



Meeting: **Adults and Communities Overview and Scrutiny Committee**

Date/Time: **Monday, 11 March 2019 at 2.00 pm**

Location: **Sparkenhoe Committee Room - County Hall**

Contact: **Miss. G. Duckworth (0116 305 2583)**

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Membership

Mr. T. J. Richardson CC (Chairman)

Dr. P. Bremner CC Mr. D. Harrison CC
Ms. L. Broadley CC Mr. W. Liquorish JP CC
Mr. B. Crooks CC Ms. Betty Newton CC
Mrs. H. J. Fryer CC Mr T. Parton CC

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leicestershire.gov.uk>
– Notices will be on display at the meeting explaining the arrangements.**

AGENDA

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 21 January 2019.	(Pages 5 - 10)
2. Question Time.	
3. Questions asked by members under Standing Order 7(3) and 7(5).	
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	
6. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule	



16.

7. Presentation of Petitions under Standing Order 36.

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| 8. Review of Long Term Residential and Nursing Care Fees. | Director of Adults and Communities | (Pages 11 - 66) |
| 9. Capital Investment into Adult Social Care Accommodation Based Support Services. | Director of Adults and Communities | (Pages 67 - 72) |
| 10. Decommissioning of the CareOnLine Service. | Director of Adults and Communities | (Pages 73 - 76) |
| 11. Leicestershire and Rutland Safeguarding Adults Board Development Plan 2019/20. | Independent Chair of the Leicestershire and Rutland Local Safeguarding Adults Board | (Pages 77 - 88) |
| 12. Collections and Learning Hub and Museum Service Collections. | Director of Adults and Communities | (Pages 89 - 120) |

13. Date of next meeting.

The next meeting of the Committee is scheduled to take place on 10 June 2019 at 2.00pm

14. Any other items which the Chairman has decided to take as urgent.

QUESTIONING BY MEMBERS OF OVERVIEW AND SCRUTINY

The ability to ask good, pertinent questions lies at the heart of successful and effective scrutiny. To support members with this, a range of resources, including guides to questioning, are available via the Centre for Public Scrutiny website www.cfps.org.uk.

The following questions have been agreed by Scrutiny members as a good starting point for developing questions:-

- Who was consulted and what were they consulted on? What is the process for and quality of the consultation?
- How have the voices of local people and frontline staff been heard?
- What does success look like?
- What is the history of the service and what will be different this time?
- What happens once the money is spent?
- If the service model is changing, has the previous service model been evaluated?
- What evaluation arrangements are in place – will there be an annual review?

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Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Monday, 21 January 2019.

PRESENT

Mr. T. J. Richardson CC (in the Chair)

Mr. D. C. Bill MBE CC

Mr. B. Crooks CC

Mrs. H. J. Fryer CC

Mr. D. Harrison CC

Mr. W. Liquorish JP CC

Ms. Betty Newton CC

In attendance

Mr. R. Blunt CC – Cabinet Lead Member

Mr. R. Shepherd CC

Dr. T. Eynon CC

46. Minutes of the meeting held on 6 November 2018.

The minutes of the meeting held on 6 November 2018 were taken as read, confirmed and signed.

47. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

48. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

49. Urgent Items.

There were no urgent items for consideration.

50. Declarations of interest in respect of items on the agenda.

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

No declarations were made.

51. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

52. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

53. Medium Term Financial Strategy 2019/20 - 2022/23.

The Committee considered a joint report of the Director of Adults and Communities and Director of Corporate Resources which provided information on the proposed 2019/20 to 2022/23 Medium Term Financial Strategy (MTFS) as it related to the Adults and Communities Department. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Chairman welcomed Mr R Blunt CC, Cabinet Lead Member, to the meeting for this item.

In introducing the report, the Director advised members of the financial challenges facing the Council and the demand and cost pressures facing adult social care services in dealing with an ageing population and an increased number of people with complex disabilities.

Arising from the comments and questions raised, the Committee was advised as follows:-

Service Transformation

- i) Work was progressing on the integration of services with Health and a report would be made to a future meeting on the new Home First service and the proposed development of primary care services for people with complex needs. These developments were aimed at helping more people to receive services in their own home.

Proposed Revenue Budget

- ii) The revenue budget did not take into account any pay or price inflation. A contingency was held centrally and allocated in-year when the position became clearer. In the previous year a sum of £3.7 million had been transferred for price inflation and £1.5 million for pay and pension inflation.

Growth

- iii) G10 – Transforming Care transfers from Health This growth was required to cater for additional cost the Department would incur for the 23 patients with very complex and challenging needs who would be ready to be discharged into the community over the next few years. The cost would be met by the NHS, social care and the Transforming Care Programme. Whilst the intention was for the Transforming Care Programme to come to an end soon, discussions were ongoing at a national level to ensure that mechanisms were in place to manage discharges along with funding.
- iv) G12 – Transitions Four additional members of staff were required to assist with the work with the increased number of young people transitioning to adult services. A Development Manager post had also been established to look at how adult and children services could be better aligned. A report on this would be submitted to a future meeting of the Committee.

- v) G6 and G7 – Increased demand from Older People and Learning Disabilities
This growth recognised the increasing demands from demographic growth and the increasing complexity of care and fragility of some service users. A report was due to be presented to a future meeting of the Committee on how needs were being met and the impact on carers. It was noted that the demographics and the fact that people were living longer, but often with poorer health, required support to be provided to more people with complex needs.

Adult Social Care – Savings

- vi) There were no new savings in this area of service.
- vii) The proposed saving around staff absence was set to increase. The target was phased over two years to allow time for the improvements to take effect. Work was continuing within the Department to further reduce the level of staff absence.

Communities and Wellbeing – Savings

- viii) There were no new savings in this area of service.
- ix) The closure of the CareOnLine service had contributed to savings within this area of the department. A report would be presented to the March meeting of the Committee, post closure of the service, on how the provision of services had been reconfigured.
- x) The options for the new Collections Hub, previously considered by the Cabinet, involved a significant capital outlay. Work on further options was being undertaken which sought to reduce the capital costs and these options would be presented during 2019/20. The Collections Hub would cover the Records Office Service and the Museum Collections and provide an opportunity for making the Collection more accessible. A report would be brought to the Committee on the proposed Hub and how the Collection was maintained and policies relating to acquisition and disposals. A site visit to one of the collection storage facilities would also be arranged.

Savings Under Development

- xi) The development of Brookfield in Great Glen would cost approximately £2.5 million and would deliver annual savings of £50,000 plus net rental income of £150,000. Further work was currently underway to investigate the possibility of similar capital investment schemes.
- xii) The proposed changes to the Target Operating Model would help to deliver a more efficient service. The initial assessment had identified potential savings opportunities. These projected savings had not been included in the current MTFS as the contract had yet to be let. Once work had commenced and there was a greater understanding of the scope and level of savings, it would then be reflected in the MTFS.

Health and Social Care Integration

- xiii) Health and Social Care integration continued to be a top priority for the County Council and its NHS partners as it had the potential for delivering better outcomes for people whilst also reducing costs.
- xiv) The Better Care Fund made a significant contribution to the revenue budget to support social care services. The BCF programme was due to cease in 2020 but the expectation was that it would continue in a different form and the funding for social care services would continue.

Capital Programme

- xv) The Capital Programme was noted.

RESOLVED:

- a) That the report and information now provided be noted;
- b) That the comments now made by forwarded to the Scrutiny Commission for consideration at its meeting on 28 January 2019.

54. Adult Social Care Direct Payments Development Plan 2018-2023.

The Committee considered a report of the Director of Adults and Communities seeking the views on the final draft of the adult social care Direct Payments Development Plan 2018-2023. A copy of the report marked 'Agenda Item 9' is filed with these minutes, along with a copy of the presentation that was given to the Committee.

Arising from the discussion, the following comments were raised:

- i) The local authority retained a duty of care to the service users in receipt of a direct payment, and aimed to undertake a review of each individual at least annually to ensure that the direct payment remained appropriate. It was noted that the Direct Payment cards had made a difference in that any anomaly to the individual's expenditure profile would trigger a review.
- ii) In response to a query as to whether the maximum level of take up had been reached, it was stated that Leicestershire was currently third out of 152 local authorities providing direct payments. It was the intention to continue making further improvements to the provision of the service. Confirmation was given that Direct Payments were now the preferred way of providing a budget for service users.
- iii) It was the intention that more service users would take up Direct Payments to employ a personal assistant, and there was also the potential to join direct payments with personal health budgets. Over the long term, it was expected that there would be a gradual increase in users until this became the predominant payment method nationally. The Action Plan sought to support service users with finding personal assistants.

RESOLVED:

That the report be noted.

55. National Performance Benchmarking 2017/18 and Performance Report 2018/19 - Position at November 2018.

The Committee considered a joint report of the Chief Executive and the Director of Adults and Communities highlighting the comparative performance position in 2017/18 through national benchmarking, and presenting an update of the Adults and Communities Department's performance at the end of November 2018. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from the discussion, the following comments were raised:

- i) Members commented on the use of libraries as community hubs and the positive impact this had had in local areas. However, a concern was raised that the choice of library books was now not changed as frequently – this reflected the change in people's reading habits and the significant increase in the use of e-loans.
- ii) Further work was due to be undertaken following the results of the service user survey, as there was concern around the feedback that had been received. A further update would be presented to the Committee when this had been undertaken.

RESOLVED:

That the report be noted.

56. Date of next meeting.

It was noted that the next meeting of the Committee would be held on 11 March 2019 at 2.00pm.

2.00 – 3.42pm
21 January 2019

CHAIRMAN

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ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
11 MARCH 2019

REVIEW OF LONG TERM RESIDENTIAL AND NURSING CARE FEES

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of Report

1. The purpose of this report is to inform the Committee of the responses received during the first stage of the consultation on the proposed changes to the way in which the Council agrees prices for the spot purchase of residential care and residential nursing care and to seek its views on the second stage of the consultation.

Policy Framework and Previous Decisions

2. The review of residential care and residential nursing care fees (the fee review) will contribute to the delivery of the following outcomes in the Council's Strategic Plan for 2018-22:
 - Strong Economy; local residential and nursing care providers will be resilient, helping prevent provider failure;
 - Keeping People Safe; paying providers a sustainable price in Leicestershire will help contribute to keeping people safe, protected from harm, and ensure their wellbeing;
 - Affordable and Quality Homes; Leicestershire has a range of quality residential and nursing care homes.
3. On 16 October 2018, the Cabinet authorised the Director of Adults and Communities to commence the two-stage consultation exercise on the proposed changes to the way in which the Council agrees prices for residential care and residential nursing care.
4. The Adults and Communities Overview and Scrutiny Committee was consulted on the changes being proposed during the first stage of consultation at its meeting on 6 November 2018 and its views are now being sought on the second stage of the consultation process.

Background

Process for Consultation One

5. Prior to the consultation, providers were invited to join a Provider Reference Group (PRG) to help the Council to shape the approach to the fee review. The group met five times between April and October 2018, prior to the consultation. A full report highlighting the work of the PRG was included in the consultation materials and shared with the Committee in November 2018.

6. Also prior to the consultation formally commencing, providers were notified of a series of consultation meetings that would be held at localities around the county during the consultation.
7. CIPFA C.Co (C.Co) consultancy service, was commissioned by the County Council to deliver an independent 'local' cost of care fee review. In addition, C.Co was also requested to provide a methodology and proposal for the annual uplift of care fees and supplementary needs payments. A cost of care template with a suggested breakdown between staffing, hotel and overhead costs was developed and shared with the Council. The template was reviewed and revised following feedback and presented as scheduled to the meeting of the PRG on 3 October 2018. Further revisions following input from the PRG, together with the addition of notes for individual line items, enabled a 'final' template to be agreed for consultation with providers.
8. The first stage of the consultation was launched on 14 November 2018 with an email being sent to 250 residential homes. This provided summary information about the consultation, a link to the website where the consultation information and the questionnaire could be found, and contact details for key officers. A follow up email was sent on 19 December 2018 to encourage providers to participate and a final reminder was sent on 7 January 2019, two days ahead of the consultation closure date of 9 January 2019.
9. The consultation website was visited 258 times by 71 different providers representing 77 homes. Six providers completed the questionnaire, representing 11 care homes. Sixteen providers, representing 26 care homes attended consultation meetings and commented on the proposals using that mechanism. Feedback was received from more providers supporting older adults than working age adults.
10. The County Council contacted 14 advocacy organisations to request comments on the proposals from the perspective of service users, carers and families. Contact was also made with the Carers Group of the Learning Disability Partnership Board and the Equality Challenge Group. None of these organisations responded to the consultation proposal in writing, although the Carers Group discussed the proposal at a meeting on 3 December 2018 and the Equality Challenge Group met on 14 January 2019 to discuss the consultation proposals. Both groups intend to respond fully to the second stage consultation.
11. The County Council gave members of the public the opportunity take part in the consultation by including a link on the 'Have Your Say' page on its website. As there is an expectation that the fees the Council pays to providers will increase, so the fees paid by service users with a Deferred Payment Agreement (DPA) would also increase. The County Council therefore wrote to all 69 service users with a DPA to make them aware of the activity taking place. Two individuals responded by telephone to seek further explanation of the process.
12. No comments were made about the draft Equality and Human Rights Impact Assessment (EHRIA) screening tool that was published as part of the consultation papers, but the Equality Challenge Group will review this along with the full EHRIA assessment that will be published as part of the second stage consultation. A copy of the EHRIA is attached as Appendix A.

13. EMCARE supported the development of the proposals via the PRG ahead of the consultation. It also encouraged its members to take part in the consultation although it is noted that EMCARE did not submit a response itself, however, a productive meeting took place with EMCARE on 25 February 2019.
14. A draft full report and draft summary document (attached as Appendices B and C respectively) outline the details of the consultation process, proposals and the responses. Below is a summary and proposals being taken forward to consultation 2:

Consultation 1 proposals and responses

Proposal 1 – A Two Band Approach for Older Adults

15. The Council proposed to replace the current five band residential and single nursing band system with a two-band system that will be used to commission placements in older adult care homes. Supplementary Needs Allowance (SNA) payments will continue to be payable, at an agreed rate, where required, and usually only in exceptional circumstances. as the proposed band descriptions include a high level of support.
16. The consultation response indicated broad support for the proposal of two bands for older adults, with a standard hourly rate agreed for SNA when required. However, observations have been made that will need to be considered when calculating the band rates, in particular the definitions for each band, the assumed hours of care needed and the transition process. Though providers that attended the consultation meeting recognised the importance of the band definitions, no one commented on the draft definitions published as part of the consultation.
17. It is therefore proposed that the Council proceeds with Proposal 1, to develop a two-band system for older adult placements, together with a standard hourly rate for SNAs. The band descriptors should include the assumed hours of care required and will be made available again during consultation 2.

Proposal 2 – Use of the Care Funding Calculator (CFC) for Working Age Adults (WAA)

18. The Council proposed to continue with its use of the CFC to commission placements into WAA care homes, but with a standardised set of hotel (non-staff) costs for Leicestershire. Though the Council was not consulting on the use of the CFC as such, several providers made criticism relating to it, saying that it failed to identify all the relevant costs and therefore understated the cost of care for each service user. Providers also said that the tool was not updated to take account of inflation and wage increases. The questionnaire response was ambivalent, with two of the six providers supporting the proposal, two disagreeing with the proposal and two expressing no view. Those that did not support the proposal argued that the hotel costs should be agreed for each care home with the provider. This corresponds with other concerns raised by providers about the approach related to differing hotel costs because of home size, location and occupancy. Further to this, C.Co was not provided with enough financial information from providers to support a detailed modelling exercise on individual lines and has instead produced a figure constituting the three broad areas of staffing, running costs and operators' return.

19. Considering these concerns, it is proposed that the Council refines Proposal 2 to develop a Leicestershire standard band for WAA accommodation and uses the National CFC - an online tool which uses market data to enable the negotiation for the provision of 'specialist' and/or complex care placements.

Proposal 3 – A review of the Council's standard cost template

20. Consultees were asked to comment on a draft template for capturing all the costs related to a residential care placement and to supply details of their costs.
21. There was positive feedback on the template structure and it was described as comprehensive. Observations were made about specific cost lines which can be incorporated into the next version. The point was also made that the rates were more important than the template per se.
22. It is proposed that the Council proceeds with Proposal 3, the use of the standard cost model template, taking account of the feedback on particular line items, to develop the cost of care calculation, banded rates and a standard hourly rate for SNA. The template will be populated and made available for consultation 2.

Proposal 4 – Annual Fee Review

23. It is proposed that annual fee reviews will be undertaken using an agreed methodology that will be linked to the National Living Wage and inflation as measured by the Consumer Price Index (CPI) and implemented without further consultation. In line with the current contractual arrangements, Third Party Top-ups will also be reviewed annually in April each year by the provider.
24. Providers were broadly supportive of this proposal, welcoming more transparency and less uncertainty. Providers also saw the benefits from a financial planning perspective for both providers and the Council. However, providers pointed out that flexibility was needed, for example when new costs occurred or there is a sector wide issue that drives up costs.
25. It is proposed that the Council proceeds with Proposal 4, to develop a mechanism to apply annual increases automatically. The process should be transparent and take account of new cost items that may arise during the year. It must also entail the mechanism to suspend the approach if there is a sector wide issue that results in a significant change in costs. The proposed mechanism will be made available during consultation 2.

