**Community Life Choices Framework 2017-20 - New Model**

26. Based on the findings of the review and the provider engagement, the new model for CLC has been designed to focus on promoting people's independence, thereby minimising or where possible eradicating the need for ongoing/future social care funded support.

27. Services will be based on the concept that providers can deliver support for many people to find a range of non-social care funded activities in the community, building social networks, increasing confidence and independence as well as supporting carers. The new model will also enable and support people to gain employment/ volunteering opportunities and improve their life skills.

28. Although there are a number of services within the current framework which deliver services in line with the principles above, the new model has a clearer focus on meeting individual needs whilst assisting people to maximise independence, providing just enough support to prevent higher levels of need through timely, cost effective service provision, whilst ensuring that the support adapts to fluctuating needs.

29. The new model will rationalise the number of providers included on the framework, in order to ensure that sufficient services are available across the County able to meet individual outcomes and has introduced a more consistent pricing structure, based on level of need.

30. Procurement for the new framework is now complete and the new model will be in place from 1 January 2017.

31. Through the development of the new model two options were identified which relate to future delivery of CLC. The two proposals are intended to support cost effective commissioning and contribute to the delivery of efficiency savings as outlined in the MTFS.

**Proposals for the Future Delivery of CLC across Leicestershire**

32. Following the review process two proposals, applicable to both in-house and independent CLC services have been scoped to enable a more streamlined, consistent and robust approach to the commissioning of CLC services in the future:

**Proposal A** - ***Service users who are in long term residential care (receiving support on a 24/7 basis) should no longer receive CLC services in addition to this.***

33. Based on analysis of current data out of 849 individuals there are 132 (16%) individuals receiving permanent long term 24/7 residential care that are also accessing CLC support.

34. The table below provides the total number of service users who are currently receiving 24/7 residential care and support and of that total, the numbers who access CLC support services:

| **Primary Need** | **No of service users in residential care** | | **No of service users in residential care also receiving CLC** | |
|---|---|---|---|---|
| | **Age 18-64** | **Age 65+** | **Age 18-64** | **Age 65+** |
| Learning Disability | 363 | 70 | 87 | 27 |
| Physical Disability | 79 | 1944 | 7 | 6 |
| Mental Health/Social Support | 99 | 551 | 5 | |

Data: 2015/16, numbers under 5 are rounded

35. Residential care providers are contractually required to provide daytime support as individual needs require. The residential care contract states:

*"The primary function of a Care Home is to support and maintain a person's quality of life by providing a level of personal care more intensive than that which could be provided on a community basis. The Service Provider (at no extra cost to the Service User) shall provide leisure opportunities, social activities and reasonable access to a telephone for Service Users."*

36. The above data shows that 86% of the people using CLC services who are in residential care have a learning disability, which is the largest cohort compared to other categories of need. However, of the total number of people with a learning disability living in residential care, only 26% also receive CLC services, whilst the majority (74%) do not receive these additional services. In addition, 95% of people in

residential care do not receive any CLC support services. Therefore, it is clearly evident that there is an inconsistent commissioning approach for those in long term residential care in terms of access to CLC services.

37. It is proposed that anyone receiving long term 24/7 residential care should not also receive CLC support. However, it is accepted that potential individual exceptions maybe required where there is a clear likelihood of significant impact on the safety or wellbeing of individuals identified through an individual review of needs.

38. It must be highlighted that the principle described reflects a common approach to the commissioning of services in many other local authorities (including Leicester, Nottinghamshire, and Rutland) as identified in the review process, where clear and robust policies are in place to ensure that the most cost effective care is commissioned, ensuring equity across all client groups.

39. The adoption of Proposal A would enable more equitable access to support for people to CLC services in Leicestershire and ensure a clear and consistent approach to the commissioning of CLC services.

**Proposal B** - ***The current number of commissioned weeks of service be reduced from 50 weeks per annum to 48 weeks per annum.***

40. Fifty weeks of CLC is currently commissioned per person per annum due to public holidays.

41. Given the financial target savings required within the MTFS it is proposed that both existing and new service users, will receive up to a maximum of 48 weeks of CLC services.

42. This proposal is considered achievable as a number of service users will have holidays throughout the year and the impact to them will therefore be minimal. However, it is accepted that potential individual exceptions may be required, for example:

- If it is evident that there is a significant risk or negative impact to an individual/family carer, for example mental or emotional distress;
- Where alternative support would be more costly.

**Consultation and Engagement Overview**

43. On 18 July 2016, the Cabinet agreed to a formal six week public consultation exercise to take place from 25 July 2016 to 4 September 2016 to seek views on each specific proposal as detailed above from the general public, service users, carers, providers and partners through a questionnaire (either online or paper) and targeted consultation activity involving those who may be directly affected, particularly those currently accessing CLC support, carers and providers.

44. Following feedback from CLC providers, relatives and family carers of those accessing CLC services it was felt that the six week consultation period was challenging as many people would not have the opportunity to respond during the summer period.

45. The Director of Adults and Communities authorised an extension of the consultation period for a further two weeks and therefore the consultation closed for responses on 18 September 2016.

46. The consultation aimed to understand the potential impact of each of the two proposals if implemented, to identify any potential exceptions required, and to inform the most appropriate implementation approach which ensures minimum disruption to individual packages of care.

47. The promotion of the consultation to individuals and families was carried out via providers. Recognising that they could support people who use their services and their families to express their views about the proposals. This approach ensured support was available to people who might become anxious, or who had specific communication needs.

48. Wider promotion of the consultation has been undertaken in the form of soft social media communication to key stakeholders such as Clinical Commissioning Groups (CCGs), Leicestershire Partnership Trust (LPT), University of Leicester Hospitals (UHL), Healthwatch, and Patient Participation Groups. A detailed report of the outcomes of the consultation is attached as Appendix A.

**Face to face Consultation Activity**

49. A total of 22 face to face consultation meetings took place around the County. These were largely held at existing CLC services and at residential homes for individuals and families as well as three specific events in the north, south and centre of the County for families, friends and carers. In addition, four meetings were carried out within carer groups that are organised by the county carers support provider, Voluntary Action South Leicestershire.

50. 427 customers, carers, provider staff and other stakeholders attended face to face meetings where the proposals were discussed.

**Questionnaire responses**

51. A total of 486 responses via the questionnaire were received. The table below illustrates the yield of responses by engagement group (as specified on the consultation questionnaire) as a percentage.

| Engagement groups | Percentage of completed questionnaires by engagement group |
|---|---|
| Users of community life choices | 25% |
| Family member/carer of an adult who uses community life choices | 39% |
| Interested members of the public | 17% |
| Members of council staff | 3% |
| Part of a voluntary sector organisation or charity | 4% |
| Representative of a Community Life Choices provider | 5% |

| | |
|---|---|
| Representative of a residential care home | 3% |
| Representative of another organisation | 4% |

**Consultation outcomes**

52. The consultation encouraged respondents to comment on the proposals and a wide range of opinion was captured as summarised below for each of the proposals:

    a) Proposal A

    Many of the respondents that disagreed with this proposal felt that it will take away an individual's choice and decision making about their lives. They felt that the majority of the 130 people will feel isolated and lose friendships that they have made from attending CLC services. However, those who agreed with the proposal felt that it is wrong for the Council to fund people twice and that it should be included within care home packages.

    b) Proposal B

    For those people that disagreed with this proposal they felt that users of the CLC service will stay at home which will then impact on the carer's health and wellbeing. However, many people thought that a reduction of two weeks is manageable, as holidays are taken in the year and that it would be better to have a reduction than no service at all.