Proposal 5 – Out of County Placements

26. Currently, the Council pays fees for out of county placements in line with those of the local authority in which the home is located. Some local authorities pay out of county providers the same rates as it pays for care in its own local authority area. The Council requested the views of providers on these different approaches.
27. There was no support for the Council paying out of county providers the rate agreed for Leicestershire. Key concerns highlighted were that such an approach would be both inequitable and impractical. Many out of county placements are negotiated individually, rendering the proposal redundant.

28. It is proposed that the Council does not proceed with Proposal 5, to pay Leicestershire banded rates to out of county providers. The assumption going into consultation 2 will be that out of county cases will be paid at the locality rate. Annual rate increases will be made, with no back dating beyond the fiscal year of the increase, in line with the locality rate increases.

Proposal 6 – Core Contract and Specification Refresh

29. The residential and nursing care core contract and specification was last reviewed in 2012. These documents will be updated to take account of changes in legislation, regulation and best practice. The Council is also exploring a revision of the Individual Placement Agreement (IPA), including its approach to the use and administration of Third Party Top-ups and a proposal to implement a system for using electronic signatures.
30. There was broad support for the proposal to revise the core contract, specification and IPA. Providers said that the current contract was out of date, that the revision should provide greater clarity about the required standard of quality and the alignment with the Care Quality Commission (CQC) was welcomed. Concerns were raised about potential delays when providers call for the CQC to re-inspect and inconsistency with different inspectors.
31. Regarding the proposed removal of the Quality Assessment Framework (QAF) premium payments, providers that are QAF accredited were critical of the proposal. The concerns expressed related to an undermining of the importance of quality, the loss of the benefits the QAF brings with staff motivation and morale, and the loss of income which helps to fund quality improvement work and initiatives. It was also suggested that this was a cost saving measure.
32. However, some national providers also said that it was unusual to have an incentive of this type and that it was more common for councils to not commission placements with organisations that did not achieve the required quality standards. Also, it was said that quality payments could be aligned with CQC ratings.
33. It is proposed that the Council should proceed with Proposal 6, to review the core contract, specification and IPA. The draft documents will be made available as part of consultation 2. It is also proposed that the Council removes the voluntary QAF premium payments and align quality requirements with those of the CQC. Alongside this, the Council should work with providers to increase the recognition and celebration of good practice via the current mechanisms such as Care Ambassadors, Dignity in Care, and Carer of the Year Awards.

Process for Consultation 2

34. Consultation 2 is due to start on 18 March 2019 and run until 29 April 2019. The same format as consultation 1 will be used, with providers and stakeholders advised of meetings in various localities and provided with the web address for all the consultation material and feedback methods. Consultation 2, building on consultation 1, consists of four proposals as follows:

Proposal 1 - The proposed band rates for Older Adult homes in Leicestershire

35. C.Co is developing a standard local 'residential' cost of care for older age adults. The work is based on 2018/19 data and will include an enhancement to reflect an occupancy rate below 100%.
36. In order to determine a 'residential+' rate for older age care, the C.Co are developing two options, both of which use the 'residential' rate as a base figure but increase the staffing element to reflect the difference of 24 rather than 19 hours of care required. Increasing the staffing element by 26% (five hours) to reflect the percentage increase in care hours between 'residential' and residential+' only would give an initial residential+ rate. However, a further increase may be required to recognise that more complex care may require more training and backfill, more one to one care and reflect a 'well-being' need for the individual carer.
37. Although acknowledging that the new banding model, with provision for an enhanced level of care for older age adults, is intended to reduce the level of SNAs, C.Co is developing a methodology for SNAs based around the additional hours of care by a carer and senior carer, inclusive of an additional up-lift for non-core hours such as night time working and bank holidays.

Proposal 2 – The proposed band rate for WAAs homes in Leicestershire

38. C.Co is also developing a standard cost of care for WAA. The original intention was to produce standard local 'hotel' costs for WAA along the lines of those identified in the National CFC. However, as described above, the lack of templated, granular data to support the modelling exercise has meant that C.Co has produced a figure constituting the three broad areas of staffing, running costs and operators' return. The CFC will be used, as it currently is, to calculate the individual cost of care for WAA with needs greater than those that can be met at the WAA residential band.

Proposal 3 – Annual uplift

39. As part of its remit C.Co was asked, using its knowledge of the market and experience, to determine an appropriate methodology that will enable a consistent and fair annual increase of care fees. Within its report, C.Co is recommending a 'blended' rate of increase that takes account of the percentage change of the 'Service Sector' element of the AWEs and the CPI datasets, both published by the Office of National Statistics. Using the latest 2018 rates, AWEs for the services sector was 3.6% and CPI 2%. C.Co is proposing the higher 'services' rate over the 'economy rate' because it is more relevant to the provision of care. The use of the AWEs is intended to positively impact a broader range of employees than the National Minimum Wage that targets those at the lower end of pay and grading structures.
40. Consideration will need to be given to how efficiency improvements can be reflected in the future annual changes so that a balanced position is found. The National Living Wage has impacted recent increases in care contracts, so that they have been higher than what was applied historically. However future increases need to be sustainable and County Council contracts tend to increase by CPI or less.

Proposal 4 – Contractual changes

41. The proposed changes are to ensure the contract is reflective of the current legislation, best practice and guidance. Wording has been updated to be more respectful to people who use the services and to consider changes in terminology. New clauses have been added due to changes in legislation such as Care Act, Human Rights, Health and Safety, General Data Protection Regulations and Equalities. These should not increase the burden on the provider but should offer additional guidance on what the provider needs to do to ensure they are aware of and meeting these areas.

Proposal 5 – The proposed implementation approach

42. The Council wishes to make the implementation of the new fee rates as seamless as possible for all involved. The intention is to automatically transfer as many people as possible to the new appropriate band. To enable this the Council will begin assessing the eligibility of individuals against the new banding definitions from April 2019 onwards. Although new placements will be made on the existing banding definition, providers and service users will also be informed of the new banding definition that they will likely be included within, subject to completion of the consultation and final sign off. This will also be carried out for any reviews undertaken between April and the start of formal implementation.
43. It is the intention of the Council to automatically transfer current Band rate only placements onto the proposed 'standard' banding. Placements that are currently subject to payments in addition to the banding, such as ANA or Local Authority Additional Funding payments, will be reviewed to determine the eligibility of the individual within the new banding definitions. The Council intends to establish a proportionate review process to support this implementation.
44. Where agreement is reached on the care needs of an individual, but disagreement remains over the hotel costs and therefore the total placement cost, support will be sourced from the corporate Commissioning Support Unit who will be able to lead these negotiations in partnership with care pathways.
45. Further details on the consultation process in relation to consultation 2 will be circulated to members of the Committee as Appendix D prior to its meeting on 11 March 2019.

Resource Implications

46. The estimated gross cost of residential care/nursing care for adults is forecasted to be £92 million in 2018/19. However, the Council receives £27 million income from charging service users and £10 million from local health commissioning partners through joint arrangements. The net estimated cost is therefore approximately £55 million. The full budgetary implications will be finalised after the proposed fee rates have been determined and the consultation period has been ended.

Legal Implications

47. The process adopted in relation to consultation for these proposals is lawful and compliant with general public sector decision-making principles. It is not unusual to consult in stages especially in relation to significant proposals. The Council is required to ensure that proposals remain at a formative stage and that no decisions are made until the end of the final (second) consultation process. The Council should ensure that any views expressed at the end of the first consultation stage are provisional only and that consultees continue to be able to make representations on the both the second stage as well as the information that was provided during the first consultation stage.
48. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

49. The outcome of both stages of the consultation, proposals for a revised fee structure and the financial implications of this will be presented to the Cabinet in June 2019 for final decision. Subject to the Cabinet's approval, implementation of the new rates will be back dated from 1 April 2019.

Conclusions

50. The Committee is invited to comment on the proposals being put forward as part of consultation 2.

Background Papers

- Leicestershire County Council Strategic Plan 2018-22 - <https://www.leicestershire.gov.uk/about-the-council/council-plans/the-strategic-plan16>
- Promoting independence, Supporting Communities; Our vision and strategy for adult social care 2016–2020 - https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/3/23/ASC_Strategy_2016_2020_0.pdf
- Report to Cabinet: 16 October 2018 – Review of Long Term Residential and Nursing Care Fees <http://politics.leics.gov.uk/documents/s141196/Review%20of%20Long%20Term%20Residential%20and%20Nursing%20Care%20Fees.pdf>
- Report to Adults and Communities Scrutiny Committee: 6 November 2018 – Review of Long Term Residential and Nursing Care Fees http://politics.leics.gov.uk/documents/s141939/5_November_Rev%20of%20Long%20Term%20Res%20and%20Nursing%20Care%20Costs.pdf

Circulation under the Local Issues Alert Procedure

51. None.

Equality and Human Rights Implications

52. An EHRIA screening was undertaken to support the first phase of the consultation. A full assessment has been completed to support the second phase of the consultation and is included as Appendix A. Changes have been made to the fee structure following consultation and engagement and this is reflected in the EHRIA. A full and robust action accompanies the EHRIA to mitigate any areas where there may be potential for discrimination.

Appendices

- Appendix A – EHRIA
- Appendix B – Draft Consultation Full Report
- Appendix C – Draft Summary Consultation Report
- Appendix D– Draft Consultation 2 Proposal (to be circulated to members of the Committee prior to its meeting on 11 March 2019)

Officers to Contact

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APPENDIX A

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:	Fee review project for Residential and Nursing Care Providers
Department and section:	Adults & Communities Department - Strategy & Commissioning
Name of lead officer/ job title and others completing this assessment:	Dave Pruden – Lead Commissioner Katie Joondan - Strategic Lead, Equalities
Contact telephone numbers:	Dave Pruden - 0116 305 8123 Katie Joondan - 0116 305 7832
Name of officer/s responsible for implementing this policy:	Sandy McMillan
Date EHRIA assessment started:	
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?*

In recent years the fees paid to providers of residential and nursing care homes have been reviewed and uplifted annually in order to keep pace with increases in the National Minimum Wage (NMW) and more recently the National Living Wage (NLW) and inflation. EHRIAs have been undertaken to enable the Departmental Equality Group (DEG) to monitor those annual reviews and provide information to the Fee Panel, which has delegated authority to agree increases via the annual reviews.

However, it has been acknowledged for some time that a fundamental review of how the fees are made up as well as the processes to support it was required.

A project commenced in April 2018, that set out a plan which involves a range of County Council staff, representatives of residential and nursing care providers, EMCARE (the local trade organisation), and a two stage consultation process which is expected to be completed in June 2019, with the fees agreed to be back dated to be effective from April 2019.

This EHRIA will be used by the DEG to monitor the project and provide information to Cabinet and the Fee Panel, which will agree the new arrangements. A screening questionnaire was completed and published with the first stage of the consultation and highlights the key issues.

The key issues to consider are:

- **The impact on service users that have a Supplementary Needs Allowance payment where the needs of the service user are currently greater than those catered for in the banded rate.**
- **The impact on service users that use of Top-Up payments to facilitate choice.**
- **The impact on service users that are subject to charging, in particular self funders that use the Deferred Payment Scheme, which allows people to delay selling their home in their lifetime to pay for their care.**

The Council had proposed in the first stage of the consultation, and reflected in the EHRIA screening, that placements for Working Age Adults be made based on the Care Funding Calculator. Based on feedback from providers and DEG, and alternative proposal using a WAA Band was developed and will be consulted upon in the second stage.

	<p>This full assessment will be published with the second stage of the consultation in March ahead of project completion in June 2019.</p>
2	<p>Does this relate to any other policy within your department, the Council or with other partner organisations? <i>If yes, please reference the relevant policy or EHRIA. If unknown, further investigation may be required.</i></p> <p>Service users in receipt of residential or nursing care services are likely to have been in receipt of other Council services prior to their admission to a care home. All service users would have received a person centred assessment of their needs in accordance with the Care Act, the Cost Effective Care Policy, Residential and Nursing Care placement processes and where required would also have had access to assistance such as advocacy, support and translation services.</p> <p>These related services and policies have been subject to EHRIA assessments, either at a point at which they have been substantially altered or during a periodic review. The Adults and Communities Department's completed EHRIsAs can be found in the relevant policies. Strategies relating to Accommodation for Older People and Working Age Adults, Workforce Development and Assistive Technology are also relevant to this EHRIA.</p>
3	<p>Who are the people/ groups (target groups) affected and what is the intended change or outcome for them?</p> <p>Anyone in receipt of residential or nursing care services from providers in Leicestershire and out of County providers contracted by Leicestershire County Council (LCC), their carers, family and representatives are also potentially affected by the review.</p> <p>Providers are affected by the resulting level of remuneration. There is frequent dispute between providers and the Council concerning the actual costs of care. It is accepted practice to establish fee levels locally, based on local conditions, national guidance and in accordance with the market shaping requirements of the Care Act.</p> <p>There is no prescribed mechanism for calculating fee levels, although models do exist that may be referred to. However, many Local Authorities use a banding for Older Adult placements and the national CFC for younger adults with more complex needs. Consultation and engagement with providers is a critical element of the process.</p> <p>Fees must be set at levels to ensure that an appropriate standard of care can be provided to meet the assessed needs of individual service users. This means that considerations such as remuneration for care workers, at least meeting legal minimum and living wage requirements, form an essential element of the calculation. Taking account of the interests of all parties from those receiving care through to all involved in providing it is therefore integral to the outcome.</p> <p>As well as ensuring that providers can meet the assessed needs of individual services users, the objectives of the review are to ensure that the Council shapes the market in line with its responsibilities under the Care Act. That is to ensure that a diverse range of care services can continue to be provided at a high standard, that market capacity is maintained at the required level to meet</p>

	demand efficiently, and effective working relations are maintained between LCC and private, independent and voluntary care providers.			
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 protected groups who are of principal concern in this review are older age groups and people with a range of physical and mental health problems. Others may also be affected. Appropriate fee setting and the use of Supplementary Needs Allowances (SNAs) for varying individual conditions or vulnerability will ensure that the legal protections are observed.
	Advance equality of opportunity between different groups	X		Ensuring fairness across the range referred to above assists in meeting this requirement.
	Foster good relations between different groups	X		Success in achieving the aims set out in the above two responses will assist in meeting this requirement.

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

5.	Have the target groups been consulted about the	Yes	No*
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	following? a) their current needs and aspirations and what is important to them; b) any potential impact of this change on them (positive and negative, intended and unintended); c) potential barriers they may face		
6.	If the target groups have not been consulted directly, have representatives been consulted or research explored (e.g. Equality Mapping)?		
7.	Have other stakeholder groups/ secondary groups (e.g. carers of service users) been explored in terms of potential unintended impacts?		
8.	*If you answered 'no' to the question above, please use the space below to outline what consultation you are planning to undertake, or why you do not consider it to be necessary.		

Section 2**B: Monitoring Impact**

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

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

Section 2**C: Potential Impact**

10.	Use the table below to specify if any individuals or community groups who identify with any of the ' protected characteristics ' may <u>potentially</u> be affected by this policy and describe any positive and negative impacts, including any barriers.			
		Yes	No	Comments
	Age			
	Disability			

Gender Reassignment			
Marriage and Civil Partnership			
Pregnancy and Maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities			
Community Cohesion			
11.	<p>Are the human rights of individuals <u>potentially</u> affected by this proposal? Could there be an impact on human rights for any of the protected characteristics? (Please tick)</p> <p>Explain why you consider that any particular article in the Human Rights Act may apply to your policy/ practice/ function or procedure and how the human rights of individuals are likely to be affected below: [NB. Include positive and negative impacts as well as barriers in benefiting from the above proposal]</p>		
	Yes	No	Comments
Part 1: The Convention- Rights and Freedoms			
Article 2: Right to life			

	Article 3: Right not to be tortured or treated in an inhuman or degrading way			
	Article 4: Right not to be subjected to slavery/ forced labour			
	Article 5: Right to liberty and security			
	Article 6: Right to a fair trial			
	Article 7: No punishment without law			
	Article 8: Right to respect for private and family life			
	Article 9: Right to freedom of thought, conscience and religion			
	Article 10: Right to freedom of expression			
	Article 11: Right to freedom of assembly and association			
	Article 12: Right to marry			
	Article 14: Right not to be discriminated against			
Part 2: The First Protocol				
	Article 1: Protection of property/ peaceful enjoyment			
	Article 2: Right to education			
	Article 3: Right to free elections			
Section 2				
D: Decision				
12.	Is there evidence or any other reason to suggest that:	Yes	No	Unknown
	a) this policy could have a different affect or adverse impact on any section of the community;			
	b) any section of the community may face barriers in benefiting from the proposal			
13.	Based on the answers to the questions above, what is the likely impact of this policy			

	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input type="checkbox"/>	Negative Impact or Impact Unknown <input type="checkbox"/>
Note: If the decision is 'Negative Impact' or 'Impact Not Known' an EHRIA Report is required.				
14.	Is an EHRIA report required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

Section 2: Completion of EHRIA Screening

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

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

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

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

Section 3: Equality and Human Rights Impact Assessment Report

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

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

Section 3 A: Research and Consultation

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

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

The key issues identified by the screening are:

The impact on service users that have a Supplementary Needs Allowance (SNA) payment where the needs of the service user are currently greater than those catered for in the banded rate.