**Potential Mitigation Actions**

53. The tables below detail potential impact to service users, family carers and providers with detailed consideration of potential mitigating actions for each of the proposals:

**Proposal A (ending of the commissioning of CLC for those in residential care)**

| | **Potential Impact** | **Mitigating Action** |
|---|---|---|
| **Service User** | • Reduction of stimulation and increase of isolation<br><br>• Loss/maintaining friendships<br><br>• Individual choice taken away | Officers through the individual review process will determine what activities (internal and external) the home is able to provide.<br><br>Individual reviews should identify where friendships will be impacted and seek to address with care homes and families through support arrangements.<br><br>Ensure where appropriate that families are included within the review process so that the individual is well represented. |

| | | |
|---|---|---|
| | • Deprivation of Liberty (DoL)<br><br>• Reduced quality of life<br><br>• Lack of safeguarding reporting | The comprehensive review process will also take into account if a Best Interest Assessments is required which will include addressing DoL.<br><br>Through discussions with care home providers and through compliance checks, the Council will ensure that the care homes are offering meaningful social activities to meet individual needs. This could potentially include joining up with current CLC services.<br><br>The Department has in place Safeguarding processes and procedures for reporting any issues/incidents.<br><br>The Equality and Human Rights Impact Assessment (EHRIA) will also include potential impact and actions to be addressed. |
| **Provider - CLC** | Financial – loss of revenue | CLC providers will be encouraged to partnership work with care home providers to discuss joined up opportunities, to help mitigate any revenue shortfall. |
| **Provider - Residential** | Financial – increase in staffing costs | Officers during the review process will consider financial impact in terms of increase in staffing, feasibility of offering activities to meet individual needs and overall financial sustainability. Officers will work with providers to consider potential solutions, including the sharing of good practice from other residential homes. |

**<u>Proposal B</u>** (reduction to 48 weeks)

| | **Potential Impact** | **Mitigating Action** |
|---|---|---|
| **Service User** | Health and Wellbeing<br>• Reduced stimulation<br>• Isolation<br>• Challenging behaviour | The reduction in two weeks will be flexible and the choice of when this is taken will be discussed between the CLC provider and the individual/family carer, to ensure minimal impact. This shall be managed during the review process.<br>The EHRIA will also include potential impact and actions to be addressed. |
| **Family Carer** | Health and Wellbeing | As part of the individual review process, officers will determine impact to carer and if alternative support would be required.<br>The EHRIA will also include potential impact and actions to be addressed. |
| **Provider - CLC** | Financial<br>Loss of revenue | Providers to manage this through effective business planning and also feasibility of self-funder income. |

**<u>Conclusion and recommendations</u>**

54. During the consultation process a range of views have been collated, as summarised above and detailed within the consultation summary attached as Appendix A to this report. The consultation has further informed consideration of circumstances where implementation of the change may have a significant impact on the individual.

55. Bespoke staff and provider training will be delivered prior to any reviews being undertaken in order to ensure that all the issues identified above and in the EHRIA are fully addressed and the whole impact of change is understood, addressed and managed on an individual basis.

56. It is recommended that Proposal A is agreed. Throughout the review process it has been highlighted that there is a need to ensure that there is a more consistent and equitable approach to commissioning CLC services. All new admissions to residential care should not also be funded to access CLC services.

57. Prior to implementation, the provision for all current service users accessing CLC would be reviewed prior to any changes being made to their support package. This would be undertaken in partnership with providers and the individual/family or their representative to ensure individual impact is effectively considered and individual exceptions applied based on individual needs where relevant.

58. It is recommended that Proposal B is agreed. To meet the MTFS target the number of weeks commissioned should be reduced.

59. The provision for all current CLC users will be reviewed prior to any changes being made to their individual support packages. The impact of any proposed change will be assessed within the review process and if it is deemed that the individual would need alternative support, for instance domiciliary care or carer respite, then the Department will commission the most cost effective care solution.

60. In all circumstances the review process will ensure that all potential negative impacts and relevant mitigating actions are effectively identified prior to consideration of exceptions to both proposals.

**Background Papers**

- Report to the Adults and Communities Overview and Scrutiny Committee: 6 September 2016 - Community Life Choices Framework 2017-20 and Consultation on Future Delivery
  http://ow.ly/ZgRp304IgbJ
- Report to the Cabinet: 18 July 2016 – Community Life Choices Framework 2017-20 and Consultation on Future Delivery
  http://ow.ly/UK2R304Igex

**Appendix**

Appendix A – Public consultation summary
Appendix B - EHRIA

**Relevant Impact Assessments**

Equality and Human Rights Implications

61. The EHRIA is attached as Appendix B. The EHRIA screening of the CLC plans was considered by the Adults and Communities Departmental Equalities Group (DEG) in March 2016. The consultation results have informed the full EHRIA report which has also been considered by members of DEG, which is attached as an appendix, to assist in the exercise of the 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.

62. The full report highlights the need to protect those groups most affected by the proposed changes, particularly people with learning difficulties and the carers of those with the highest needs and most challenging behaviour. It addresses concerns raised during consultation and identifies the need for robust and sensitive consideration of individual needs. The added protection of considering exceptions where there are health and wellbeing concerns arising from implementing the changes is designed to ensure that we enable the most appropriate and cost effective services to be provided in all cases.

**APPENDIX A**

Leicestershire County Council

**COMMUNITY LIFE CHOICES**

**CONSULTATION SUMMARY**

## Introduction

1 A formal six week public consultation commenced on Monday 25 July 2016 and ran until midnight 18 September 2016 on proposals for changes to Community Life Choices (CLC) services. This consultation period was extended by two weeks from the original proposal of six weeks' consultation in order to ensure sufficient time to respond by all key stakeholders.

2 The aim of the consultation was to gather feedback on two proposals by Leicestershire County Council for the future commissioning of CLC services, namely:

- That the Council should stop paying for CLC support for people who are already funded to receive 24/7 residential care;
- A reduction in the number of weeks that the Council funds CLC support, from 50 to 48 weeks.

3 The consultation was specifically interested in:

- Views of people who currently access these services;
- Views of family carers of people who currently access these services;
- Support or opposition regarding each of the proposals.

4 Throughout the consultation period, targeted engagement with key stakeholders was undertaken, to ensure that current users of the services, their families and carers, and current providers of those services were made aware of the proposals and had opportunities to express their views.

## Consultation activity

5 In order to encourage and support involvement, a variety of engagement methods were employed throughout the consultation period, with the aim of raising awareness and encouraging people to give feedback on the proposals. The consultation document, along with background information, was available on the County Council's website and included an online questionnaire which was available in both standard format and easy read. The consultation was promoted through the use of social media (Facebook and Twitter), and to partner organisations for them to share: Support for Carers Leicestershire, Health partners (University Hospitals of Leicester, Leicestershire Partnership NHS Trust, Clinical Commissioning Groups) Patient Participation Groups and Healthwatch.

6 In response to requests by providers, visits by council officers were made to 19 venues, across a range of service types and covering all areas of the county. An

additional three events were arranged during the two week consultation extension, and were specifically promoted to family carers and relatives of people using CLC services (although they were open to all).