The fee review will result in higher banded rates that will be used for Older Adult placements. This should have the effect of reducing the need for SNA payments. So, the average proportion of Older Adult cases with an SNA should be reduced and the sums paid in SNAs should also be reduced.

However, some SUs will have needs that are greater than those that can be catered for within the band rates, so the option to pay a Supplementary Needs Allowance, tailored to the needs of the individual to ensure the care is properly funded is essential.

The impact on service users that use of Top-Up payments to facilitate choice.

The fee review may result in higher banded rates that will be used for Older Adult placements. This may have the effect of reducing the need for Top Up payments. So, the average proportion of Older Adults with a Top Up should be reduced and the sums paid in Top Ups should also be reduced.

From a contractual perspective, the Individual Placement Agreement will be revised to bring more clarity about the additional services obtained for the Top Up payment and to reinforce the requirement that inflationary increases on Top Ups paid should only be made each April.

Top up payments are used to facilitate choice, so service users will continue to have to option to agree such payments with providers for additional services and benefits.

However, increasing the banded rates may have the overall positive benefit of reducing the need for, and size of such payments. Also, for those service users

that are not able to make Top Up payments, the increase in banded rates may increase the choice of homes available.

But, whilst providers may receive higher banded rate payments, they will be incurring higher costs; and may seek to maintain current Top Up payments in addition to those higher payments. This issue will be monitored during implementation to mitigate the risk of providers absorbing the full increase and maintaining Top Up payments, mainly via individual reviews.

The impact on service users that are subject to charging, self funders that use the Deferred Payment Agreement (DPA), which allows people to delay selling their home in their lifetime to pay for their care.

There are currently some 70 service users using the DPA. The fee review may result in an increase in the fee payments that these people make to providers.

Where these services users expect to repay the Council using the equity in their property when it is sold, these increases will have the effect of depleting that equity at a quicker rate.

If the service user lives beyond the point at which the equity is depleted, in line with Care Act Guidance, then the Council will assume responsibility for the payments to the care home. However, this may, subject to review, result in the person having to move to a different care home, which charges a rate in line with the Council band rate.

If the service user dies before the point at which the equity is depleted, the increase in the fee will mean that more of the equity had been used to pay the care homes fees than would have been the case without the fee increase.

These service users were contacted individually during the first stage of the consultation to highlight the fee review to highlight this issue and will be contacted during the second stage of the consultation, which will set out the proposed new band rates.

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?
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Data related to the service users affected, referred to in 15 above, and is available via the Council's case management and financial management systems, so the analysis needed is available internally.

The proposed plans for implementation, which may also have an impact, have been developed and feedback on those plans will be part of the second stage of the consultation.

Feedback from the consultation will be considered before any final decisions are made.

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?

Engagement and consultation are central to the fee review project, the key activities undertaken so far are:

Departmental Equalities Group (DEG) – managed by the Fee Project Oversight Group, the EHRIA screening tool was drafted and reviewed by the DEG.

Provider Reference Group (PRG) – this was established to represent the views of the residential and nursing care providers, met five times between April and October 2018. Though primarily concerned with issues affecting providers, the key findings relating to service users highlighted were the DPA and top up issues discussed above.

Stage 1 Consultation – this entailed publication of the Council’s plans via the Cabinet and Scrutiny and press release. Service users with DPAs were consulted directly about the plans, as were advocacy agencies who were asked for views on the impact on Service Users in particular. Also, as part of the stage 1 consultation, the Learning Disability Board Carers Group was consulted alongside the Equality Challenge Group.

Because of this activity the proposed approach of not having a band for WAAs has been revised and a band will now be proposed in the second stage consultation. As well as bringing certain operational benefits, this approach reduces the risk of discrimination against older people as both Older Adults and Working Age Adults placements will now be made using bands.

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?

Stage 2 Consultation – This EHRIA Full Assessment will form part of the stage 2 consultation and views will be sought from the same stakeholders.

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Section 3**B: Recognised Impact**

19.	Based on any evidence and findings, use the table below to specify if any individuals or community groups who identify with any 'protected characteristics' are <u>likely</u> be affected by this policy. Describe any positive and negative impacts, including what barriers these individuals or groups may face.	
		Comments
	Age	<p>Most people in receipt of residential or nursing care services will be in older age groups. In addition, Leicestershire is predicted to have a significant rise in the population of older people in the coming years. Ensuring that remuneration meets the assessed needs of this group is therefore crucial to protecting their current and future safety and wellbeing.</p> <p>For Older Adults and Working Age Adults, it is proposed that a two band system is used to set the weekly fee for care, and where appropriate a Supplementary Needs Allowance will be paid through a defined mechanism.</p> <p>Both methods entail a person centred assessment to ensure that the needs can be met within the agreed fee.</p>
	Disability	<p>There are a wide range of health conditions that may give rise to care needs. The expertise and specialisms required to meet these needs are acknowledged in care home registration procedures. Fee levels (supported by SNAs where appropriate) must be set at levels to ensure that appropriate skills and facilities are available.</p>
	Gender Reassignment	Nothing identified for this group.

	Marriage and Civil Partnership	Nothing identified for this group.
	Pregnancy and Maternity	Nothing identified for this group.
	Race	Attention must be paid to provision of culturally appropriate services. If required, SNA payment would be used to enable providers to meet cultural needs.
	Religion or Belief	Although services should be designed and delivered in such a way as to allow service users to observe their faith, this is not known to impact on the costs of provision. The comments for Race may also apply here.
	Sex	As a greater number of older women than men are in receipt of services from Adult Social Care, there is disproportionately high impact in the outcome of the fees review.
	Sexual Orientation	Nothing identified for this group.
	Other groups e.g. rural isolation, deprivation, health inequality, carers, asylum seeker and refugee communities, looked after children, deprived or disadvantaged communities	Carers are naturally concerned that remuneration should be sufficient to meet the needs of service users.
	Community Cohesion	Nothing identified

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> to 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
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characteristics?	
	Comments
Part 1: The Convention- Rights and Freedoms	
Article 2: Right to life	This article imposes a positive obligation on Councils to take steps to safeguard life, applicable in circumstances where decisions may have a negative impact on life expectancy. Provision of care to particularly frail and vulnerable people highlights the requirement to observe Article 2 rights and take steps to ensure that the person is safe.
Article 3: Right not to be tortured or treated in an inhuman or degrading way	It is well established through the Courts that care provision must not fall below acceptable standards. To do so is likely to amount to inhumane treatment under Article 3 Impact in relation to those with protected characteristics, this is applicable to care for people who are more vulnerable because of their age or physical or mental health.
Article 4: Right not to be subjected to slavery/ forced labour	
Article 5: Right to liberty and security	Security, particularly in care homes, should not restrict physical movement unduly or be achieved via excessive restraint
Article 6: Right to a fair trial	
Article 7: No punishment without law	
Article 8: Right to respect for private and family life	Provision of personal care has the potential to be intrusive. A residential care service is the provision of an alternative

		home. Such services must respect Article 8 rights by being sensitive to privacy at the same time as providing the protection and safety that will always be required.
	Article 9: Right to freedom of thought, conscience and religion	Care homes must enable residents to practice their 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 safeguards outlined in comments under Articles 2, 3, 5 and 8 above should ensure that no discrimination occurs within each context, and any related policy revisions should bear this in mind.
Part 2: The First Protocol		
	Article 1: Protection of property/ peaceful enjoyment	No issues identified
	Article 2: Right to education	No issues identified
	Article 3: Right to free elections	No issues identified
Section 3		
C: Mitigating and Assessing the Impact		
Considering 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.
None identified	
N.B.	
i) If you have identified adverse impact or discrimination that is <u>illegal</u> , you are required to act to remedy this immediately.	
ii) If you have identified adverse impact or discrimination that is <u>justifiable or legitimate</u> , 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. <ul style="list-style-type: none"> a) include any relevant research and consultations findings which highlight the best way in which to minimise negative impact or discrimination b) consider what barriers you can remove, whether reasonable adjustments may be necessary, and how any unmet needs that you have identified can be addressed c) if you are not addressing any negative impacts (including human rights) or potential barriers identified for a group, please explain why
None identified	
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.
<p>By potentially increasing the level of expenditure on nursing and residential care the Council is supporting the sustainability of the market, which in turn improves access for those that need these services. To that extent the outcome is positive.</p> <p>The proposed approach should enable the Council to fund the support needed and make residential and nursing placements efficiently and effectively.</p> <p>Higher payments made in respect of some SUs, have historically been made</p>	

because of the market, that is, limited supply. The strategic approach to invest in new services, develop a new Target Operating Model and the work of the Fee Review will help to develop a more competitive market that should bring about change in this position.

Section 3

E: Monitoring, evaluation & review of your policy

- | | |
|------------|---|
| 24. | <p>Are there processes in place to review the findings of this EHRIA and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?</p> <p>This EHRIA will be reviewed by the DEG, Project Board, DMT and Scrutiny Commission prior to the Stage 2 Consultation.</p> <p>Following the Stage 2 Consultation it will be reviewed, alongside feedback from the consultation, ahead of any decisions to implement proposed new fees, processes and contractual arrangements.</p> |
| 25. | <p>How will the recommendations of this assessment be built into wider planning and review processes?
<i>e.g. policy reviews, annual plans and use of performance management systems</i></p> <p>The recommendations will be reviewed by the Project Board and built into the project implementation plan.</p> |

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

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

Equality Objective	Action	Target	Officer Responsible	By when
Ensure that good quality care is available to all age and disability groups, is not unduly restricted by financial means, and supports Article 3 and 14 rights under the Human Rights Act (HRA).	Fee levels to be set paying due regard to the actual cost of care.	Due regard is paid to the Equality and Human Rights considerations for affected protected groups throughout all steps involved in fee setting,	Judith Spence – financial modelling	June 2019
	Negotiations with providers for each individual placement do not factor in top up payments as a prerequisite to meeting assessed needs.	Service delivery meets the stated objectives of providing consistently good quality care.	Julie Drake – Commissioning guidance	June 2019
	Develop guidance I as necessary.	Minimise the incidence of disruptive and potentially harmful moves between homes arising from inappropriate or ill-advised top up	Julie Drake – Commissioning guidance	June 2019

		agreements.		
Ensure that choice of geographical location of care homes is not unduly restricted because of financial means for vulnerable people protected by age and disability characteristics and supports Article 8 and 14 rights under HRA.	Collect robust data to reflect patterns of top up payments across the County.	Localities where there are concerns about availability of appropriate care are identified and addressed in Market Shaping.	Dave Pruden – Implementation Planning	March 2019
	Lead Practitioners take responsibility for ensuring a fair and consistent approach to placement arrangements.	People moving into residential settings are able to preserve their family relationships and community contacts as far as is reasonably possible, and in accordance with their wishes.	Zoe Musgrave – TOM Review	Sep 2019
	Develop implementation and commissioning guidance material as necessary.		Julie Drake – Commissioning guidance	June 2019
Ensure that assessed needs arising from health conditions associated with age and disability are adequately addressed by appropriate use of SNAs.	Appropriate use of SNAs is well understood by practitioners, with Lead Practitioners holding responsibility for management and training to maintain standards.	The interests of vulnerable people with additional needs are addressed appropriately, resulting in safe and successful placements.	Julie Drake – Commissioning guidance and training	June 2019

	<p>The level of SNA payments is calculated to ensure that they can adequately cover additional needs.</p> <p>The incidence of SNA use is recorded and mapped to support appropriate practice and inform future Fees Reviews and policy.</p>		<p>Dave Pruden – Implementation Planning and project review</p>	<p>March, June and Dec 2019 and ongoing</p>
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Section 4: Sign off and scrutiny

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

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

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

Section 4

A: Sign Off and Scrutiny

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

Equality and Human Rights Assessment Screening

Equality and Human Rights Assessment Report

1st Authorised Signature (EHRIA Lead Officer):

Date:

2nd Authorised Signature (DEG Chair):

Date:

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Fee Review

Consultation Full Report

Introduction

Leicestershire is changing the way it pays for residential and nursing care, the contractual arrangement and the way in which it makes new placements. To make these changes, the Council is formally consulting with the general public, services users, advocacy agencies and care home providers.

The purpose of this report is to document the feedback from the first stage of the consultation, provide an analysis of the themes that emerged and set out the Council's response to the feedback received.

Background

The current arrangements for determining the fees for care homes in Leicestershire have not been reviewed since 2011. Since then new responsibilities have been placed on the Council by the Care Act 2014. Similarly, the Core Contract and Specification for residential care have not been reviewed since 2012, and these documents therefore also need to be revised to reflect the Care Act changes as well as the changes made following this consultation.

The Council's overall aim is to support people to live at home for as long as possible to reduce the need for residential and nursing care services and develop alternative accommodation options such as Extra Care. This approach is described in Promoting independence, Supporting Communities; Our vision and strategy for adult social care 2016–2020 and can be found here.

However, the Council recognises the vital contribution that care, and nursing homes make in Leicestershire and that for many people a care home is the only service that can offer the care and support needed. With over 2,000 people supported by the Council in care homes, some 180 homes in the County and expenditure in the region of £86m per annum, this is a critically important part of the adult social care market.

The consultation on this review will be in two stages; stage 1, to which this report relates, seeks care home providers' views about the proposed changes to the structure and processes involved in making and reviewing residential and nursing care placements.

Stage 2 of the consultation, which is likely to be in March 2019, will seek views on the proposed fee levels for the financial year 2019/20 (commencing April 2019) and plans for the transfer of current residents to the new system.

Final decisions will only be made at the end of the process, planning and decisions undertaken at the end of the first stage are provisional only, and will remain so until the end of the process when final decisions are made on all issues.

Those taking part in the consultation can comment on stage 1 issues, as well as any issues that overlap stages 1 and 2, in their comments made in response to the stage 2 consultation.

Consultation Approach and Response Rates

The Council publicised the proposed Fee Review consultation ahead of the cabinet meeting at which the consultation was agreed on 16 October via a press release. The Council gave members of the public the opportunity to take part in the consultation by including a link on the Have Your Say page on the Council's website, but none did so.

The Council sought the views of residential and nursing care providers, including the representative organisation EMCARE, advocacy organisations and service users with a Deferred Payment Agreement. These key groups were contacted directly, to encourage participation, they were given the option to respond by completing an online questionnaire, or by email or by telephone.

Consultation with Residential and Nursing Care providers

Prior to the consultation, providers were invited to join a Provider Reference Group, to help the Council to shape its approach to the fee review. That group met 5 times prior to the consultation between April and October 2018. Discussions at that group related to, amongst other things, the proposed banding definitions and cost template, were considered when developing the consultation proposals. A full report of the work of the Provider Reference Group was included in the consultation materials.

Also, prior to the consultation on 2 November 2018 an email was sent to providers advising them of the forthcoming consultation. This communication also gave them advance notification of a series of consultation meetings that would be held at Localities around the county during the consultation period to facilitate diary planning.

The consultation was launched on 14 November 2018 by email to Leicestershire, and out of county providers, 250 homes were emailed. The email provided summary information about the consultation, a link to the website where all the consultation information and questionnaire could be found and email and telephone contact details for those that wished to respond via those routes. A follow up email was sent on 19 December 2018 to encourage providers to participate and a final reminder was sent on 7 January 2019, a day ahead of the consultation closure date of 9 January 2019.

The table below summarises the proportion of emails that were opened and used to 'click through' to the consultation section of the website.

Fee Review - Email Tracking		
	Email opened	Clicked through to website
Launch email - 14 November	30%	8%
1st reminder - 19 December	27%	5%
2nd reminder - 7 January	54%	9%

Regarding the consultation website, it was accessed by 71 providers, representing 77 homes, there were 258 visits and 146 unique visits to the website. 6 providers completed the questionnaire, representing 11 care homes. 16 Providers, representing 26 care homes attended consultation meetings and commented on the proposals using that mechanism.

Consultation with Advocacy Organisations

The Council contacted advocacy organisations to request comment on the proposals from the perspective of service users, carers and families. Taken from the Voluntary Action database of agencies with which we contract, 14 organisations were contacted. Contact was also made the Carers Group of the Learning Disability Partnership and the Equality Challenge Group.

None of the organisations responded to the consultation proposal either by completing the questionnaire, by email or by telephone contact. The Carers Group discussed the proposal at a meeting on 3 December and the Equality Challenge Group met on 14 January to discuss the consultation proposals. Both groups intend to respond fully to the second stage consultation.

No comments were made regarding the draft EHRIA screening tool that was published as part of the consultation papers, but the Equality Challenge Group will review it, and the full EHRIA assessment will be published with the second stage consultation.

Consultation with service users with a deferred payment agreement (DPA)

There is an expectation that the fees the Council pays to providers will increase because of the fee review, so the fees paid by service users with a DPA would also increase. The Council therefore wrote to all 69 service users with a DPA. 2 service users responded by telephone to seek further explanation of the process, no one emailed or completed the questionnaire.