7 In total, 427 people attended 26 engagement events (as listed below) where the proposals were discussed and questions and comments were recorded as part of the overall response.

| Date | Provider | Venue | S/users | Family carers | Staff + volunteers | General Public |
|---|---|---|---|---|---|---|
| 17-Aug | D&H | Wigston Central Church | 19 | - | 5 | |
| 22-Aug | D&H | South Wigston | 18 | - | 4 | |
| 22-Aug | Glebe House | Wards End Loughborough | 12 | 17 | 10 | |
| 23-Aug | Headway | Leicester | 9 | - | 6 | |
| 23-Aug | Pear Tree Residential Home | Syston | - | - | 2 | |
| 24-Aug | Support & Connections | Rearsby | - | 6 | 2 | |
| 24-Aug | Age UK Blossoms | Earl Shilton | 15 | - | 5 | |
| 25-Aug | WHM Greenfields | Seagrave | 6 | 4 | 3 | |
| 26-Aug | WHM Fairfields | Queniborough | 4 | 2 | 2 | |
| 30-Aug | Voyage | Hinckley | 13 | 0 | 9 | |
| 30-Aug | Achieve with Us | Hinckley | 29 | 21 | 8 | |
| 31-Aug | D&H | Hinckley | 25 | 2 | 12 | |
| 31-Aug | Age UK Wellbeing group | Coalville | 7 | 0 | 3 | |
| 31-Aug | John Storer House | at County Hall | 1 | 0 | 1 | |
| 01-Sep | Age UK Orchid | Leicester | 11 | | 2 | |
| 02-Sep | Age UK Reflections | Melton | 6 | 0 | 4 | |
| 01-Sep | Age UK Horizons | Melton | 10 | 0 | 5 | |
| 02-Sep | Holmfield Day Centre | Beaumont Leys | 0 | 0 | 2 | |
| 07-Sep | Famille House | Kirby Muxloe | 9 | 9 | 4 | |
| 12-Sep | Open event South Leics (D&H) | Wigston | | 11 | 3 | |
| 13-Sep | Open event North Leics (Glebe) | Loughborough | 1 | 17 | 7 | 2 |
| 15-Sep | Open event Global (C Hall) | Leicester | | 5 | 2 | |
| Various | Carers Groups | County | | 35 | | |
| | | **Total** | **195** | **129** | **101** | **2** |
| | | | | | **Grand Total** | **427** |

## Provider engagement

8 Prior to consultation, three workshops were held between November 2015 and May 2016 to develop options and discuss the two key proposals which emerged for consultation.

## Staff engagement

9 The consultation was promoted to staff and information disseminated via the intranet and at team meetings to encourage them to participate in and contribute to the consultation.

## Public engagement

10 The consultation was available on the Council website page “Have you say”. In addition, various twitter feeds took place (August–September) to promote the consultation. Partner organisations also promoted and shared the consultation.

**Service user and carer engagement**

11 Meetings at existing CLC services (including in house services) have included presentations, informal interviews, question and answer sessions about the proposals, group feedback, and support on an individual basis to complete/ distribute questionnaires where requested. In addition, the consultation was promoted by Voluntary Action South Leicestershire and discussed at four of their carers support groups. A total of 1,688 hard copy questionnaires were sent out.

**Other engagement**

12 Presentations have also been made at the Leicestershire Residential Care Provider Forum, Family Carers of Learning Disabled Adults Group and the Leicestershire Equalities Challenge Group.

13 The Adults and Communities Overview and Scrutiny Committee considered the two delivery proposals on the 6 September 2016.

**Overview of Responses**

Volume of responses

14 The consultation questionnaire was available online, paper form and in easy read format, other formats were available on request. The total number of questionnaires received (online and paper) were 486, the table below details questionnaires submitted by respondent:

| Role of respondent | Completed questionnaire |
|---|---|
| CLC Service Users | 116 |
| Carers | 185 |
| CLC providers | 24 |
| Residential care providers | 12 |
| Leicestershire County Council staff | 16 |
| Public | 79 |
| Other stakeholders | 40 |
| Not answered | 14 |
| **TOTALS** | **486** |

15 In addition, a number of letters and emails, as well as telephone responses were submitted and included.

**Analysis of responses**

16 All feedback in workshops and meetings was recorded and key themes were identified. Not all questionnaire respondents answered all the questions, therefore analysis percentages are for those that did respond to each question: these statistics are contained in the tables at the end of this report.

**Proposal 1: to stop paying for community life choices support for people who are already funded to receive 24/7 residential care**

17 442 people responded to this question with the majority of responses indicating disagreement with this proposal 75% of respondents (63% strongly disagreed, 12% disagreed), compared to 16% who agreed with it.

18 In response to a question about the impact of this proposal on residents who currently receive this support, the most commonly cited concerns were that people would become "housebound" and isolated, lacking in stimulation and would have little or no choices open to them. There is also concern about the impact upon friendships and if or how these could be maintained; the impact upon individual's mental wellbeing – a perceived likelihood of depression; and a potential increase in behaviours that challenge. Attending CLC services whilst living in residential care is also viewed as a safety net for the identification of any safeguarding issues, both by family carers and by CLC staff.

19 The need to be certain that residential homes are able to provide suitable alternative activities was seen as the most important issue, but reliant upon robust monitoring on the part of the council, with clear evidence from the providers that they are delivering this support.

**Proposal 2: to reduce the number of weeks that community life choices is funded, from 50 weeks to 48 weeks**

20 472 people responded to this question with the majority of responses indicating disagreement with this proposal 61% of respondents (50% strongly disagreed, 11% disagreed), compared to 24% who agreed with it.

21 This was felt by many to be manageable, although all would prefer to see no reduction at all in services paid for by the Council.

22 Family carers expressed concerns about additional strain upon their caring capacity, especially for older carers, and/or family finances if they needed to pay for additional support. This proposed change was perceived to be difficult for working carers who may not be able to take additional time off work, or who will have to use all their leave to provide the support and have no time to "recharge their own batteries". Service users who answered this question gave a mixture of responses; some felt it would be OK because they already have varying times when they don't attend, whilst others thought it would make them feel sad.

23 The key issue identified to help people adapt to any change was identified as good communication. This included giving people plenty of notice of any change, so that it can be introduced gradually, and identifying and communicating suitable and cost-effective alternative options.

**Other ideas**

24 There were very few ideas put forward for how the Council might achieve these savings in other ways. Comments focused on the need for the council to look at its own costs, and be as efficient as possible through effective staff structures and processes, and working in partnership to eliminate duplication and achieve economies of scale. In addition, many people commented that the way transport is currently provided should be considered, again as there are opportunities of being

more financially efficient through better planning of routes and times which could result in achieving economies of scale.

**Other comments**

25 A quarter of those who commented were concerned that these proposals “target” the most vulnerable people, and that those people may not have a voice in the process. There were also comments about carer break-down and subsequent raised need for residential care if independent community living cannot be sustained. However others felt that the reduction in the number of paid-for weeks was a reasonable proposal and akin to what most people experience as “normal”, ie time off from work for holidays or other reasons. It was also acknowledged that there are residential care homes that do provide a range of suitable activities for their residents, which would minimise the impact of any change, and there is a need to examine their practice to determine how it can be duplicated in other settings.

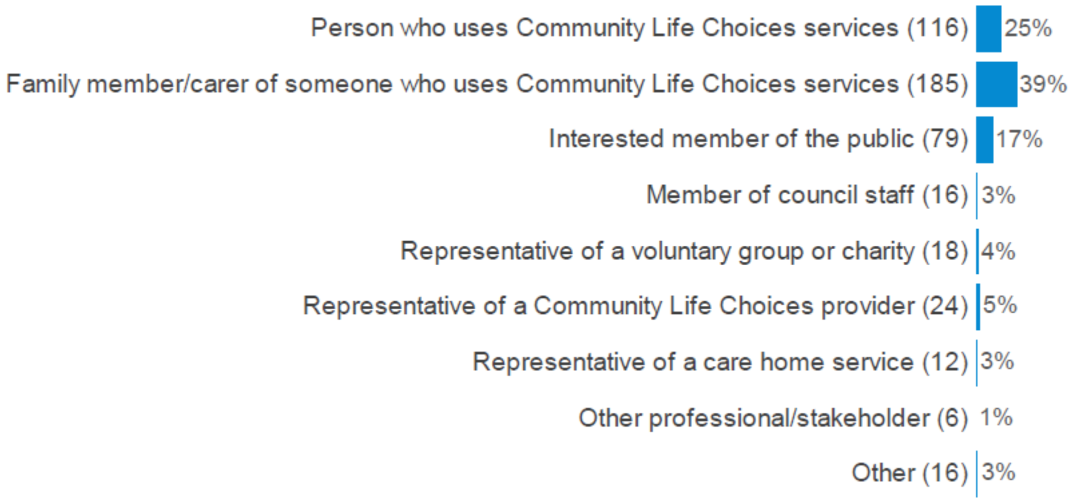
**Findings and Conclusion**

26 Engagement and consultation have highlighted people’s concerns about the impact upon current services users if their services were to be withdrawn or reduced, particularly upon their health and wellbeing. There are also issues in relation to this for family carers, who indicate they may not be able to cope and for working age carers, that it could affect their employment. Concerns were also raised about the impact upon providers, the viability of the business for CLC providers and the additional costs to residential care providers of delivering suitable alternative activities within residential settings.

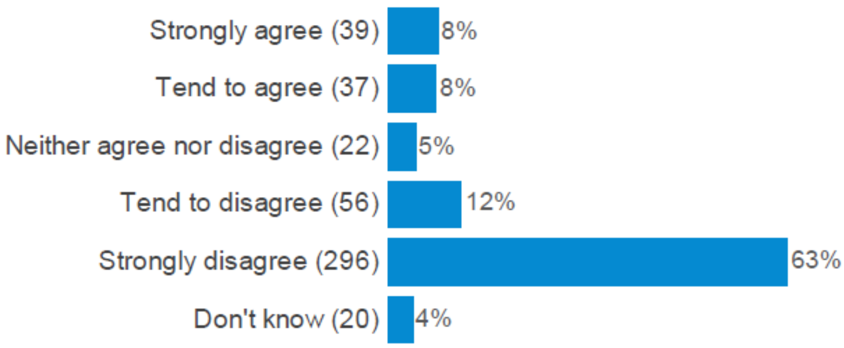
27 Engagement and consultation have highlighted that the implementation of these proposals is dependent upon good, personalised, individual reviews in order to be confident that the impact is fully considered for each person and (where applicable) family carers. There will be benefits through networking and partnership working with and between providers, in order to ensure flexibility and capacity within services to deliver the required support.

## Summary Questionnaire Results

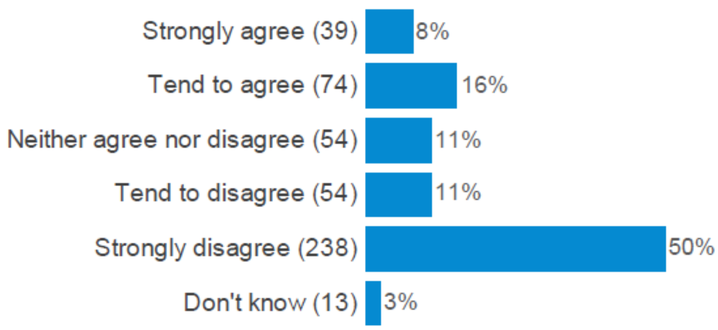
**In what role are you responding to this consultation? Please select one option only.**



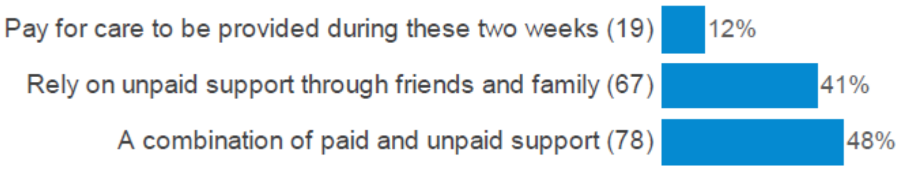

**To what extent do you agree or disagree with our proposal to stop paying for community life choices support for those people already funded to receive 24/7 residential care?**




**To what extent do you agree or disagree with our proposal to reduce the number of weeks of community life choices service that we will fund from 50 to 48 weeks per year as a way of helping find the savings we need to make?**



**If the number of weeks we funded community life choices services reduced from 50 to 48 weeks per year, which of the following are you most likely to do?**



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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:** | Community Life Choices |
| **Department and section:** | Adults and Communities – Strategic Planning and Commissioning |
| **Name of lead officer/ job title and others completing this assessment:** | Amisha Chauhan - Strategic Planning and Commissioning Officer |
| **Contact telephone numbers:** | 0116 3059419 |
| **Name of officer/s responsible for implementing this policy:** | Amanda Price – Interim Head of Service, Strategic Commissioning and Market Development |
| **Date EHRIA assessment started:** | 1st July 2015 |
| **Date EHRIA assessment completed:** | 26th September 2016 |

# 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?*<br><br>The department currently has framework arrangements for Community Life Choices (CLC) services, which commenced 1st October 2012 for a four year period ending 30th September 2016. Due to the level of work needed to be carried out in terms of reviewing the current service and service modelling a three month extension has been agreed by the Director of Adults and Communities, and therefore the framework will now end 31st December 2016.<br><br>The framework currently has 73 independent providers delivering 198 services. In addition, there are currently 13 services provided In House.<br><br>The Framework Agreement (Independent CLC) meets the needs of people with learning disabilities, physical disabilities, mental ill health and older people within Leicestershire County. The framework is refreshed annually to encourage opportunities for new providers to join the framework however this is not associated with demand as data shows that only 47% of providers and 45% of services are being accessed.<br><br>Types of services available from the framework are; Day Services, Outreach, Physical and Social Activities, Community Support etc.<br><br>Currently, there are circa 849 service users accessing daytime activities.<br><br>The total CLC budget (In House & Independent Sector) for 2016/17 is £8.3 million. The proposed savings (£500k in 2017/18 rising to £750k in 2018/19) will be achieved through a restricted core service offer. This saving will be achieved across all types of day activities (Independent and In House). Overall the target for gross savings to be achieved will represent 9% of current CLC budget<br><br>The way that CLC is commissioned and provided in Leicestershire has been reviewed in line with the new Adult Social Care Strategy and Commissioning Strategy, to ensure how CLC support can be more cost effective. |
| **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.*<br>The Adult Social Care Strategy 2016 - 2020 has been prepared to outline the vision and strategic direction of social care support for the next 4 years. The life of the strategy has been determined by matching to the life of the current |