Consultation with EMCARE

EMCARE supported the development of the proposals via the Provider Reference Group ahead of the consultation. It also encouraged its members to take part in the consultation but did not take part itself.

Proposals and Responses

Proposal 1 – A Two Band Approach for Older Adults (OAs)

The Council proposed to replace the current 5 band Residential and single Nursing band system with a two band system that will be used to commission placements in Older Adult care homes.

Supplementary Needs Allowance (SNA) payments will continue to be payable, at an agreed rate, where required, and usually only in exceptional circumstances.

The benefits of this approach are that it will cater for the needs of all potential service users, including those with complex needs, simplify placement processes and improve efficiency.

Questionnaire

Feedback on this proposal via the questionnaire (completed by 6 providers) was that 2 organisations strongly agreed, 1 agreed and 2 neither agreed nor disagreed. 1 organisation responded with “don’t know”.

When asked “whether consultees agreed with the benefits of the approach”, 3 organisations indicated that they did, 1 explained that they understood the approach and 2 pointed out that this proposal would not affect their organisation.

When asked about “any concerns” with this approach, 3 indicated that they had none, 1 commented that it was difficult to comment ahead of the system coming into operation, and 1 stated that any reduction in fees because of the new bandings would jeopardise provision in the area.

When asked for “any other comments relating to this proposal”, 1 provider commented that the assumed hours of care in each band would need to be understood and agreed.

Consultation meetings

Feedback on this proposal via the consultation meetings (attended by 16 providers) was that most providers support the proposal, with the hours of care for each band specified, but the rate at which each band is set will be the key factor.

The question was asked if the Residential Plus rate is now the dementia rate. It was explained that people with dementia could be supported with the residential or residential plus rate depending on severity of need.

Some providers asked questions about the size of the differential between the proposed Residential and Residential Plus band rates. It was explained that this would be determined by the additional staff time required to support residents with more significant needs. The underlying costing work is ongoing, and the proposed band rates and cost details will be consulted upon in the second stage of the consultation.

Providers also pointed out that there needs to be funding available for higher costs placements, that is for those residents with needs that are not catered for in the Residential Plus band. This will be facilitated via a Supplementary Needs Allowance (SNA) payment and the calculation of a standard hourly rate for SNA and some providers also stated that it should take account of agency staff rates as in many cases provision would entail the use of agency staff.

Assistance with meals and nutrition was highlighted as a care task that takes a great deal of time and should be considered carefully regarding the banding definitions and the support time required.

Concern about the loss of band 4 because several service users with disabilities are supported on this band, removal of it would entail re-assessment with the Care Funding Calculator, which is time consuming.

The point was made that the 2 band system needs to cater for fluctuation in care needs during the early months for new placements.

It was recognised that the Service User split between bands would significantly impact on the overall expenditure and affordability. Related to this, it was explained that testing the draft band definitions is important and in progress.

The transition process was queried, and concern was raised that increases in fees would be delayed. It was explained that planning was in progress on this and that transition would be undertaken by a process of administered transfer and review.

Reference was made to the potential benefit of a reduction in top up payment if the new band rates were closer to the room rates charged by homes.

It was understood that for service users requiring nursing care it would be the social care element of their need that would be assessed, and the residential or residential banding applied accordingly.

It was also acknowledged that use of a 2 band approach with updated fees would ease the administration of making placements in care homes.

Summary

Most providers support the proposal of two bands for older adults, with a standard hourly rate agreed for SNA when required. However, observations have been made that will need to be considered when calculating the band rates, the definitions for each band, the assumed hours of care needed and the transition process.

Though providers that attended the consultation meeting recognised the importance of the Band Definitions, no one commented on the draft definitions published as part of the consultation.

Proposal 2 – Use of the Care Funding Calculator for Working Age Adults (WAAs)

The Council proposed to continue with its use of the Care Funding Calculator to commission placements into Working Age Adult care homes, but with a standardised set of hotel (establishment) costs for Leicestershire.

The benefits of this approach are that it will cater for the needs of all Working Age Adults most of whom will have complex needs. Standardising the hotel cost elements will improve efficiency, consistency and equity in agreeing these placements.

Questionnaire

When asked, “to what extent do you agree or disagree with the proposal to continue using the National Care Funding Calculator but with standardised hotel costs”, 2 providers neither agreed nor disagreed, 2 agreed, 1 strongly agreed and 2 disagreed, 1 strongly disagreed.

When asked about “the extent to which consultees agreed with the Council’s assessment of the benefits of such an approach”, 3 providers agreed with the approach, 1 commented that they understood the approach and 1 offered no comment.

1 provider responded that the CFC is not person centred and has a rigid approach, that it typically has lower costs included compared to providers actual spend which in time will lead to underfunding. The provider also stated that if generalised hotel and management costs are assumed for all services, this again is not reflective of a provider’s actual spend in the service.

When asked about “any concerns or potential risks for providers or service users”, 1 provider said none and 1 provider offered no comment. 1 provider stated that the CFC does not collate all the operating expenditure required for homes including depreciation, occupancy, contingency etc. and that these omissions will result in variances.

1 provider stated the concern that increases in staffing costs, driven by increases in minimum wage and utility and maintenance cost were not factored into the CFC.

1 provider responded that they appreciate the CFC is a recognised costing tool across the sector; it is not reflective of actual costs within the service. The provider referred to the Department of Health’s guidance Building Capacity and Partnership in Care Agreement (BCPCA) published in October 2001. Paragraph 6.2 states: “...Fees setting must consider the legitimate current and future costs faced by providers as well as factors that affect those costs...”. In respect of a rigid reliance on financial models for calculating fees, BCPCA adds: “...Contract price should not be set mechanistically but should have regard to providers’ costs and efficiencies, and planned outcomes for people using services, including patients...”. The CFC is a universal tool which does not allow for actual costs per service to be presented.

The provider continued; care costings are based on specific run-rates in the service (such as heat/light/water bills) and can be evidenced accordingly. It is more prudent for providers to present the true financial cost to a Commissioner, rather than using a lower figure calculated by a CFC which in time may make the service financially unsustainable, which would inevitably lead to closure.

1 other provider said that the appropriate rates of inflation should be updated and regularly to be in line with external cost pressures, for example Brexit.

When asked about “any other comments”, 1 provider offered no comment and 3 providers made the point that the Council had to produce its calculations and analysis so that detailed comparisons can be undertaken.

Consultation meetings

Concern was raised about using one rate when homes can vary according to bed size, where an average rate is used there will be winners and losers.

Concern was raised about standardising hotel costs for homes that support people with very complex needs, for example, Transforming Care compared with those that don't. It may be that there should be two levels of WAA hotel costs as with the OAs.

It was expressed that the hotel cost calculation needs to account for geographical variation costs across the County.

There was support from 1 provider for the use of an independently produced tool, which local authority, health and providers can trust.

The point was made where one to one care was specified, staffing resource needed to be in place to deliver it.

Some providers stated that the National Care Funding Calculator understated the actual cost of care significantly.

Two providers said that the assumptions in the calculation are hidden and the Council should produce a calculation that details all the assumptions for the 2nd stage of the consultation related to the calculation of the hotel costs. Allied to this it was pointed out that certain cost lines such as depreciation and ancillary staff costs are omitted from the CFC.

They also said that the use of the National Care Funding Calculator must cater for both return on capital and operating profit, in some instances it does not. They also said that hotel costs need to take account of occupancy, rather than assume 100% and that discussion is needed to ensure that hotel costs reflected actual costs and recognised that small homes do not have the economies of scale of large homes.

Discussion took place about the nature of the hotel costs, for example, ancillary staffing and premises costs, and it was confirmed that the detail of the calculation will need to be available in the second stage of the consultation.

There was brief discussion about the term Working Age Adult and whether it was an appropriate term, the retirement age is changing and few, if any, of the people supported work in the conventional sense. It was suggested that the term Younger Adult (YA) could be used.

Summary

Though the Council was not consulting on the use of the Care Funding Calculator as such, several providers made criticism relating to it. Providers said that it failed to collect all the relevant costs and therefore understated the cost of care for each service user. Providers also said that the tool was not updated to take account inflation and wage increases.

Regarding the proposal the questionnaire response was ambivalent, with 2 providers supporting the proposal, 2 disagreeing with the proposal and 2 expressing no view. Those that do not support the proposal argued that the hotel costs should be agreed for each care home with the provider. This chimes with other concerns raised by providers about this approach related to differing hotel costs because of home size, location and occupancy.

There was support for the Care Funding Calculator as an independent tool and the calculation of a standard hourly rate for SNA. However, most providers made the point that if the Council proceeds with this proposal, it will have to publish all its underlying costings and assumptions for scrutiny in the second stage of the consultation.

Proposal 3 – A review of the Council’s standard cost template

Alongside Proposals 1 and 2, the Council will review its Standard Cost Model to determine the two Older Adult bands and the WAAs hotel costs. Consultees were asked to comment on the draft template and asked to supply details of their costs.

Questionnaire

When asked, “does the proposed Standard Cost Model template collect all the budget lines and cost required”, 3 providers said yes, 1 said no and 2 responded that they did not know.

When asked “which costs could be included”, one provider highlighted depreciation, occupancy, contingency, the cost of capital and profit / surplus.

Consultation meetings

Some providers asked whether the template is going to be reviewed each year to ensure all costs are covered.

Some providers also made the point that where there are unusual costs associated with care that did not fit into Residential or Residential Plus band rates that a Supplementary Needs Allowance (SNA) should be used to enhance the payment. Furthermore, there should be a standardisation of the Supplementary Needs Allowance (SNA) with a transparent rate published.

It was said that the structure of template is fine, more important is the actual price proposed. The point was made that the costs provided in the current year should be inflated to calculate banding etc. for next year. It was said that the template seems to be comprehensive.

The question was asked whether a threshold was set for the expected number of template returns upon which cost decision would be made, and it was explained that this was being monitored for each market sector, Older Adult, Working Age Adult and Nursing.

Summary

There was positive feedback on the template structure and it was described as comprehensive. Observations were made about specific cost lines which can be incorporated into the next version. Also, the point was made that the rates were more important than the template per se.

The Council has commissioned C.co, part of the Chartered Institute of Public Finance Accountancy, to assess the cost of care in Leicestershire and make recommendations that will be consulted upon in the second stage of the consultation.

Proposal 4 – Annual Fee Review

It is proposed that annual fee reviews will be undertaken using an agreed methodology that will be linked to the National Living Wage and inflation as measured by the Consumer Price Index and implemented without further consultation. In line with the current contractual arrangements, Third Party Top-ups will also be reviewed annually in April each year.

Questionnaire

When asked “to what extent do you agree or disagree with the proposed review process”, 5 providers agreed with the approach, 3 strongly, 1 neither agreed nor disagreed.

When asked “why they responded in this way”, 1 provider explained that they would need to discuss the approach in further detail to ensure all annual cost increases are captured through the calculator and so are unable to comment further at this stage. 1 stated that annual increases are a part of life and business and this should be reflected in costings for providers. 1 said that this approach takes into consideration general cost pressures such as inflation and National Living Wage and the other said that it provides a consistent model for planning for both provider and funder.

When asked about “any concerns or potential risks for providers or service users”, 1 said no, 1 said that the introduction of the National Care Funding Calculator without agreement by all providers could result in fee increases that do not cover the increased in annual costs. The Council would also need to consider any cost increases that were not identifiable in advance of each financial year.

1 other provider commented that a lack of increase can result in cutting staffing levels which can potentially place both the service users’ care and the provider at risk. 1 said that a caveat would be required for any legislative in-year changes which may be imposed on providers.

1 provider highlighted potential disagreement about provider Return on Capital Employed (ROCE) related to differing views of financial risks (for example, size, impact and external cost pressures). This provider also highlighted the risk of any fundamental changes during the year.

Consultation meetings

The point was made that all costs detailed in the template would need to be inflated annually at the appropriate rate (line by line) as is the current approach and that new cost items that occurred (in-year) would need to be built into the template and be inflated so providers would not lose money.

Training costs were highlighted, and it was stated that the type and quality and amount of training required needs to be specified so it could be costed.

There was support for an automatic and transparent increase, subject to the facility to change if there is an exceptional, governmental or industry change with significant cost impact. Linked to this the point was made that there needs to be flexibility in case there are sudden significant costs increases driven by a sector wide change or issue.

Overall the proposal was positively received, but providers wanted time to think about any additional factors that may impact price.

Providers commented that they could see the benefits in terms of planning and budgeting for both providers and the Council.

The question of assurance was raised in that the rate will reflect the real costs, so the uplift mechanism would need to be transparent.

It was also recognised that some providers may still choose to pay higher rates to staff but that the Council needed to set fees at a rate that is sustainable.

Most providers were supportive of this proposal.

It was queried whether top ups could be reviewed based on a service review by the provider ahead of the Annual Review in April.

Summary

Most providers were supportive of this proposal, welcoming more transparency and automation. Also, providers saw the benefits from a financial planning perspective for both providers and the Council. However, providers pointed out that flexibility was needed, for example when new costs occurred or there is a sector wide issue that drives up costs.

Proposal 5 – Out of County Placements

Currently, the Council pays fees for out of county placements in line with those of the local authority in which the home is located. Some local authorities pay out of county providers the same rates as those it pays for care in its own local authority area. The Council requested the views of providers on these different approaches.

Questionnaire

When asked “to what extent providers thought that the County Council should change the way it pays for out of county placements”, none agreed, 2 disagreed, 1 strongly, 3 had no view and 1 responded that they did not know.

When asked “why they responded in this way”, 1 said that the process for them wouldn’t work either way (current or proposed) as the cost of their beds are above local bandings. This situation is managed currently case by case and, either way, the process would be unchanged.

1 provider stated that they disagree that the Council are proposing to pay the Leicestershire County rate in out of County areas.

1 commented that their fees are currently individually negotiated with all Local Authorities and another stated that fee rate should reflect the cost in the host Local Authority and any change will have an impact on top ups for the individual residents.

When asked about their “views on the different approaches”, 1 said that should the Council place in an out of area location the policy must be that the Council place at the host rate (for where the home is located) and that they would not be able to accept placements at a rate less than the host authority.

1 reiterated that fees should reflect those of the host authority and another reiterated that neither approach worked as all placements had to be negotiated individually.

Consultation meetings

Most providers said that it is more equitable to pay the host Local Authority rate and therefore do not support the proposal and expect the local rate to be paid.

The proposal was not supported because in all likelihood the Council would have to pay a bespoke rate to make the placement which would probably be above Council and host Council bands. Allied to this, most providers said they have a room rate and that is not changed by the banded rate the Council offers. It was also explained by one provider that Third Party Top Ups may be affected as providers will require a room rate, whatever the approach from the Council.

Some providers stated that as they are based in Leicestershire (in-county providers) this is not relevant to them.

Summary

There was no support for this proposal; key concerns highlighted were that such an approach would be both inequitable and impractical. Many out of county placements are negotiated individually, rendering the proposal redundant.

Proposal 6 – Core Contract and Specification Refresh

The residential and nursing care Core Contract and Specification was last reviewed in 2012. These documents will be updated to take account of changes in legislation, regulation and best practice. The Council is also exploring a revision of the Individual Placement Agreement (IPA), including its approach to the use and administration of Third Party Top-ups and a proposal to implement a system for using electronic signatures.

Questionnaire

When asked about the extent to which providers agreed with “the proposed changes to the Contract and Specification”, 1 strongly agreed, 1 disagreed and 1 neither agreed nor disagreed.

When asked “why they responded in this way”, 1 explained that easing the workload for providers where the information needed is being duplicated will help.

Another said it will allow more clarity regarding the standard of care expected by the Council as it will align with what is expected by the CQC for a ‘Good’ rating. The provider also commented that electronic signatures for IPA’s will allow for a speedier process.

1 provider said that care homes should be rewarded for providing above standard care.

When asked “whether providers agreed with the Council’s assessment of the benefits of such an approach”, 1 said yes, and 1 said no, they preferred the current approach. Another provider reiterated that there will be more clarity and all parties are working to a standard approach as expected by the CQC.

When asked “whether providers had any concerns or see any potential risks for providers or service users”, 2 responded no. 1 provider said that the intended approach with CQC rating would potentially see a lack of review for up to 2-3 years rather than annually per the current Quality Assessment Framework (QAF).

When asked “to what extent providers agreed or disagreed with the removal of the QAF payments and aligning the Council’s quality requirement with the CQC”, 2 strongly agreed, 3 had no view and 1 disagreed.

When asked “why they responded” in this way, 1 stated that they were content that the Council are looking at the quality review as part of the process. Another said that all providers and commissioning regulators should work to the same principals and monitoring systems. 1 provider suggested that the QAF payment were not relevant as the specialist nature and cost of its placements are already over and above the funding of the Council’s base rates.

When asked about “concerns or potential risks for providers or service users”, 1 responded no, and 1 said that whilst fees are not directly linked to the quality mark (CQC rating) of a home in Leicestershire, the Council need to consider how regular a review takes place with CQC and in some cases homes are waiting a considerable time before a further review is undertaken.