| | |
|---|---|
| | Medium Term Financial Strategy (MTFS), in order for us to meet our financial targets and implement our new approach to adult social care.<br><br>The need for a new strategy has arisen from new and updated legislation (e.g. the Care Act), increasing demographic pressures, ongoing budget cuts and plans for the integration of health and social care services. All of these factors will have a significant impact on our approach, and on how people are supported in the future. Please see respective EHRIA for more details - EHRIA Assessment ASC Strategy and Commissioning Strategy.<br>In order to meet our statutory and financial obligations we have developed a model which is a 'stepped' approach, designed to ensure that people can get the right level and type of support, at the right time to help prevent, delay or reduce the need for ongoing support, and maximise people's independence.<br>The 'stepped' approach outlines how the Department can support people with different levels of need in order to:<br>• prevent a need for social care (by making universal services eg advice and information, public health wellbeing initiatives available),<br>• reduce the need for social care (through targeted interventions, eg social groups),<br>• delay the need for social care (through reablement and rehabilitation services) and for those most in need,<br>• meeting needs with the minimum amount of support by identifying and using a broad set of social resources as well as formal service provision, and through progressive planning.<br>The following strategies/workstreams are related to this area of work:<br>- Adult Social Care Strategy 2016-20<br>- Help to Live at Home Project<br>- In-House Services Review<br>- Adult Social Care Commissioning Strategy<br>- Medium Term Financial Strategy<br>- Adult Social Care Workforce Strategy<br>- Finance<br>- Assessment, support planning and review<br>- Resource allocation<br>- Learning and Development<br>- Compliance<br>- Performance Management<br>- Integration with health<br>- Market shaping |
| **3** | Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?<br><br>The potential impact is upon anyone living in Leicestershire with a need or potential need for CLC support, with an aim of ensuring people can get the right level and type of support, at the right time to help prevent, delay or reduce the need for ongoing support, and maximise people's independence. |

The focus is therefore on supporting people to achieve their outcomes, and on delivering only as much support as will enable them to do so, whilst maximising informal support from families and communities.

The table below details current service user profile:

| Primary Category of Need | Age | | Total No. of Service Users |
|---|---|---|---|
| | 18-64 | 65+ | |
| Mental Health | 7 | 64 | 71 |
| Learning Disability | 470 | 62 | 532 |
| Physical Disability & Sensory | 84 | 162 | 246 |

The largest cohort is service users of working age with Learning Disabilities. The types of services accessed by this cohort include support to gain employment, volunteering opportunities, Life Skills, personal support etc.

The ethnicity breakdown of those accessing CLC services is detailed in the table below;

| Ethnicity | Total |
|---|---|
| Asian/ Asian British- ….Any other<br>… British Chinese<br>….British Indian<br>… Black British-African | 82 |
| Not recorded | 9 |
| White –<br>…Any other background<br>…English<br>… Welsh<br>… Scottish<br>… N. Irish<br>… British | 758 |
| Total | 849 |

**Summary of changes to current framework:**

1) Future CLC services for the majority of people will not be about providing activities but enabling/facilitating people either by themselves or with support to access community facilities, with a key focus on enabling and supporting people to gain employment/volunteering opportunities and improving life skills;
2) The new framework will have 26 providers. This approach will allow providers to offer as many services as they choose whilst the Department ensures an affordable and geographical spread of services across the county. The new categories of support are listed below.

- **Increasing Independence** – Employment, Education, training, volunteering support

- **Personal and skills development** – life skills, including use of public transport, cooking, money management

- **Community engagement** – A focus on meaningful inclusive activities based in the community, with an emphasis on tailored support, which aims to meet the needs of both the individual and, where relevant, associated carers, with a view to reducing dependence on paid support.

- **Health and wellbeing** - Offer advice and support on healthy lifestyles and wellbeing to individuals. The Service will promote the physical and mental health of individuals offering emotional support and enabling people to develop personal resources to deal with life changes, stresses and crises.

3) The new CLC framework will have set prices aligned to new banding criteria, which correspond to differing levels of support needs. The cost of services and banding criteria will be applied to all those accessing CLC services whether there package of care is managed by the council or through a Direct Payment.

4) Based on IAS data there are currently 132 (16%) service users receiving long term 24/7 residential care that are also accessing Community Life Choices support. It is deemed that providers of such services should be able to provide activities for its service users thus minimising the need for them to also access community life choices. Which would further embed the cost effective care policy ensuring services commissioned are the most cost effective solution.

5) Currently 50 weeks are commissioned per annum due to Bank Holidays. To meet the savings target it is proposed that the number of commissioned weeks is reduced to 48.

The table below provides the total number of service users who are currently living in 24/7 residential care and, of that total, the numbers who access CLC support services

| **Primary Need** | **Total No of services users in residential care** | | **No of services users in residential care also receiving CLC** | |
|---|---|---|---|---|
| | **Age 18-64** | **Age 65+** | **Age 18-64** | **Age 65+** |
| Learning Disability | 363 | 70 | 87 | 27 |
| Physical Disability | 79 | 1944 | 7 | 6 |
| Mental Health/Social Support | 99 | 551 | 5 | |

Data: 2015/16, numbers under 5 are rounded

| | |
|---|---|
| | The data indicates that 86% of the people living in residential care and using CLC services have a learning disability which is the largest cohort compared to other categories of need (Physical Disability = 10%, Mental Health = 4%). Therefore, it is evident that there is an inconsistent commissioning approach for those in long term residential care in terms of access to CLC services. |
| **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 | X | | The strategy and delivery model focus on individual outcomes for each person and encompass the full range of need |
| Advance equality of opportunity between different groups | X | | The CLC framework will enable commissioning workers to arrange support for people who do not want to take their personal budget as a direct payment. The support provided to eligible individuals, as with any type of social care support, will need to support this equality aspect in line with their support plan. |
| Foster good relations between different groups | X | | The new CLC model is based on inclusion, focussing on maximising family and community assets and supporting people to be part of a wider community network. |

# 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?<br><br>a) their current needs and aspirations and what is | **X** | |

| | | | |
|---|---|---|---|
| | important to them; | | |
| | 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. | | |
| | Specific CLC provider workshops and market testing have been carried out in relation to the new model.<br><br>There are two specific proposals for the delivery of CLC on which the Department has consulted;<br><br>1) Individuals in long term 24/7 residential care should not also receive community life choices<br>2) Reduction in the number of weeks of LCC paid support<br><br>A formal consultation took place from 25th July to 18th September 2016.The aim of the consultation was to enable the department to determine the impact of implementing these proposals and to enable plans to be put in place to minimise any negative impact of change to an individual's package of support and care.<br><br>If these proposals are agreed then it is envisaged that they will not be implemented until July 2017 earliest which will allow sufficient time for review officers to carry out comprehensive service user reviews and to support providers to adapt to any impact upon them. | | |

| | | | |
|---|---|---|---|
| **Section 2**<br>**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.**

**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 potentially be affected by this policy and describe any positive and negative impacts, including any barriers.

| | Yes | No | Comments |
|---|---|---|---|
| **Age** | x | | Older people make up the largest group of users of social care, and numbers are increasing. However community life choice users tend to be younger age adults, who tend to access these services earlier in their lives. As of November 2015, 561 people accessing community life choices were under 65, and 288 were 65 years and over. |
| **Disability** | x | | All people accessing community life choices services will be eligible for social care services in line with national eligibility criteria. The data in Section 3 details breakdown for current users of CLC services by disability.<br>Any associated changes to individuals' support will need to consider the best way to do this for the individuals involved through transition planning and decommissioning processes. |
| **Gender Reassignment** | | x | |
| **Marriage and Civil Partnership** | | x | |
| **Pregnancy and Maternity** | | x | |
| **Race** | x | | The focus on achieving individual outcomes will support equality of service delivery. Ongoing monitoring is required |

| | | | | |
|---|---|---|---|---|
| | | | | to ensure that services are accessible and inclusive. |
| | **Religion or Belief** | **x** | | As above |
| | **Sex** | **x** | | As above |
| | **Sexual Orientation** | **x** | | As above |
| | **Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities** | **x** | | Integration and partnerships with health services will contribute to addressing health inequalities. |
| | **Community Cohesion** | **x** | | The focus on maximising use of community resources should promote greater inclusion and community cohesion. |

**11.** Are the human rights of individuals potentially affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? **(Please tick)**

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]

| | **Yes** | **No** | **Comments** |
|---|---|---|---|
| **Part 1: The Convention- Rights and Freedoms** | | | |
| **Article 2: Right to life** | **x** | | Safeguarding is likely to engage this article |
| **Article 3: Right not to be tortured or treated in an inhuman or degrading way** | **x** | | Social Care services including community life choices are underpinned by ASC duty to promote wellbeing and personal dignity. All services, either in house or commissioned, are expected to be delivered at an acceptable standard to maintain health and dignity. |

| | | | | |
|---|---|---|---|---|
| | **Article 4: Right not to be subjected to slavery/ forced labour** | | x | |
| | **Article 5: Right to liberty and security** | x | | Safeguarding will protect these rights |
| | **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 | | Community life choices are focused on how to support people to remain independent in the setting of their choice. |
| | **Article 9: Right to freedom of thought, conscience and religion** | | x | |
| | **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 | | The values and principles of community life choices are designed to ensure that no particular groups are intentionally or unintentionally excluded or disadvantaged from accessing or benefitting from them. |
| | **Part 2: The First Protocol** | | | |
| | **Article 1: Protection of property/ peaceful enjoyment** | x | | Supporting people to remain independent in the setting of their choice supports this article, together with safeguarding policy |
| | **Article 2: Right to education** | | x | |
| | **Article 3: Right to free elections** | | x | |

**Section 2**
**D: Decision**

| | | **Yes** | **No** | **Unknown** |
|---|---|---|---|---|
| **12.** | Is there evidence or any other reason to suggest that: | | | |
| | a) this policy could have a different affect or adverse impact on any section of the community; | | X | |
| | 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 ☐ | Positive Impact ☐ | Neutral Impact ☐ | Negative Impact or Impact Unknown ☒ X | |

**Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.**

| | | | |
|---|---|---|---|
| **14.** | Is an EHRIA report required? | Yes X | No ☐ |

**Section 2: Completion of EHRIA Screening**

Upon completion of the screening section of this assessment, you should have identified whether an EHRIA Report is requried 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?<br><br>a) current needs and aspirations and what is important to individuals and community groups (including human rights);<br><br>b) likely impacts (positive and negative, intended and unintended) to individuals and community groups (including human rights);<br><br>c) likely barriers that individuals and community groups may face (including human rights) |

Throughout the strategic review process, historic contract monitoring data for existing community life choice service provision was examined in order to better understand existing service provision.

This has been further supplemented with a full public consultation exercise which took place between 25th July and 18th September 2016, to seek views from all current users of CLC, family carers, relatives and providers on the proposals for the future delivery of CLC support services.

The consultation process has enabled officers to understand potential impact to providers as well as service users/carers.

Prior to any changes to individual packages of care, a comprehensive review with the provider, service user and/or representative will be undertaken to determine if there is any likelihood of a negative impact to the individual.

In all circumstances the review process will ensure that all potential negative impact and relevant mitigating actions are effectively identified prior to consideration of exceptions to both proposals. Exceptions shall be agreed according to the department's exceptions policy, which shall only be agreed at senior level.

| | |
|---|---|
| **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 further research or data collection is required in relation to the overarching CLC model.

Throughout the strategic review process and formal consultation exercise research, data collection and evidence gathering has taken place from a variety of sources:

- Online and other published resources
- Contract monitoring data

- Information received from providers and stakeholders
- Benchmarking information from other local authorities and commissioning organisations
- Results from consultation exercise (including responses from current users, family carers, relatives, providers, stakeholders, LCC staff and the general public)

As described above, this research and data gathering has allowed a relatively comprehensive assessment of risks and impacts and those specific to the Equalities Act and Human Rights have been described above (see Section 2). However, it should be noted that the primary impact is the reduction in commissioned weeks and to cease CLC support for those in 24/7 residential care and support services.

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? |

In addition to a consultation questionnaire (online and hardcopy), engagement was achieved through face to face consultation meetings at 18 existing services located across the county, and three specific events primarily for family carers and relatives. In addition, the Departments carers support provider also discussed the proposals at 4 of its carers support groups. These activities engaged with 427 people in total. The questionnaire was completed and returned by 486 people.

Using the findings from the strategic review and formal consultation exercise potential impacts and barriers upon the Protected Characteristics under the Equality Act 2010 and Human Rights articles have been identified.

**The key themes around potential impact for service users and family carers for each of the proposals are as follows;**

**Proposal A**

- Reduction of stimulation and increase of isolation
- Loss/maintaining friendships
- Individual choice taken away
- Reduced quality of life
- Lack of safeguarding reporting

**Proposal B**

- Health & Wellbeing of family carer
- Reduced stimulation for service user
- Isolation for service user
- Service user challenging behaviour

Of note, it has been recognised that in respect of the protected characteristics, there is the potential for all individuals (regardless of which protected characteristic(s) they have) to experience an impact arising out of these proposals because of the proposed level of

| | |
|---|---|
| savings required. | |
| **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 |

**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 likely be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.

| | **Comments** |
|---|---|
| **Age** | . <br>The impact is not restricted to a particular age group as the service is available to everyone of adult age, but the data shows there are more people under 65 who will be affected.<br><br>**Age**: **18-64**: 561; **65+**: 288<br><br>Proposal A will affect 132 people, as these people are currently in 24/7 residential care also accessing CLC services, of whom around 95 people are of working age.<br><br>. |
| **Disability** | The impact is not restricted to a particular disability group as the future CLC service will be accessible for all people with disabilities eligible for social care services.<br><br>However the data below shows that there is potentially greater impact for people with a Learning Disability, which is the major user group: |

| **Age** | |
|---|---|
| **18-64** | **65+** |
| 561 | 288 |

| **Primary Category of Need** | **Total No. of Service Users** |
|---|---|
| Mental Health | 71 |
| Learning Disability | 532 |
| Physical Disability & Sensory | 246 |

| | | |
|---|---|---|
| | | There is potentially a greater impact on people with higher levels of support needs (predominantly those with Learning Disabilities) when considering proposal A and/or B, either to the individual and/or family carer, because they may be more reliant upon these services to maintain their health and wellbeing<br><br>As mentioned in section 15 the impact to individuals within this group would be managed through the review process, and if it is deemed that there is a negative impact to either the service user or family carer an exception would be considered.<br>A major barrier will be a reduced level of investment due to the MTFS savings which may lead to a reduction in a service users support package. |
| | **Gender Reassignment** | Monitoring data for existing services does not provide any specific evidence related to gender reassignment. However, there will be no impact on gender reassignment.<br>A major barrier will be a reduced level of investment due to the MTFS savings which may lead to a reduction in a service users support package. |
| | **Marriage and Civil Partnership** | Not affected |
| | **Pregnancy and Maternity** | No specific impact identified<br>Monitoring data for existing services does not provide any specific evidence related to pregnancy and maternity.<br>Future services will always be provided with regard to policies and good practice in relation to the needs of the group |
| | **Race** | No specific impact identified<br>Future services will always be provided with sensitivity |
| | **Religion or Belief** | Future services will always be provided with sensitivity and respect paid to religious observance requirements. |
| | **Sex** | No specific impact identified<br>Monitoring data for existing services shows that there is an equal split of males and females |
| | **Sexual Orientation** | No specific impact identified |