When asked about any further comments, there were none.

Consultation meetings

It was acknowledged that the Contract was out of date and does need to be reviewed. It was stated that clarity and transparency about the quality requirements from a contractual perspective is important.

Providers welcomed the Council’s recognition of the pressures of having to comply with different regulatory bodies criteria and supported greater alignment. As well as the general support the alignment of the Council’s standards with CQC; providers would welcome use of an electronic IPA if possible.

However, some providers highlighted inconsistency with contract monitoring with different officers, one example related to the template used. Concern was also raised about variation in practice amongst CQC inspectors that could result in a different rating.

Concern was raised where CQC rate a home as requiring improvement, the ability of the provider to request a subsequent inspection (having made the improvements required) was limited. It was said that it takes 18 months on average for a re-inspection by CQC.

The question was asked whether the Council could undertake its own review of CQC inspection and report the outcome. Linked to this, operational commissioning, which seeks to give as much choice as possible to the service user, should be checked to see if a home rated as requiring improvement is disadvantaged when placements are made.

Some providers said that contracts should specify expectations of providers for planned visits, for example, Annual Review meetings, and there should be recognition of costs of supporting such

visits. Though providers recognised that in certain circumstances unplanned visits were necessary and providers needed to respond, for example, in respect of safeguarding.

One provider also raised a query in respect of access to staff information and GDPR, clarification was given after the meeting.

The question was raised as to whether the Council was proposing to pay net of Third Party Top-ups going forward and it was clarified that this was not in the proposal. The proposal relates to updating and, if possible, having a simplified electronic system for the Individual Placement Agreement (IPA).

Regarding quality payments, it was stated that it is unusual for additional payments for quality, it is more common for a council not to make placement in care homes that do not meet the required quality threshold.

Providers that are Quality Assessment Framework (QAF) accredited were disappointed that the incentive for QAF was being removed and stated that it should be maintained and that the proposal to remove it should not be implemented.

It was said that it was a poor proposal to remove the QAF payment. No recognition for the quality and reward to the staff from the Council in particular. Also, it was said that quality does not seem important and not rewarded anymore.

1 Gold QAF provider expressed concern about the removal of payment as it felt it drives quality and funds quality improvement work in the home. Accreditation via Investors in People was cited as an example of quality improvement work that was unlikely to continue without QAF payments.

Another provider said that QAF brings great value in terms of staff morale which is associated with recognition of the achievement of the award and would not want to lose that.

Concerns were raised about the loss of income if QAF payments are removed and the question asked as to whether there will be a transition or a sudden end to QAF payments.

Providers questioned if the removal of QAF payments, saying that the proposal was simply a way of saving on the increase costs associated with the annual uplift.

It was said that there could be some recognition of higher quality provision reflected in the funding, for example an additional payment for providers that achieve CQC good in all areas.

It was suggested that the decision to remove the QAF had already been taken and that it was pointless to argue for its retention. It was reiterated that at this point no decisions had been taken.

It was stated that the QAF was a differentiating measure for customers to use when deciding where they want to stay and that the QAF will still be a value to us even if not a financial reward.

Summary

Most providers support for the proposal to revise the Core Contract, Specification and Individual Placement Agreement. Providers said that the current contract was out of date, that the revision should provide greater clarity about the required standard of quality and the alignment with the

CQC was welcomed. Concerns were raised about potential delays when providers call for the CQC to re-inspect and inconsistency with different inspectors.

Regarding the proposed removal of the QAF payments, providers that are QAF accredited were critical of the proposal. The concerns expressed related to an undermining of the importance of quality, the loss of the benefits the QAF brings with staff motivation and morale, and the loss of income which helps to fund quality improvement work and initiatives. It was also suggested that this was a cost saving measure.

However, 1 provider said that it was unusual to have an incentive of this type and that it was more common for Councils to not commission placements with organisations that did not achieve the required quality standards. Also, it was said that quality payments could be aligned with CQC ratings.

Alternative Proposals and Other Issues

Questionnaire

When asked about “any alternative proposals that the Council consider in relation to any of the proposals above or generally”, 1 provider made the point that good quality care homes should be rewarded with quality payments and if not acceptable in QAF payments then the standard payments should be aligned with current demands of services.

Consultation meetings

Though welcomed, there was some scepticism that there was no planned budget cut associated with the review.

There were discussions about equity for self-funders and challenges that arise when they become eligible for local authority funding.

Regarding the Council’s strategy of increasing the use of Supported Living placements for Working Age Adults, it was stated that Supported Living was more expensive than residential care and examples given to that effect.

Concerns were raised about several operational issues including, the speed at which cases are reviewed when needs change and the authorisation of additional expenditure when safeguarding requirements are changed. The review process, it was stated, also needs to be able to cater for a situation when people’s needs are reduced by effective care which could be put at risk if funding is reduced to a lower band at review.

Concerns were raised around transition to a new system with a delay to June already and a risk of further delays because of a need to review complex cases. So, the need for an effective transition to the new banding approach is required.

Recommendations

The Council intends to proceed with Proposal 1 to develop a two band system for Older Adult Placements, together with a standard hourly rate for SNAs. The Band Descriptors should include the assumed hours of care required.

The Council does not intend to proceed with Proposal 2 to develop a Leicestershire standard hotel cost. Considering the issues raised in consultation and the lack of detailed financial information from providers that has been made available to C.co to estimate hotel costs, the Council intends to consult on a proposed WAA Band in the second stage of the consultation.

The Council intends to proceed with Proposal 3, the use of the standard cost model template, taking account of the feedback on line items, to develop the cost of care calculation, banded rates and standard hourly rate for SNA.

The Council intends to proceed with Proposal 4 to develop a mechanism to apply annual increases automatically. That process should be transparent and take account of new cost items that may arise during the year. It must also entail the mechanism to suspend the approach if there is a sector wide issue that results in a significant change in costs.

The Council does not intend to proceed with Proposal 5 to pay Leicestershire banded rates to out of county providers. Out-of-County cases will be paid at the Local Authority rate in which the home is based. Annual rate increases will be made, with no back dating beyond the fiscal year of the increase, in line with that Local Authority rate increase.

The Council intends to proceed with Proposal 6 to review the core contract, specification and Individual Placement Agreement.

The Council also intends to remove the voluntary QAF payments, align quality requirements with those of the CQC and publish proposed changes in the second stage consultation for feedback. Alongside this the Council intends to work with providers to increase the recognition and celebration of good practice via the current mechanisms such as Care Ambassadors, Dignity in Care, and Carer of the Year Awards.

Conclusion

The response was limited with no comments from members of the public, DPA self- funders or advocacy agencies. However, work is ongoing with the Learning Disability Partnership Board and Equality Challenge Group.

Provider response to the questionnaire was limited, but attendance at consultation meetings was better, with 16 organisations attending. However, the quality of the feedback was very good, with detailed comments on each of the proposals from care professionals.

For Proposal 1 (two bands for OAs), Proposal 3 (standard cost model template), Proposal 4 (automatic annual increase) and Proposal 6 (contract refresh) there was support from most providers and the Council intends to proceed with those, subject to the outcome of the second stage of the consultation and considering, the comments made by providers.

The proposal to remove the QAF payments, to align with quality management in Proposal 6, was criticised by providers obtaining those payments only, not by other providers, one of which highlighted that other Councils tended not to operate this approach and that failure to achieve the required standard of care would result in no placements in other areas. The Council intends to remove these payments, but in view of the benefits to motivation and morale that the QAF has produced, the Council intends to work with providers to enhance current recognition and reward schemes.

For Proposal 2 (standard hotel costs for WAAs) several practical issues were raised about the calculation of the rate, including variations based on home size and the needs of individual residents. Also, C.co were not able to obtain the cost detail required to determine the hotel costs in Leicestershire. They therefore recommended the use of a WAA band. So, the Council will not proceed with the proposal to standardise hotel costs but intends to consult on the use of a WAA band, with the National Care Funding Calculator used to calculate a bespoke price for higher cost placements, in the second stage of the consultation.

For Proposal 5 (out of county placements) concerns were raised about the equity and practicality of this approach so the Council will not proceed with this proposal but will continue its current practice of paying the rates determined by the host Local Authority.

As stated earlier, Final decisions will only be made at the end of the process, planning and decisions undertaken at the end of the first stage are provisional only, and will remain so until the end of the process when final decisions are made on all issues. Those taking part in the second stage consultation can comment on stage 1 issues, as well as any issues that overlap stages 1 and 2, in their comments made in response to the stage 2 consultation.

Finally, the Council would like to thank all those that took part in the first stage of the consultation and ask them to take part in the second stage too.

Fee Review

Summary Consultation Report

Introduction

Leicestershire is changing the way it pays for residential and nursing care, the contractual arrangement and the way in which it makes new placements. To make these changes, the Council is formally consulting with the general public, services users, advocacy agencies and care home providers.

The purpose of this report is to document the feedback from the first stage of the consultation, provide an analysis of the issues that emerged and set out the Council's response to the feedback received.

The current arrangements for determining the fees for care homes in Leicestershire have not been reviewed since 2011. Since then new responsibilities have been placed on the Council by the Care Act 2014. Similarly, the Core Contract and Specification for residential care have not been reviewed since 2012. These documents need to be revised to reflect the Care Act changes as well as the changes made following this consultation.

The consultation on this review will be in two stages; stage 1, to which this report relates, seeks care home providers' views about the proposed changes to the structure and processes involved in making and reviewing residential and nursing care placements.

Stage 2 of the consultation, which is likely to be in March 2019, will seek views on the proposed fee levels for the financial year 2019/20 (commencing April 2019) and plans for the transfer of current residents to the new system.

Final decisions will only be made at the end of the process, planning and decisions undertaken at the end of the first stage are provisional only, and will remain so until the end of the process when final decisions are made on all issues.

Those taking part in the consultation can comment on stage 1 issues, as well as any issues that overlap stages 1 and 2, in their comments made in response to the stage 2 consultation.

Consultation Approach and Response Rates

The Council publicised the proposed Fee Review consultation ahead of the cabinet meeting at which the consultation was agreed on 16 October via a press release. The Council gave members of the public the opportunity to take part in the consultation by including a link on the Have Your Say page on the Council's website, but none did so.

The Council sought the views of residential and nursing care providers, including the representative organisation EMCARE, advocacy organisations and service users with a Deferred Payment

Agreement. These key groups were contacted directly, to encourage participation, they were given the option to respond by completing an online questionnaire, or by email or by telephone.

Consultation with Residential and Nursing Care providers

Prior to the consultation, providers were invited to join a Provider Reference Group, to help the Council to shape its approach to the fee review. That group met 5 times prior to the consultation between April and October 2018. Discussions at that group relating to, amongst other things, the proposed banding definitions and cost template, were considered when developing the consultation proposals. A full report of the work of the Provider Reference Group was included in the consultation materials.

Also, prior to the consultation on 2 November 2018 an email was sent to providers advising them of the forthcoming consultation. This communication also gave them advance notification of a series of consultation meetings that would be held at Localities around the County during the consultation period to facilitate diary planning.

The consultation was launched on 14 November 2018 by email to Leicestershire, and Out-of-County providers, 250 homes were emailed. The email provided summary information about the consultation, a link to the website where all the consultation information and questionnaire could be found and email and telephone contact details for those that wished to respond via those routes. A follow up email was sent on 19 December 2018 to encourage providers to participate and a final reminder was sent on 7 January 2019, a day ahead of the consultation closure date of 9 January 2019.

The table below summarises the proportion of emails that were opened and used to 'click through' to the consultation section of the website.

Fee Review - Email Tracking		
	Email opened	Clicked through to website
Launch email - 14 November	30%	8%
1st reminder - 19 December	27%	5%
2nd reminder - 7 January	54%	9%

Regarding the consultation website, it was accessed by 71 providers, representing 77 homes, there were 258 visits and 146 unique visits to the website. 6 providers completed the questionnaire, representing 11 care homes. 16 providers, representing 26 care homes attended consultation meetings and commented on the proposals using that mechanism.

Consultation with Advocacy Organisations

The Council contacted advocacy organisations to request comment on the proposals from the perspective of service users, carers and families. Taken from the Voluntary Action database of agencies with which we contract, 14 organisations were contacted. Contact was also made with the Carers Group of the Learning Disability Partnership and the Equality Challenge Group.

None of the organisations responded to the consultation proposal either by completing the questionnaire, by email or by telephone contact. The Carers Group discussed the proposal at a meeting on 3 December and the Equality Challenge Group met on 14 January to discuss the consultation proposals. Both groups intend to respond fully to the second stage consultation.

No comments were made about the draft EHRIA screening tool that was published as part of the consultation papers, but the Equality Challenge Group will review it, and the full EHRIA assessment will be published with the second stage consultation.

Consultation with service users with a deferred payment agreement (DPA)

There is an expectation that the fees the Council pays to providers will increase because of the fee review, so the fees paid by service users with a DPA would also increase. The Council therefore wrote to all 69 service users with a DPA. 2 responded by telephone to seek further explanation of the process, no one emailed or completed the questionnaire.

Consultation with EMCARE

EMCARE supported the development of the proposals via the Provider Reference Group ahead of the consultation. It also encouraged its members to take part in the consultation but did not take part itself.

Proposals and Responses

Proposal 1 – A Two Band Approach for Older Adults (OAs)

The Council proposed to replace the current 5 band Residential and single Nursing band system with a two band system that will be used to commission placements in Older Adult care homes. Supplementary Needs Allowance (SNA) payments will continue to be payable, at an agreed rate, where required, and usually only in exceptional circumstances.

Most providers support the proposal of two bands for older adults, with a standard hourly rate agreed for SNA when required. However, observations have been made that will need to be considered when calculating the band rates, the definitions for each band, the assumed hours of care needed and the transition process. Though providers that attended the consultation meeting recognised the importance of the Band Definitions, no one commented on the draft definitions published as part of the consultation.

Proposal 2 – Use of the Care Funding Calculator for Working Age Adults (WAAs)

The Council proposed to continue with its use of the Care Funding Calculator to commission placements into Working Age Adult care homes, but with a standardised set of hotel (establishment) costs for Leicestershire.

Though the Council was not consulting on the use of the Care Funding Calculator as such, 2 providers made criticism relating to it. Providers said that it failed to collect all the relevant costs and therefore understated the cost of care for each service user. Providers also said that the tool was not updated to take account inflation and wage increases.

Regarding the proposal the questionnaire responses were ambivalent, with 2 providers supporting the proposal, 2 disagreeing with the proposal and 2 expressing no view. Those that do not support the proposal argued that the hotel costs should be agreed for each care home with the provider. This chimes with other concerns raised by providers about this approach related to differing hotel costs because of home size, location and occupancy.

There was support in principle from one provider for the Care Funding Calculator as an independent tool and the calculation of a standard hourly rate for SNA. However, most providers made the point that if the Council proceeds with this proposal, it will have to publish all its underlying costings and assumptions for scrutiny in the second stage of the consultation.

Proposal 3 – A review of the Council’s standard cost template

Alongside Proposals 1 and 2, the Council will review its Standard Cost Model to determine the two Older Adult bands and the WAAs hotel costs. Consultees were asked to comment on the draft template and asked to supply details of their costs.

There was positive feedback on the template structure and it was described as comprehensive. Observations were made about specific cost lines which can be incorporated into the next version. Also, the point was made that the rates were more important than the template per se.

The Council has commissioned C.co, part of the Chartered Institute of Public Finance Accountancy, to assess the cost of care in Leicestershire and make recommendations that will be consulted upon in the second stage of the consultation.

Proposal 4 – Annual Fee Review

It is proposed that annual fee reviews will be undertaken using an agreed methodology that will be linked to the National Living Wage and inflation as measured by the Consumer Price Index and implemented without further consultation. In line with the current contractual arrangements, Third Party Top-ups will also be reviewed annually in April each year.

Most providers were supportive of this proposal, welcoming more transparency and automation. Also, providers saw the benefits from a financial planning perspective for both providers and the Council. However, providers pointed out that flexibility was needed, for example when new costs occurred or there is a sector wide issue that drives up costs.

Proposal 5 – Out of County Placements

Currently, the Council pays fees for out of county placements in line with those of the local authority in which the home is located. Some local authorities pay Out-of-County providers the same rates as those it pays for care in its own local authority area. The Council requested the views of providers on these different approaches.

There was no support for this proposal; key concerns highlighted were that such an approach would be both inequitable and impractical. Many out of county placements are negotiated individually, rendering the proposal redundant.

Proposal 6 – Core Contract and Specification Refresh

The residential and nursing care Core Contract and Specification was last reviewed in 2012. These documents will be updated to take account of changes in legislation, regulation and best practice. The Council is also exploring a revision of the Individual Placement Agreement (IPA), including its approach to the use and administration of Third Party Top-ups and a proposal to implement a system for using electronic signatures.

Most providers supported the proposal to revise the core contract, specification and Individual Placement Agreement. Providers said that the current contract was out of date, that the revision should provide greater clarity about the required standard of quality and the alignment with the CQC was welcomed. Concerns were raised about potential delays when providers call for the CQC to re-inspect and inconsistency with different inspectors.