| | | |
|---|---|---|
| | **Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities** | The new CLC specification and contract require that providers are monitored on service user outcomes (8 in total) one of which will be "Individuals report an increase in social contact with others, either one to one or in groups".<br>Within the consultation process, concerns were expressed about the potential for individuals to feel isolated (due to eg a lack of peer group in a residential setting, being "stuck" at home for 2 weeks).<br>Carers also commented that a 2-week reduction in service provision would impact upon them, either being able to manage the cared-for person within the home setting or upon their own health, wellbeing or employment.<br><br>Therefore, when comprehensive individual reviews are carried out, officers will need to determine if isolation is a risk, the potential impact and whether alternative support is required to mitigate this.<br>If there is a reduction in the number of weeks , the impact to the carer must be considered when reviews are undertaken, and a carer assessment or reassessment completed if required. |
| | **Community Cohesion** | Service user outcomes include;<br>**Community Engagement;** Service Users are accessing universal facilities and services in their community. CLC providers will be expected to encourage and support individuals to be part of the community. An example of this could be accessing local libraries, leisure facilities, community centres etc. |

| | | |
|---|---|---|
| **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** | Risks to service users and suitable policies relating to Health and Safety and |

| | | |
|---|---|---|
| | | safeguarding adults will be a requirement of new services commissioned under these proposals. |
| | **Article 3: Right not to be tortured or treated in an inhuman or degrading way** | It will be a requirement of the providers to have policies concerning safeguarding and whistleblowing, for example, and this will be a requirement of new services commissioned under these proposals. |
| | **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** | All service users will be made aware of complaints procedures and the right to have decisions reconsidered. |
| | **Article 7: No punishment without law** | N/A |
| | **Article 8: Right to respect for private and family life** | Services are expected to respect privacy, maintain dignity, and ensure service users and their families have choices and are supported to make decisions about their own lives. |
| | **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 assembly and association** | N/A |
| | **Article 12: Right to marry** | N/A |
| | **Article 14: Right not to be discriminated against** | The new CLC service has the potential to support people who represent some of the protected characteristics covered by the Equality Act (see above). Services will be expected to be delivered without any discrimination to customers. |
| | **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 3**<br>**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. |

The department will carry out a comprehensive review of each individual's care needs and if they require alternative support, we will work closely with them, their families and the providers to commission the most cost-effective care.

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.<br><br>a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination<br><br>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<br><br>c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a particular group, please explain why |

In terms of ceasing CLC support for those in 24/7 accommodation based care and support, the residential care home is expected (as per contractual arrangements) to provide day time opportunities and/or support residents to access wider community based activities in order to meet their assessed needs. This will need to be negotiated with individual providers under their current contracts. There are many ways to promote social inclusion, beyond traditional day services, including supporting people to take part in everyday 'mainstream activities' in local communities.

Enablement activities which help people to remain more independent should be encouraged. This can be achieved through residential care staff working differently to enable residents to take part in activities in or outside of the home which support them to be as independent as they can. This would be achieved by person centred planning and effective risk management.

If the number of weeks is reduced to 48 to mitigate any negative impact to a service user/ family carer alternative support options shall be considered. For example, a service user due to high needs may need to attend CLC 5 days a week, throughout the year. If no other alternative support can be put in place or is not as cost effective as CLC for either the service user or family carer then this would need to be agreed through

| |
|---|
| the exceptions process as per the CLC guidance and exception policy. |

| | |
|---|---|
| **Section 3**<br>**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 new CLC model aims to support people to become as independent as possible and should therefore have positive impact upon individual wellbeing. It requires that vulnerable people are safeguarded, and that community support and engagement are maximised. This and the overarching Adult Social Care strategy meet Leicestershire County Council's responsibilities in relation to equality, diversity, community cohesion and human rights. | |

| | |
|---|---|
| **Section 3**<br>**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?<br>The attached action plan will be used to support checks on progress of implementation of the delivery of CLC support services, which will be overseen by the Adult Social Care Compliance team reporting to the Adult Social Care Strategy steering group Specifically, the Equalities Improvement Plan will be reviewed by the Departmental Equalities Group to monitor the impact of the strategy. |
| **25.** | How will the recommendations of this assessment be built into wider planning and review processes?<br>*e.g. policy reviews, annual plans and use of performance management systems*<br><br>Clear and robust guidance will need to be in place in terms of reviewing support packages.  In addition, it will be expected that the Compliance Team will carry out ongoing monitoring of the contracts to ensure that individual's outcomes are being met. This will be done through quarterly performance monitoring meetings with providers, followed by at least annual quality assurance and contract monitoring visits. |

**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 |
|---|---|---|---|---|
| Equalities monitoring is ongoing and embedded | Use the outcomes of EHRIAs to inform Service Planning, monitoring whether the EHRIAs and associated action plans lead to improved outcomes for customers. | All service plans reflect EHRIA outcomes. | Contract Compliance Manager | Ongoing |
| Improve internal procedures to protect the long term health and wellbeing Interests of service users, particularly in relation to their Article 3 rights. | Ensure timeliness of care plan reviews.<br>Ensure that financial assessments are accurate and that direct payments are efficient and prompt. | Improved protection for vulnerable service users through more efficient and responsive service delivery. | Head of Service (Reviews)<br><br>CCF Manager | |
| Ensure that customers of existing service provision are aware of the changes to service provision (reduction of commissioned weeks from 50 to 48) and that where required, transitional arrangements are in place. | The Council has a duty of care to existing customers. Work with providers, individuals and family carers will be undertaken to establish impact. | That customers feel supported and know what alternative support they can access if required | Review officers | By July 2017 |

| Equality Objective | Action | Target | Officer Responsible | By when |
|---|---|---|---|---|
| Ensure that the specification for the new service model includes clearly specified referral routes, taking account of groups with known difficulties in accessing services (as identified in section 2 & 3 above) to avoid their exclusion. | Work with various sections of the council such as; Working Age Adults, Whole Life Disability Team - Residential Review Team, Community Care Finance, | The commissioned service is compliant with the Council's equality priorities, reflects the findings of the strategic review and the comments of providers, families and stakeholders gathered as part of formal consultation. | Strategy and Commissioning | |
| Ensure that new services have appropriate geographical spread. | Work with providers of Community Life Choice services | The commissioned service is compliant with the Council's equality priorities, reflects the findings of the strategic review and the comments of providers and stakeholders gathered as part of formal consultation/Market Testing. | Strategic Planning and Commissioning in particular Market Development | |
| Ensure that the specification for the new service model is outcome based and has clearly specified targeted interventions | These will be monitored through contract monitoring during the life of the contract. | The commissioned service is compliant with the Council's equality priorities, reflects the findings of the strategic review and the comments of providers and stakeholders gathered as part of formal consultation/Market Testing. | Strategic Planning and Commissioning | Throughout the life of the contract (contract monitoring). |

| Equality Objective | Action | Target | Officer Responsible | By when |
|---|---|---|---|---|
| Ensure that existing residential providers and service users are aware of the changes (in terms of ceasing CLC support for residential service users) to service provision and that were required, transitional arrangements are in place | Work with providers will be undertaken to establish which customers will not continue to receive CLC support and what alternative provision can be provided by the residential care provider | That existing customers feel supported and know what alternative support they can access if required | Compliance Officers (working with current providers) | By September 2017 |
| Monitor the impact of both proposals if they are agreed and implemented | These will be monitored through contract monitoring during the life of the contract and also during individual annual reviews. | That existing customers and family carers feel supported and the concerns raised in consultation about negative effects of the proposals are satisfactorily addressed. | Compliance Officers and operational staff | Throughout the life of the contract. |
| Proposal A<br><br>Reduction of stimulation<br>Increase of isolation<br>Loss/maintaining friendships<br>Individual choice taken away<br>Reduced quality of life<br>Lack of safeguarding reporting | Individual reviews and through discussions with care home providers and compliance checks, the Council will ensure that the care homes are offering meaningful social activities to meet individual needs. This could potentially include joining up with current CLC services. If care home providers are not able to meet individuals outcomes then the | That existing customers and family carers feel supported and the concerns raised in consultation about negative effects of the proposals are satisfactorily addressed. | Compliance Officers and operational staff | Throughout the life of the contract. |

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| Equality Objective | Action | Target | Officer Responsible | By when |
|---|---|---|---|---|
| | exceptions policy will be applied and alternative cost effective support shall be commissioned | | | |
| Proposal B<br>Health & Wellbeing of family carer<br>Reduced stimulation for service user<br>Isolation for service user<br>Service user challenging behaviour | Through individual reviews, officers will be expected to determine impact not only to the individual but also the family carer if a reduction in commissioned weeks is to be applied. For those most vulnerable individuals (high needs) the exceptions policy will be applied to commission the most cost effective support. In addition, where applicable a carers assessment/reassessment will also need be considered. | That customers and family carers feel supported | Operational staff | Throughout the life of the contract. |

# 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): … [signature] …………

Date: …27th September 2016…

Leicestershire County Council

## CABINET – 11TH OCTOBER 2016

## GOVERNMENT CONSULTATION ON THE SHALE WEALTH FUND

## REPORT OF THE CHIEF EXECUTIVE

## PART A

**Purpose of the Report**

1. The purpose of this report is to seek approval for the County Council's proposed response to the Government consultation on the Shale Wealth Fund.

**Recommendation**

2. It is recommended that the Head of Planning Historic and Natural Environment be authorised to respond to the consultation on the Shale Wealth Fund, on the basis set out in paragraphs 15 to 19 of the report.

**Reasons for Recommendations**

3. To respond to a Government consultation on proposals that will affect the distribution of funds from the proposed Shale Wealth Fund.

**Timetable for Decisions**

4. The response to the consultation on the Shale Wealth Fund is due by 25 October 2016.

**Resource Implications**

5. The consultation on the Shale Wealth Fund seeks views on a range of issues including what the priorities should be for the Fund and the allocation of funding to different stakeholders.

**Circulation under the Local Issues Alert Procedure**

A copy of the report will be sent to all members via the Members' News in Brief service.

**Officers to Contact**

Lonek Wojtulewicz – Head of Planning Historic and Natural Environment – Chief Executives Department (Tel. 0116 305 7040)

John Wright - Team Leader, Planning – Chief Executives Department
(Tel. 0116 305 7041)
Email: planningcontrol@leics.gov.uk

## PART B

### Summary of Consultation

6. The Government is seeking views on the delivery method and priorities for the Shale Wealth Fund. The purpose of the fund is to benefit communities and regions in which shale gas resources are developed. The fund will be in addition to any benefits provided by the shale industry through its community benefits package (which currently is £100,000 at each well and 1% of total revenues available).

7. The Shale Wealth Fund will initially consist of up to 10% of tax revenues arising from shale gas production and so it is likely to come later than the first community benefits funding provided by the industry. It is estimated that the Fund could provide up to £1 billion of funding. A maximum pay out of £10 million is proposed to each community or region associated with an individual shale site over the lifetime of the site, which is likely to be around 25 years.

8. The Government proposes that the priorities for the Fund should be on locally focused benefits and on enhancing the regional economy. The Government's view is that, as tax revenues arise from a shale site, it is the local level which would be the first to receive any funds.

9. At a **local level**, the key question is how best to define the 'local community'. The consultation paper suggests that this should be done either on a case-by-case basis or by a general set of principles as opposed to defining specific criteria in advance of having experience of operational sites.

10. It will be necessary to construct a framework within which funding can be delivered. The Government is keen to ensure that local residents in areas where shale development takes place get a direct say in how the fund is delivered and what it is spent on. The Government is also interested to hear whether an appropriate use of the Fund would be to allow residents of communities to benefit by directly allocating funding to households.

11. Options for managing the fund at a local level include using existing bodies such as a parish or district council or a body already administering an industry community benefits scheme, or alternatively establishing a new and independent decision-making body solely for the purpose of administering the Fund.

12. At the **regional level**, there may be a wider range of investments that could be made - particularly given that there will be a larger resource pool to utilise, with funds aggregated from across several sites – with examples given of investment in road and rail infrastructure, projects which boost skills and job opportunities, and the development of business enterprise zones.

13. There are different options for how the regional element of the Fund could be defined. It could be required to deliver investment within existing boundaries, such as county boundaries, combined authority boundaries, and areas

defined by Local Enterprise Partnerships (LEPs). Alternatively, the "shale region" could be defined by reflecting upon the geographical distribution of shale sites.

14. At a regional level, the consultation envisages that grants could be made directly to regional actors such as local authorities or LEPs. An alternative mechanism is to maintain a fund to which any organisation could make project bids. Funding bids could be considered by the County Council, LEP Board or the Government or, alternatively, the fund could be governed by a regional board.

**Proposed Response to the Consultation**

15. It should be made clear that this consultation is not about hydraulic fracturing ("fracking") itself nor whether there should be a shale wealth fund. The Government has already decided that there should be such a fund.

16. Currently there are no "fracking" proposals in Leicestershire and it is not known whether there will be any in the future or when. There is no "fracking" production taking place anywhere in the country, only some exploration proposals planned. As far as the consultation is concerned, none of the 18 questions directly relate to planning issues but instead focus on how the Shale Wealth Fund should be administered and spent.

17. Without any working examples of shale gas production or any certainty that shale gas production will take place or how much it would produce, it is considered premature to make definitive decisions as to how the Fund should work. One of the questions the consultation asks is whether lessons ought to be learnt from the industry scheme before deciding how the Government scheme could operate. This idea seems sensible in the circumstances.

18. By way of example of other similar financial schemes, the consultation refers to those associated with renewable energy and landfill, although no reference is made to previous financial schemes related to mineral development such as the former Aggregates Levy Sustainability Fund, which operated between 2002 and 2011 in England and still operates successfully in Wales. The County Council requests that if financial schemes such as the Shale Wealth Fund are being implemented to benefit communities that host mineral development then consideration should be given to reintroducing benefits derived from the aggregates tax currently being collect by HM Treasury. Leicestershire in particular hosts a significant number of large and strategically important aggregate mineral operations, from which most of the output is used elsewhere to meet the nation's economic need for construction materials.

19. The Fund should, however, benefit the community affected as a whole (as opposed to paying individual households) to ensure that any benefits have a lasting legacy, be flexible in its approach and enable communities to have an input over how funds are spent. The County Council or, if established, the Combined Authority, would be an appropriate body to administer any such

financial scheme in the interests of, and with, local or regional communities that may be affected, as well as it being in a position to coordinate with other relevant spending programmes.

## Equality and Human Rights Implications

There are no direct implications from the response to the consultations.

## Background Paper

HM Treasury – Shale Wealth Fund: consultation (August 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544241/shale_wealth_fund_final_pdf-a.pdf

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