Regarding the proposed removal of the QAF payments, providers that are QAF accredited were critical of the proposal. The concerns expressed related to an undermining of the importance of quality, the loss of the benefits the QAF brings with staff motivation and morale, and the loss of income which helps to fund quality improvement work and initiatives. It was also suggested that this was a cost saving measure.

However, one provider also said that it was unusual to have an incentive of this type and that it was more common for Councils to not commission placements with organisations that did not achieve the required quality standards. Also, it was said that quality payments could be aligned with CQC ratings.

Alternative proposal and other issues

There was some scepticism that there was no planned budget cut associated with the review.

There were discussions about equity for self-funders and challenges that arise when they become eligible for local authority funding.

Regarding the Council's strategy of increasing the use of Supported Living placements for Working Age Adults, one provider stated that Supported Living was more expensive than residential care and gave examples to that effect.

Concerns were raised about several contract management and operational issues including, the speed at which cases are reviewed when needs change and the authorisation of additional expenditure when safeguarding requirements are changed. The review process, it was stated, also needs to be able to cater for a situation when people's needs are reduced by effective care which could be put at risk if funding is reduced to a lower band at review.

Concerns were raised around transition to a new system with a delay to June already and a risk of further delays because of a need to review complex cases. So, the need for an effective transition to the new banding approach is required.

Recommendations

The Council intends to proceed with Proposal 1 to develop a two band system for Older Adult Placements, together with a standard hourly rate for SNAs. The Band Descriptors should include the assumed hours of care required.

The Council does not intend to proceed with Proposal 2 to develop a Leicestershire standard hotel cost. Considering the issues raised in consultation and the lack of detailed financial information from providers that has been made available to C.co to estimate hotel costs, the Council intends to consult on a proposed WAA Band in the second stage of the consultation.

The Council intends to proceed with Proposal 3, the use of the standard cost model template, taking account of the feedback on line items, to develop the cost of care calculation, banded rates and standard hourly rate for SNA.

The Council intends to proceed with Proposal 4 to develop a mechanism to apply annual increases automatically. That process should be transparent and take account of new cost items that may arise during the year. It must also entail the mechanism to suspend the approach if there is a sector wide issue that results in a significant change in costs.

The Council does not intend to proceed with Proposal 5 to pay Leicestershire banded rates to out of county providers. Out-of-County cases will be paid at the Local Authority rate in which the home is based. Annual rate increases will be made, with no back dating beyond the fiscal year of the increase, in line with that Local Authority rate increase.

The Council intends to proceed with Proposal 6 to review the core contract, specification and Individual Placement Agreement.

The Council also intends to remove the voluntary QAF payments, align quality requirements with those of the CQC and publish proposed changes in the second stage consultation for feedback. Alongside this the Council intends to work with providers to increase the recognition and celebration of good practice via the current mechanisms such as Care Ambassadors, Dignity in Care, and Carer of the Year Awards.

Conclusion

The response was limited with no comments from members of the public, DPA self- funders or advocacy agencies. However, work is ongoing with the Learning Disability Partnership Board and Equality Challenge Group.

Provider response to the questionnaire was limited, but attendance at consultation meetings was better, with 16 organisations attending. However, the quality of the feedback was very good, with detailed comments on each of the proposals from care professionals.

For Proposal 1 (two bands for OAs), Proposal 3 (standard cost model template), Proposal 4 (automatic annual increase) and Proposal 6 (contract refresh) there was support from most providers and the Council intends to proceed with those, subject to the outcome of the second stage of the consultation and considering, the comments made by providers.

The proposal to remove the QAF payments, to align with quality management in Proposal 6, was criticised by providers obtaining those payments only, not by other providers, one of which highlighted that other Councils tended not to operate this approach and that failure to achieve the required standard of care would result in no placements in other areas. The Council intends to remove these payments, but in view of the benefits to motivation and morale that the QAF has produced, the Council intends to work with providers to enhance current recognition and reward schemes.

For Proposal 2 (standard hotel costs for WAAs) several practical issues were raised about the calculation of the rate, including variations based on home size and the needs of individual residents. Also, C.co were not able to obtain the cost detail required to determine the hotel costs in Leicestershire. They therefore recommended the use of a WAA band. So, the Council will not proceed with the proposal to standardise hotel costs but intends to consult on the use of a WAA band, with the National Care Funding Calculator used to calculate a bespoke price for higher cost placements, in the second stage of the consultation.

For Proposal 5 (out of county placements) concerns were raised about the equity and practicality of this approach so the Council will not proceed with this proposal but will continue its current practice of paying the rates determined by the host Local Authority.

As stated earlier, Final decisions will only be made at the end of the process, planning and decisions undertaken at the end of the first stage are provisional only, and will remain so until the end of the process when final decisions are made on all issues. Those taking part in the second stage consultation can comment on stage 1 issues, as well as any issues that overlap stages 1 and 2, in their comments made in response to the stage 2 consultation.

Finally, the Council would like to thank all those that took part in the first stage of the consultation and ask them to take part in the second stage too.

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ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
11 MARCH 2019

CAPITAL INVESTMENT INTO ADULT SOCIAL CARE
ACCOMODATION BASED SUPPORT SERVICES

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of Report

1. The purpose of this report is to provide the Committee with an overview of the work being undertaken to develop a capital investment plan for adult social care accommodation based support services, with a particular update on the learning from the market engagement following publication of a Public Information Notice (PIN); and the proposed next steps in developing and implementing an investment prospectus.

Policy Framework and Previous Decisions

2. The Adult Social Care capital investment plan will contribute to the delivery of the following outcomes in the Council's Strategic Plan for 2018-22:
 - Strong Economy;
 - Keeping People Safe;
 - Affordable and Quality Homes.
3. In October 2018, the Cabinet noted the development of a capital investment plan for adult social care accommodation based support services, including its aims and objectives, and approved the publication of the PIN to initiate engagement with the adult social care and investment market.
4. In November 2018, the Committee was provided with an overview of the work being undertaken to develop a capital investment plan for adult social care accommodation based support services and the potential implications.

Background

5. The revenue costs of supporting those with social care needs are increasing and this is likely to continue annually for the foreseeable future. Accommodation based care is generally dependent on costs associated with the provision of accommodation, which itself is influenced by investment models within the private social care and investment markets.
6. Based on current population figures alone, the average population of people over the age of 65 is set to increase by 75% by 2037, with a small increase of 2% for people aged under 65 years. Using these population figures in conjunction with the strategic intention to reduce the use of residential care, it is estimated that by 2037 a further

750 units of supported living and 1,200 units of extra care accommodation will be required. The need for nursing care placements and residential placements will remain relatively stable, but those requiring services will have far more complex needs.

7. Supporting people to remain within their own home for as long as possible not only provides people with the greatest level of independence but is the most cost-effective response for adult social care. This requires the right type of accommodation, with the right level of support, to be available to meet need at the time it is required.
8. Active, healthy and engaged communities lead to reduced reliance on health and social care services, yet the provision of different models of housing and support options remain underdeveloped in the UK. There is limited public knowledge of the housing and support options available and there is a shortage in the supply of options offering a mix of tenure types. Further to this, the Care Act requires councils to shape the whole market, ensuring adequate provision for all, including for those people who fund their own care and support needs.
9. The Social Care market has changed significantly over the past few years and current financial models are not delivering accommodation at a sustainable level with “hotel” costs rising rapidly. The market is not always able to meet the needs of complex individuals at a ‘reasonable’ cost. The Council has the opportunity to use its assets to reduce revenue spend in the future, secure more appropriate accommodation for Leicestershire residents and potentially generate additional income.
10. The review of the Adult Social Care Target Operating Model is likely to alter the accommodation requirements in the future as an increasing number of people are supported to remain independent.

Market Engagement

11. On 24 October 2018, following approval by the Cabinet, the Council published a PIN on the East Midlands Tenders portal titled “*Construction, provision and operation of accommodation based support for older people including options to rent or buy and for younger adults with disabilities*”.
12. The PIN engagement exercise closed on 19 November 2018 and the Council received 13 separate responses to a published questionnaire. Responses were received from large operations that have a major presence nationally within the social care sector, as well as from smaller regional commercial operations, regional housing and social care providers, and a limited number of development companies who specialise in the design and build of care accommodation.
13. Following receipt of the responses, officers met with 16 providers to gain further information of the submissions and comments made. The meetings were semi structured discussions and involved representatives from adult social care, Property Services, and the Commissioning Support Unit. A summary of the key findings from the meetings is as follows:

- There is significant interest in investing in Leicestershire and working with the County Council. The size, demographic and geographical placement of Leicestershire is attractive. Private investors are seeking information from the Council on demographics and projected need and are also seeking guidance on the requirements and approach to engaging with suppliers so that they can make informed decisions. Suppliers would like guidance on available land and support with planning.
- Buildings are an attractive financial investment. There are willing investors seeking opportunities. In larger developments, mixed tenure and mixed-use developments are generally more successful. Flexibility is key in terms of design and future use.
- Traditional frameworks and other procurement models are not enabling an agile, bespoke solution to commissioning accommodation and care packages. The need for flexibility in procurement methods was a recurrent theme and there are more flexible and responsive methodologies in use in other Councils, including the use of dynamic purchasing systems.
- Traditional models of the provision of land (at no cost), capital and void guarantees are still sought by providers, but there is a willingness to explore different models. Smaller specialist providers are looking for opportunities to innovate and develop care led accommodation, and for these, sustainability is linked to the need to secure long-term funding arrangements and assurance around support contracts.
- When asked about the role of the Council, many saw this as a facilitator in providing data and insight into future demand and as an influencer across other public sector partners, including health, for the commissioning of services. Several respondents cited the Council's role as setting a clear vision and priorities which they could react to.

Proposals/Options

14. It is proposed that the Council develops and publishes an Investment Prospectus which provides guidance to the market on the identified needs locally, advises of the County Council's asset availability, identifies where private investors may want to focus their attentions, and where the Council will seek to invest. The prospectus will promote innovation and best practice and be supported by a communication strategy that will inform the public of the range of accommodation options available. The prospectus will be an iterative document that will seek, over time, to include the requirements of Children and Families Services to create a Social Care Investment Plan.
15. Secondly, it is proposed that the Council develops and publishes a transparent process for developing and enabling opportunities that are brought forward by the market. These have currently been made as tactical decisions. It is proposed that a cycle is developed with strategic preferences formed into clear evaluation criteria with delegated authorities to enable timely decisions to be made.
16. The third strand of work involves a review of the current procurement and contracting methodologies in use to ensure that they are reflective of national practice and offer the ability to be flexible and agile in approach.

17. The Council is exploring the development of a Housing Company and work will be undertaken to ensure that social care accommodation needs are considered in this.

Priority Developments

18. There are currently five opportunities which the Council is seeking to develop into a full business case, the capital funding for which agreement will be sought from the Cabinet at its meeting on 24 May 2019. These are:

Development	Where
4 x one bed flats with staff facilities. High spec build for Learning Disability complex need.	Mountsorrel
8 flats with external space for individuals with mental health needs. Ground and first floor accommodation.	Enderby
20 unit specialist Dementia provision. Centre of excellence in terms of the design. Supported living model with communal kitchen, smart environment.	Blaby district
6 units of en-suite accommodation for use by young people transitioning from children's services into greater independence. Communal training / learning facilities on site.	Hinckley or Charnwood – site to be determined
50+ units of extra care for older adults, with mixed tenure options	Hinckley and Bosworth

Resource Implications

19. The investment costs, potential savings and other non-financial benefits relating to each of the developments listed above are currently being assessed and quantified. These will form the basis of the full business cases that will inform a decision on a development by development basis. This will be considered by Cabinet at its meeting in May, which will include outlining how the capital costs of any developments to be taken forward, as well as the expected overall costs of managing the investment prospectus, will be funded.
20. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

Timetable for Decisions

21. A report will be submitted to the Cabinet on 24 May 2019 which will provide the first iteration of the Investment Prospectus, the implementation process, resource requirements and financial implications.

Conclusions

22. The Committee is invited to comment on the proposals to develop a capital investment plan for adult social care accommodation based support services and the findings from the market engagement.

Background Papers

- Leicestershire County Council Strategic Plan 2018-22 - <https://www.leicestershire.gov.uk/about-the-council/council-plans/the-strategic-plan16>
- Report to the Cabinet: 16 October 2018 – Capital Investment into Adult Social Care Accommodation Based Support Services
<http://politics.leics.gov.uk/documents/s141198/Capital%20Investment%20into%20ASC%20Accommodation%20based%20Support%20Services.pdf>
- Report to the Adults and Communities Overview and Scrutiny Committee: 6 November 2018 - Capital Investment into Adult Social Care Accommodation Based Support Services
http://politics.leics.gov.uk/documents/s141941/5_Nov_Capital%20Inv%20into%20ASC%20Accomm%20based%20support%20services.pdf

Circulation under the Local Issues Alert Procedure

23. None.

Equality and Human Rights Implications

24. An Equality and Human Rights Impact Assessment (EHRIA) screening will be produced to support the development of the investment prospectus. It is anticipated that the development of accommodation based support will have a positive impact overall.

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ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
11 MARCH 2019

DECOMMISSIONING OF THE CAREONLINE SERVICE

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of report

1. The purpose of this report is to provide an update to the Committee on the decommissioning of the CareOnLine Service in 2018.

Policy Framework and Previous Decisions

2. In September 2017, the Cabinet approved the development of proposals to decommission the CareOnLine Service as part of several actions to realise the Communities and Wellbeing Strategy 2016-2020.
3. The details around the proposal to decommission the service were reported to this Committee on 5 June 2018. The Committee requested that a report on progress with supporting existing users and alternative organisations be submitted following the decommissioning of the service.
4. On 6 July 2018, the Cabinet approved a report which recommended that the CareOnLine Service be decommissioned, and that one-off transitional funding of £10,000 per year over two years be provided to help organisations to develop their offer to mitigate the cessation of the service.

Background

5. The CareOnLine Service was a non-statutory service providing training, ICT equipment and telephone support to enable people to use IT to increase their independence. Service users were usually people who had a disability or limiting conditions such as frailty, mental health problems, visual impairments and long-term health conditions.
6. Following a high-level review of the service in 2017, the high cost per service user meant that to continue the service in its established form was not viable given the funding pressures facing the Communities and Wellbeing Service.
7. A number of voluntary organisations had been identified that also offered support to help people use ICT equipment. Although it was acknowledged that none of these offered an identical service to the one provided by CareOnLine, in combination they did offer an alternative way for people to meet their digital support needs. Some of these services offer home visits and some provide targeted support to older and disabled people.

8. Engagement with service users on the proposals to decommission CareOnLine and signpost current and future users to alternative provisions was undertaken between 11 April 2018 and 22 May 2018 and the outcome was reported to both this Committee and the Cabinet as outlined in paragraphs 3 and 4 above.
9. Following the Cabinet decision of 6 July 2018, the CareOnLine Service was decommissioned on 31 December 2018.

Progress

Transition Funding

10. As part of the mitigating action in decommissioning CareOnLine, a transitional fund of £10,000 over two years (£20,000 in total) was made available to organisations to assist them in developing their digital support offers to the client groups.
11. An application process and funding guidelines were made available on the County Council's website for organisations to apply for the funding from 3 September and 15 October 2018.
12. The fund was available to help organisations manage the gap between the service they offered across Leicestershire and the service which has been provided by CareOnLine. Organisations needed to demonstrate that they could provide services which included delivering training, providing a telephone support line and support visits to help vulnerable people to become digitally enabled across Leicestershire. Any proposals for funding also had to demonstrate sustainability and continuation of a service beyond the duration of the transitional funding.
13. Three organisations applied for the funding and following an evaluation process the grant was awarded to Enrych, a voluntary organisation with a 30-year track record of supporting adults with disabilities to lead independent lives.

Enrych Connect

14. Through the creation of an extension of a service called Enrych Connect, Enrych proposes supporting people with physical disabilities, learning disabilities and/or mental health needs, and their carers, who are at risk of experiencing isolation or social disadvantage that could be eased by support and access to digital technology. The project has built on the model of CareOnLine and will have a focus on the "hardest to reach" groups.
15. Enrych Connect has been successful in applying for funding from The Big Lottery which has guaranteed sustainability of the service for a minimum of three years. It is confident of sustaining the project beyond that time as it has a strong track record of attracting funding from a variety of sources.
16. Since securing the transition fund Enrych Connect has engaged the staff that formerly worked for CareOnLine. This is a positive outcome enabling these highly skilled and trained staff to use their knowledge and expertise to help develop and deliver the project.
17. The project was launched in February 2019.

CareOnLine service users

18. In the lead up to decommissioning, CareOnLine officers worked to ensure that as far as possible, existing service users were not disadvantaged.
19. Officers worked with partners to establish appropriate referral and transition routes ensuring that service users were signposted to alternative or specialist service provision and any barriers to move on from the service were removed or mitigated against. This included:
 - working closely with the network of public health funded Local Area Co-ordinators to identify local organisations to combat any loneliness and isolation experienced by service users;
 - Customer Service Centre and First Contact teams have been notified of the support that can be provided by alternative providers in order to signpost any queries to appropriate organisations, including Enrych Connect;
 - Service users eligible for adult social care services who require digital support will be assisted through their personal budgets where appropriate and as identified in individual support plans;
 - CareOnLine staff completed training sessions for all current service users;
 - Service users have been informed that they can retain any equipment that had been loaned to them as part of the CareOnLine Service;
 - Ongoing contact with Enrych Connect will ensure that any existing service users can access the Enrych offer.

Resource Implications

20. The net budget for the Communities and Wellbeing Service (part of the Adults and Communities Department) for 2018/19 is £5.3m. In line with the Council's Medium Term Financial Strategy this will reduce to approximately £4.3m per annum from 2020/21. It is recognised that given the scale of these reductions, service delivery will change significantly.
21. The decommissioning of the CareOnLine Service will deliver approximately £100,000 of ongoing savings to the service's overall savings target of £1.3 million.
22. Transitional funds of £10,000 per annum for two years have been set aside to assist organisations with the transition of service users to alternative services (granted to Enrych).
23. The transitional phase has not impacted on established social care budgets.
24. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Conclusions

25. Following the decommissioning of CareOnLine, a number of actions have ensured that service users have information about how they can continue to receive support for their digital and IT needs should they choose to. The successful funding bids undertaken by Enrych have ensured that as close a match to CareOnLine as can be reasonably expected is available over the medium term.

Background Papers

- Report to the Cabinet: 15 September 2017 – Progress with the Implementation of the Communities and Wellbeing Strategy 2016-20 - <https://bit.ly/2GC2yxR>
- Report to the Adults and Communities Overview and Scrutiny Committee: 5 June 2018 – CareOnLine Service <http://politics.leics.gov.uk/mgAi.aspx?ID=55901>
- Report to Cabinet: 6 July 2018 – ‘CareOnline’ Service – <https://bit.ly/2GYOXUL>

Circulation under the Local Issues Alert Procedure

26. None.

Relevant Impact Assessments

Equality and Human Rights Implications

27. The Equalities Challenge Group reviewed the CareOnLine Service proposals from an equalities perspective on 8 June 2018. The Group welcomed the efforts made to consult with service users over the proposals and broadly supported the mitigation measures put forward.
28. A full Equality and Human Rights Impact Assessment (EHRIA) was prepared for the Cabinet report on 6 July 2018 and is available upon request. The EHRIA indicates that this proposal has an impact on older people and those with a disability. There could also be impact on those at risk of rural isolation and carers. There are a series of detailed and robust mitigating actions which address the areas of concern. The Departmental Equalities Group are actively monitoring the mitigations through an action plan that is reviewed regularly.

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ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE:
11 MARCH 2019

REPORT OF THE INDEPENDENT CHAIR OF THE LEICESTERSHIRE AND
RUTLAND SAFEGUARDING ADULTS BOARD (LRSAB)

SAFEGUARDING ADULTS BOARD DEVELOPMENT PLAN 2019/20

Purpose of report

1. The purpose of this report is to present for consideration and comment the Draft Development Plan for 2019/20 for the Leicestershire and Rutland Safeguarding Adults Board (LRSAB).
2. The Development Plan is scheduled to be approved by the LRSAB at its meeting on 25 April 2019. Comments from the Adults and Communities Overview and Scrutiny Committee will be considered for incorporation into the final plan.

Policy Framework and Previous Decisions

3. The LRSAB is a statutory body established as a result of the Care Act 2014. SABs have three core duties:
 - develop and publish a strategic plan setting out how they will meet their objectives and how their member and partner agencies will contribute
 - publish an annual report detailing how effective their work has been
 - commission safeguarding adults reviews (SARs) for any cases which meet the criteria for these.
4. It is the first of these duties to which the Development Plan relates since this plan outlines the Board's strategy for improvement. There is no statutory requirement to report the Development Plan to Overview and Scrutiny Committees, but locally it is considered best practice to do so.
5. The Annual Report of the LRSAB was considered by the Adults and Communities Overview and Scrutiny Committee on 11 September 2018 and emerging priorities for the new Development Plan for 2019/20 were discussed at that meeting.

Background

6. At the start of 2019, Robert Lake, the Independent Chair of the LRSAB resigned from his position as Chair for health reasons. The Board has not, as yet, appointed a new Independent Chair, but it is the intention that one will be in place in the near future.
7. The future improvement priorities identified in the Annual Report 2017/18 have been built into the Development Plans for 2019/20. In addition to issues arising from the Annual Report the new Development Plans' priorities have been identified against a range of national and local drivers including:

- a. national safeguarding policy initiatives and drivers;
 - b. recommendations from regulatory inspections across partner agencies;
 - c. the outcomes of serious case reviews, serious incident learning processes, domestic homicide reviews and other review processes both national and local;
 - d. evaluation of the Development plans for 2018/19 including analysis of impact afforded by the quality assurance and performance management framework;
 - e. best practice reports issued at both national and local levels;
 - f. the views expressed by both service users and front-line staff through the Boards' engagement and participation arrangements.
8. The new Development Plan has been informed by discussions that have taken place in a number of forums since the autumn of 2018. These include:
- a. meetings of the Scrutiny bodies in both Leicestershire and Rutland at which the LRSAB Annual Report 2017/18 and future priorities for action have been debated;
 - b. meetings of the Leicestershire and Rutland Health and Wellbeing Boards at which the LRSAB Annual Report 2017/18 and future priorities for action have been debated;
 - c. discussions within individual partner agencies.
9. The proposed strategic priorities and content of the plan were formulated through the annual development session of the LRSAB held on 31 January 2019.

Proposed Development Plans 2019/20

10. The proposed LRSAB Development Plan Priorities for 2019/20 are outlined in the table below.

LRSAB Development Priorities

Development Priority	Summary
1. Effective Multi-Agency meetings	Multi-agency meetings regarding vulnerable adults are effective in supporting safeguarding adults and prevention of safeguarding need.
2. Mental Capacity	Be assured that people without capacity to consent are being safeguarded in current practice and with the introduction of Liberty Protection Safeguards.
3. Adult Exploitation	Improve the recognition and co-ordinated partnership response to 'adult exploitation'.
4. Safeguarding in Transitions	Be assured that work with young people who have been assessed as requiring additional support to reduce risk and vulnerability assists prevention of adult safeguarding need.

11. The first and fourth priorities are being explored as specific joint priorities shared with Leicester Safeguarding Adults Board (LSAB). The work on the second and third priorities will be considered across the two SAB areas, but may not be specific joint priorities.

12. Key outcomes for improvement and the actions that will need to be taken over the next year to achieve these improved outcomes are included in the Development Development Plan (attached as Appendix A to the report).
13. The Quality Assurance and Performance Management Framework for the Board will be revised to ensure that it reflects the new Development Plan and enables ongoing monitoring of performance of core business that is not covered in the Development Plan.

Proposals/Options

14. The Committee is asked to consider the Development Plan and to make any comments or proposed additions or amendments. These will then be considered by the Vice Chairs of the SAB and lead officers for the priorities for incorporation into the plan.

Consultation

15. All members of the Executive of the SAB have had opportunities to contribute to and comment on the Development Plan. Key issues have been identified from the workforce, and from views of adults with care and support needs through people who work with them and the developing engagement and participation work of the SAB.
16. The views of a range of forums are being sought on the Development plan. This includes the Cabinets, Adults Scrutiny Committees and the Health and Wellbeing Boards in both local authority areas

Resource Implications

17. There are no resource implications arising in this report. The LRSAB operates with a budget to which partner agencies contribute to.
18. Leicestershire County Council contributes £52,798 to the costs of the LRSAB, 52% of the total budget of £100,878 in 2018/19, and hosts the Safeguarding Boards' Business Office.

Conclusions

19. The Adults and Communities Overview and Scrutiny Committee should consider and comment on the LRSAB Development Plan Priorities for 2019/20.

Officer to Contact

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Relevant Impact Assessments

Equality and Human Rights Implications

20. The LRSAB seeks to ensure that a fair, effective and equitable service is discharged by the partnership to safeguard vulnerable adults. At the heart of the work is a focus on any individual or group that may be at greater risk of safeguarding vulnerability and the performance framework tests whether specific groups are at higher levels of risk.

Crime and Disorder Implications

21. There is a close connection between the work of the LRSAB and that of community safety partnerships in Leicestershire. For example the LRSAB works closely with community safety partnerships to scrutinise and challenge performance in community safety issues that affect the safeguarding and well-being of individuals and groups such as Domestic Abuse. The LRSAB also supports community safety partnerships in carrying out Domestic Homicide Reviews and acting on their recommendations.

Partnership Working and associated issues

22. Safeguarding is dependent on the effective work of the partnership as set out in the Care Act 2014.

Leicestershire and Rutland Safeguarding Adults Board Business Development Plan 2019-20

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Priority: SAB1 Effective Multi-Agency meetings / Effective Support Pathways (Joint with Leicester SAB)

Priority Statement: Multi-agency meetings regarding vulnerable adults are effective in supporting safeguarding adults and prevention of safeguarding need

Rationale:

- Lack of clear structure to support practitioners working with adults at risk that do not meet thresholds for Vulnerable Adult Risk Management process (VARM) or safeguarding.
- Practitioners outside of specialised teams are not confident and fully aware of mechanisms available to support them in working with at risk adults outside of VARM/Safeguarding and lack confidence in:
 - Recognising safeguarding need
 - Knowing what appropriate responses are when the threshold for safeguarding is not met.
 - Knowing their responsibilities in relation to MSP/VARM/Multi-agency processes
- Multi-agency meetings regarding adults at risk are not functioning effectively: gaps in attendance; a lack of presence of the voice of the service user or of advocacy; lack of evidence of risk.
- Lack of formal structure to carry out Multi-agency meetings relating to adults at risk.
- Lack of awareness amongst multi-agency practitioners of JAGs and how to access.

What do we want to be different?

Practitioners are more confident regarding risk assessment and working in partnership to safeguard adults.
 Multi-agency meetings are effective: Relevant partners and service users contribute; Risks are clearly identified incorporating information from a variety of agencies and the individuals; Clear outcomes and actions are identified and followed up.
 Clear guidance and structure for multi-agency working beyond safeguarding enquiries and VARM is in place.

Partnership Lead: Local Authority - TBC

Board Officer: *to be allocated*

Key delivery mechanism: *Procedures Subgroup*

Objective	What are we going to do?	When is it going to be done by?	Who is responsible?	How will we measure progress and impact?
An effective structure is in place to support multi-agency working to prevent safeguarding need.	<p>Review and report on the current variety and operation of multi-agency meetings considering vulnerable adults / adults at risk including approaches regarding adult exploitation.</p> <p>Develop a process and guidance (considering the Signs of Safety model) for Multi-agency meetings regarding 'adults at risk' where the thresholds/criteria are not met for Safeguarding enquiries / VARM including</p>	<p>Sept 2019</p> <p>Mar 2020</p>	<p><i>Procedures Subgroup</i></p> <p><i>Procedures Subgroup</i></p>	<p><i>Process and guidance in place</i></p> <p><i>Guidance disseminated to practitioners</i></p> <p><i>Feedback from practitioners on awareness of approach and confidence.</i></p> <p><i>Review outcomes of cases considered under new approach</i></p>
Multi-agency meetings to safeguard adults or prevent safeguarding need for vulnerable adults are	<p>Measure current levels of confidence regarding safeguarding adults across a variety of practitioners.</p> <p>Develop guidance across multi-agency meetings to</p>	<p>Jul 2019</p>	<p><i>Procedures Subgroup</i></p>	<p><i>Process/guidance in place.</i></p> <p><i>Guidance disseminated to practitioners</i></p> <p><i>Re-measure confidence</i></p>

effective in identifying risk and action to take.	support improved engagement and involvement for all involved in meetings (including service users) and support the development of risk management and confidence in professional, defensible decision making.	<i>Dec 2019</i>	<i>Procedures Subgroup</i>	<i>Audit engagement in meetings.</i>
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Priority: SAB2 Mental Capacity

Priority Statement: Be assured that people without capacity to consent are being safeguarded in current practice and with the introduction of Liberty Protection Safeguards

Rationale:

- The SAB is developing guidance to support practitioners to assess and respond to capacity to consent appropriately and consistently
- The SAB needs ongoing assurance that people without capacity to consent are being safeguarded, including a large cohort of people without capacity, who that are not subject to Deprivation of Liberty Safeguards.
- The Draft MCA amendment Bill outlines plans to replace DoLS with Liberty Protection Safeguards. The MCA amendments Bill is currently passing through parliament and could receive royal assent in April 2019. The move to LPS will result in significant changes to how we work locally to safeguard individuals who lack capacity to consent to care and treatment that amounts to a deprivation of liberty.

What do we want to be different?

- Be assured that people without capacity to consent are being safeguarded
- Support an effective change to LPS locally that safeguards people who do not have capacity to consent.

Partnership Lead: *Health - tbc*

Board Officer: *to be allocated*

Key delivery mechanism:

Objective	What are we going to do?	When is it going to be done by?	Who is responsible?	How will we measure progress and impact?
Respond to the introduction of Liberty Protection Safeguards.	Keep informed regarding the progress and timescales for implementation of Liberty Protection Safeguards. When required initiate work to implement and supplement LPS locally	<i>Mar 2020</i> <i>As required</i>	<i>Board Office</i> <i>Executive / Local Improvement Network</i>	<i>Update reports into Board.</i> <i>LPS implemented locally in a planned way with clear consideration of safeguarding principles and requirements and local need.</i>
Front line practitioners are able to assess and respond to capacity to consent appropriately and consistently	Finish current work to develop and disseminate guidance for practitioners	<i>September 2019</i>	<i>MC Task and Finish Group</i>	<i>Guidance completed and disseminated.</i> <i>Practitioner feedback on guidance.</i> <i>Test implementation</i>
Be assured that people without capacity to consent are being safeguarded	Case file audit	<i>Mar 2020</i>	<i>Audit Subgroup</i>	<i>Audit findings and follow up actions</i>

Priority: SAB3 Adult Exploitation

Priority Statement: Improve the recognition and co-ordinated partnership response to 'adult exploitation'

Rationale:

- There is a notable growth in cases of multiple vulnerable adults being exploited in the community by individuals or groups. This can include, but is not restricted to criminal, sexual and financial exploitation.
- Often a number of partnership approaches are aware of these people, and there may be multiple ways to take these forward, but these are not always well co-ordinated.
- These issues can be hidden as recent cases suggest that people who are exploited are often socially isolated.
- The public and practitioners are not always aware of indicators of adult exploitation.

What do we want to be different?

Practitioners are confident in identifying and responding to adult exploitation

The public are more aware of how to identify adult exploitation and inform public agencies of concerns they have so these can be identified and responded to earlier.

There is a clear route for involving agencies in a multi-agency approach to adult exploitation cases when it does not meet safeguarding thresholds

Partnership Lead: Police – TBC

Board Officer: *to be allocated*

Key delivery mechanism:

Objective	What are we going to do?	When is it going to be done by?	Who is responsible?	How will we measure progress and impact?
Practitioners are aware of and confident to work as part of the multi-agency approach to adult exploitation	Within review of services and multi-agency approaches (SAB Priority 1) specifically consider services and multi-agency approaches regarding 'adult exploitation' to understand what approaches are in place, what partnerships and agencies have an interest or involvement in this and identify gaps.	<i>Sept 2019</i>	<i>Procedures Subgroup</i>	<i>Guidance developed</i> <i>Case study disseminated</i> <i>Practitioner feedback on guidance</i>
	Develop a multi-agency approach regarding Adult Exploitation within the broader multi-agency framework being developed (SAB Priority 1).	<i>March 2020</i>	<i>Procedures Subgroup</i>	<i>Outcomes in reported cases of adult exploitation</i>
	Develop guidance on recognising and responding to adult exploitation.	<i>March 2020</i>	<i>Procedures Subgroup</i>	
	Develop a training/case study pack to be used across agencies (eg in meetings) to roll-out guidance and	<i>March 2020</i>	<i>Task and Finish</i>	

	awareness		group	
Raise public awareness of how to respond to indicators of adult exploitation	Public campaign to promote what to look out for regarding adult exploitation and what to do.	<i>March 2020</i>		<i>Measure number of concerns of adult exploitation raised by members of the public</i>

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ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
11 MARCH 2019

COLLECTIONS AND LEARNING HUB AND
MUSEUM SERVICE COLLECTIONS

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of report

1. The purpose of this report is to provide the Committee with an update on proposals to develop a Collections and Learning Hub, including an update on the management, maintenance and governance of the Museum Service collections.

Policy Framework and Previous Decisions

2. On 6 March 2018, the Committee received a report updating on the work to develop a full business case for a Collections and Learning Hub. The report outlined five options, with a wide range of indicative costs and included a 'do nothing' option. The Committee advised the Cabinet that it supported the proposals outlined for a new Collections Hub.
3. On 12 June 2018, the Cabinet received the full business case for the Collections and Learning Hub and approved the creation of an Archive, Heritage and Learning Collections Hub on the County Hall campus. The Cabinet resolved:
 - a) That the full business case for the Archives, Heritage and Learning Collections Hub be noted;
 - b) That Option 2 - the creation of an Archives, Heritage and Collections Hub on the County Hall campus - be approved;
 - c) That the Directors of Adults and Communities and Corporate Resources be authorised to undertake further work in order to develop the two potential schemes for Option 2 (a new build, and the refurbishment of an existing building) including:
 - i) exploring the development of a package of external funding; and
 - ii) engagement with key stakeholders to begin initial planning for the preferred scheme.
4. On 8 February 2019, the Cabinet approved the provisional Medium Term Financial Strategy (MTFS) 2019/20–2022/23. The MTFS was subsequently approved by the County Council at its meeting on 20 February 2019.
5. This included a provision within the Capital Programme of £10 million to facilitate the relocation of the Record Office to the County Hall campus, addressing the immediate Record Office storage expansion requirement and an additional provision within the

Future Developments Fund for relocation costs and to develop a Collections and Learning Hub in the existing Eastern Annex building at County Hall.

Background

Collections and Learning Hub

6. The County Council operates the Record Office for Leicestershire, Leicester and Rutland as a partnership with Leicester City Council and Rutland County Council.
7. The provision of an approved place of deposit is a statutory requirement for all local authorities. The National Archive requires all public record offices to achieve accreditation, which demonstrates that they meet the necessary standards required of an approved place of deposit. The Record Office received Accredited status in February 2018.
8. Arts Council England (ACE) also operates a national accreditation scheme for museums. Museums which achieve this status have demonstrated that they meet nationally agreed standards as sustainable, focussed and trusted organisations which offer visitors a great experience. Accredited status also provides access to several grant funding streams, including from ACE and Heritage Lottery Fund.
9. The County Council operates five accredited museums:
 - The 1620s House and Garden, Coalville;
 - Bosworth Battlefield Heritage Centre, Sutton Cheney;
 - Charnwood Museum, Loughborough;
 - Harborough Museum, Market Harborough;
 - Melton Carnegie Museum, Melton Mowbray.
10. Charnwood and Harborough Museums are run in partnership with the respective local district council.
11. In addition to the above venues, collections are cared for and made accessible through five other facilities: Collections Resources Centre, Barrow-upon-Soar; Unit One, Coalville; Eastern Annex on the County Hall campus; Snibston Colliery site, Coalville and Sherrier Centre, Lutterworth.

Proposal

12. Following the Cabinet approval to develop a Collections and Learning Hub on the County Hall campus, further work on a revised option which delivers the requirements to provide 25 years expansion space for the Record Office and reduce the number of locations currently operated by the Museum Collections and Learning teams has been identified. This proposal has a lower capital requirement than the two original schemes. An artist impression of what the new Record Office building might look like will be screened during the meeting.
13. The revised proposal is to deliver a Collections Hub in two phases:
 - Phase 1 – to relocate the Record Office to provide reception and office space at the front of the main County Hall building together with an extension to this office area on an adjacent plot of land to provide a new purpose built ‘strong room’. The

'strong room' stores the records in line with the required environmental and security conditions. This would provide a brand-new Record Office facility, meeting archival standards and delivering the 25-year expansion space required and includes the requirement for storage of registration records.

- Phase 2 – as a further separate phase will address the requirement to reduce the number of buildings being occupied by Museum Collections and the Creative Learning Service. This would see the relocation of collections and resources items from the Sherrier Centre, Lutterworth, Unit 1 Stephenson's Court, Coalville and Collections Resource Centre, Barrow-upon-Soar, to existing space within the Eastern Annex.
14. This two-phased proposal is estimated to cost approximately £10 million for the new Record Office, with the costs of the new Museum Collections and Learning Hub to be determined. Current estimates for Phase 2 are in the region of £3 million, depending on the scope of the proposal and is subject to a full business case.
 15. This option is attractive as the capital costs of the development are significantly lower than those previously explored and can be phased over a number of years, whilst still delivering the overarching vision of uniting the County Council's cultural resources in a single location, in accordance with the Cabinet recommendation from June 2018 and which facilitates public access and meets recognised standards of collections care.
 16. This split site solution however does not provide the same opportunity to generate the revenue savings as per the original business case.

Record Office for Leicestershire, Leicester and Rutland

17. The County Council delivers and manages the Record Office on behalf of a partnership between Leicestershire County Council, Leicester City Council and Rutland County Council. All three authorities make a financial contribution towards the annual revenue costs. This arrangement ensures that the statutory responsibilities of three local authorities are met and there is public benefit from being able to access records relating to the three areas in one location.
18. In 2018, the Record Office received 11,393 visitors, provided users of the search room with access to around 30,000 records and responded to 8,846 enquiries from service users.

Museum Service Collections

19. The purpose of Leicestershire Museums is to safeguard the future of the rich and irreplaceable natural and human heritage of Leicestershire and to provide an accessible, engaging, innovative, sustainable and responsive service of the highest quality. The policies and procedures that the Service operates in accordance are contained within the Collections Management Framework (CMF) 2015–2019. This includes the Collections Development Policy (CDM), which is attached as Appendix A.
20. The CDM provides an overview of each collecting area (see pages 4-12 of Appendix A), including areas of excellence. It also details the Service's approach to acquisition of collections, rationalisation and disposal, all have been developed in accordance with appropriate legislation, for example UNESCO 1970 Convention on the Means of

Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, professional best practice, for example SPECTRUM - the UK's Collections Management Standard and the Museum Association's Code of Ethics for Museums.

21. The CMF will be reviewed during 2019, as part of preparations for the Service to resubmit for ACE accreditation in January 2020. The Accreditation scheme sets out nationally agreed standards, which inspire the confidence of the public and funding and governing bodies and applies to museums of all types and sizes across the UK.
22. The Accreditation standard (revised in 2018) covers the acquisition, rationalisation and disposal of museum collections and associated archive and information, their loan, documentation, conservation and display, exhibition and other means of public access.
23. The collections of Leicestershire Museum Service help people discover the past, make sense of present lives and inspire the future. The substantial range of objects allows the exploration of Leicestershire's changing natural history and the lives and interests of the people who have made the county their home. The collections reflect the vibrant and changing story of Leicestershire.
24. These collections, which the County Council owns or has custodial responsibility for, are used to generate and support museum displays, travelling exhibitions, event programmes, community projects, academic research and targeted community use.
25. As well as making the collections accessible to the public in a variety of ways, the Service is responsible for maintaining them in good order for use by future generations of people from Leicestershire and beyond. The CMF sets out how this can be achieved through procedures designed to meet national standards for collection care and management and demonstrates how to achieve the appropriate balance between access to and use of collections and their long-term care and stability.
26. The County Council's commitments are clearly stated within the framework, as are the policies and the legal and ethical frameworks within which the Collections Management Procedures can be carried out.

Public Access to collections

27. The collections are accessible to the public in a number of ways: as visitors to the five museum and heritage sites; online through digital platforms; as loans to community groups; through participation and outreach sessions (such as the Century of Stories project); loans to other museums and galleries; as users of the Creative Learning Service and as individuals, formal learners, researchers or as groups and organisations by appointment at the following collections centres: Collections Resources Centre, Barrow-upon-Soar; Eastern Annex, County Hall, Glenfield; Snibston, Coalville; Unit 1 Coalville; Sherrier Centre, Lutterworth.
28. The Museum Service received over 140,000 visits in 2018, with visitors benefitting from a range of permanent and temporary displays and exhibitions that draw on aspects of the museum collections. The temporary exhibition programme features different aspects of the collection and provides the opportunity for each venue to explore stories and/or themes that expand upon, or go beyond, the longer-term

displays. This is an important way to reach new audiences and encourage repeat visits.

29. Members of the Adults and Communities Overview and Scrutiny Committee recently visited the Eastern Annex and Collections Resources Centre and received an overview of the collections and facilities available to visitors.

Loans

30. Objects from the collections are available for loan to other museums, galleries and venues either for long term periods (up to five years with a review and possible extension) or for temporary exhibitions. Recent loans have included:
- The Reid and Sigrist 'Desford' aircraft loan to Windmill Aviation for restoration. A successful test flight was completed in 2018;
 - Anglo-Scandinavian objects loaned to the successful *Danelaw Saga: Bringing the Vikings Back to the East Midlands* exhibition in Nottingham;
 - A selection of objects dating from 1066 onwards loaned to The Charnwood Roots project for its Heritage Festival at Beaumanor Hall;
 - Objects to support the Cottesbach Educational Trust in its programme of events about exceptional women as part of the 100-year anniversary of the Representation of the People Act, which first gave women the right to vote;
 - A man's 'Speedo' swimsuit from the 1920s on loan to the new VandA Dundee for inclusion in its Scottish design pioneers gallery;
 - Four items by Christian Dior to the VandA for its exhibition Dior – 'Designer of Dreams'.

Social Media

31. The museum collections are published digitally on a number of platforms, principally Instagram, Pinterest and History pin. Collections are also available through the County Council's digital image bank, Image Leicestershire, which also enables users to purchase specific images. The potential for a collections based website is to be explored as part of the development work for the Collections and Learning Hub, as means of further broadening and developing collection engagement.

Outreach/Participation

32. The Service has a strong track record of working with a wide range of partners to engage groups and individuals that might not normally use the sites or collections, through programmes of community delivered activities.
33. An example of this approach and its impact is the "Memory Plus" project, which trained staff in care homes to use carefully selected resources as a basis for interaction with residents, in particular those with dementia. The funding for this project has now come to an end and the service has developed a series of resources for Community Managed Libraries who will loan these resources, with guidance notes on their use to local groups and carers.
34. A second example is Century of Stories, a four-year Heritage Lottery Funded project, which sought to enable people across Leicestershire to uncover their connection to World War I. This project has worked with a diverse range of groups and individuals, from community groups to homeless people, and adults and young people with

learning difficulties to help them find their connections to the World War. The collections and resources of the Museum Service and Record Office have been an important part of this activity, providing inspiration for creating responses to this theme and bringing to life individual and personal stories of this world changing event. The event is summarised in this short video <https://youtu.be/viTCRkOscqE> which will be shown at the meeting.

Works of Art in Schools

35. Between the 1960s and the early 1990s the Local Educational Authority (LEA) purchased works of art for the purpose of short and long-term display to Leicestershire schools. It also provided funds for schools to purchase their own works of art. This was a specific resource managed and developed by the LEA.
36. In 2012, 522 works from this collection were identified by schools as being surplus to requirements. The Communities and Wellbeing Service was commissioned by the Corporate Schools group to rationalise and dispose of these works. Following appraisal 403 works were sold through Bonham's auction house and raised around £550,000, which was re-invested into museum collections.
37. Work is currently underway to establish a comprehensive list of works remaining in schools and academies and make recommendations for the future management and use of this collection. Schools are currently being visited and the works of art identified, catalogued and condition checked before being reconciled with existing documentation from the former LEA files.
38. It is anticipated that the audit phase of this work will be concluded by December 2019, with a final report to be presented in the spring of 2020.

Resource Implications

39. The Communities and Wellbeing Service's net budget for 2018/19 is £5.3m. In line with the Council's MTFS, this will reduce to approximately £4.3m per annum from 2022/23. Given the scale of these savings, service delivery will have to change significantly. The Communities and Wellbeing Strategy, Providing Less; Supporting More, provides the basis upon which these savings will be delivered.
40. The Community and Wellbeing Service to date has delivered £900,000 of saving towards the original £1.9 million target through a range of measures, including staffing efficiencies and service reductions. Of the remaining £1 million to be delivered by 2022/23, £350,000 had been identified from a restructure of museum, heritage, archive and learning provision, facilitated by the creation of a single site Collections Hub.
41. Following the recommendation of the Cabinet in June 2018 to progress a Collections Hub on the County Hall campus, work was undertaken to investigate the potential of external funding streams to help offset the capital requirement, including informal discussions with funders and partners. This indicated that the potential for significant external funding towards the capital costs of this development was limited.
42. On 20 February 2019, the County Council, as part of the MTFS 2019/20–2022/23, approved a provision within the capital programme of £10 million to facilitate the relocation of the Record Office to the County Hall campus and made an additional

provision within the Future Developments Fund for relocation costs and for proposals to develop a Collections and Learning Hub in the existing Eastern Annex building at County Hall.

43. This two-phased proposal is estimated to cost approximately £10 million for the new Record Office, with the costs of the new Museum Collections and Learning Hub to be determined. Current estimates for phase 2 are in the region of £3 million, depending on the scope of the proposal and is subject to a full business case.
44. Work to review the current partnership arrangements with Leicester City Council and Rutland County Council, will address the level of capital and revenue contribution from each partner towards the Record Office element of this development.
45. This split site solution however does not provide the same opportunity for the Communities and Wellbeing Service to operate an integrated staffing structure and therefore will not generate the revenue savings as per the original business case.
46. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

47. The Committee will be provided with progress reports as appropriate.

Conclusions

48. The Committee is asked to note and comment on the revised proposals for the Collections and Learning Hub and consider the current activity on the Museum Service collections.

Circulation under the Local Issues Alert Procedure*

49. None.

Relevant Impact Assessments

Equality and Human Rights Implications

50. Equality and Human Rights Impact Assessment (EHRIA) screenings have been undertaken on the Record Office, Museum Collections and Creative Learning Services, these have determined that a full EHRIA is not required for this project at this stage. This is because it is proposed to improve the facilities and access for all three service areas. The EHRIA will be kept under review at each stage of the project.

Partnership Working and Associated Issues

51. The Record Office is a partnership between the County Council, Leicester City Council and Rutland County Council. The joint arrangement was established in 1997 and includes a financial contribution towards the costs of the Record Office, from each partner.

52. As part of the work to deliver a new Record Office the joint arrangements will be updated to reflect current requirements and work to establish Heads of Terms is underway.
53. The partnership with Charnwood Museum was established in 8 April 1999. Charnwood Borough Council has responsibility for providing the museum building and all front of house staffing. The County Council has the responsibility for providing the collection, curatorial expertise and collections care and delivering a programme of temporary exhibitions in agreement with the Charnwood Borough Council's museum team.
54. Harborough Museum is delivered in partnership with Harborough District Council and the Market Harborough Historical Society. This agreement was established on 20 June 2013, following the refurbishment of the Symington building to create a new museum and library on the first floor. In summary, the County Council is responsible for the operation and management of the museum; Harborough District Council provides and maintains suitable accommodation and the Historical Society makes its collection accessible through the museum. This agreement is linked to the Heritage Lottery Fund grant received by the County Council for the redisplay of the Hallaton Treasure, for which the contingent liabilities remain in place until March 2087.

Appendix

Appendix A – Museums Collections Development Policy 2015-2019

Officers to Contact

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A

Leicestershire County Council Communities and Well Being

MUSEUMS COLLECTIONS DEVELOPMENT POLICY 2015-2019

Name of museum: Leicestershire County Council Museum Services (LCCMS)

Name of governing body: Leicestershire County Council

Date on which this policy was approved by governing body: Reviewed Jan 2016 and approved by Lead Member on 2 February 2016

Policy review procedure:

The collections development policy will be published and reviewed from time to time, at least once every five years.

Date at which this policy is due for review: 2019

Arts Council England will be notified of any changes to the collections development policy, and the implications of any such changes for the future of collections.

1. Relationship to other relevant policies/plans of the organisation:

1.1. The museum's statement of purpose is:

Our Vision

We see a Leicestershire with a rich history that values its heritage, engages its communities, welcomes those who visit the county, and works together to ensure a future for the past.

Our Purpose

In line with our vision the purpose of Leicestershire Museums is to safeguard the future of the rich and irreplaceable natural and human heritage of Leicestershire and to provide an accessible, engaging, innovative, sustainable and responsive service of the highest quality.

Leicestershire Museums ('the Museum') form part of the Communities & Wellbeing Service alongside Libraries, Archives, Adult Learning and Creative Leicestershire Services and is part of the Adults and Communities Directorate in Leicestershire County Council. The service is solely responsible for Bosworth Battlefield, The Collections Resources Centre, Melton Carnegie Museum and Donington le Heath Manor House. Charnwood Museum and Harborough Museum are delivered in partnerships with the relevant borough and district Councils and other organisations.

The Museum's acquisition policy is

To collect and record the natural life of the County of Leicestershire and to reflect the histories, interests and aspirations of the people who have made it their home.

We do this in association with the Museum services of Leicester City, Rutland County and the many independent museums across Leicestershire.*

* (The agreement reached with Leicester City Museum Service (LCMS) in 1999 on the sharing of museum collections, following local government re-organisation, specified certain areas of

specialism for the LCMS, and LCCMS respectively. This means the County Service does not acquire material in those areas being developed by LCMS, and vice versa. In effect, this limits collecting by mutual agreement and is supported by robust access arrangements for the joint use of certain collections. Following a significant restructuring and review of the Service in 2008 and a subsequent strategic review of collections the 1999 agreement was revised following consultation with user groups and other interested partners. The revision agreed to house the County Geology Collection with LCMS and the Higher Plant Botany with the County Service.)

- 1.2. The governing body will ensure that both acquisition and disposal are carried out openly and with transparency.**
- 1.3. By definition, the museum has a long-term purpose and holds collections in trust for the benefit of the public in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons must be established before consideration is given to any acquisition to the collection, or the disposal of any items in the museum's collection.**
- 1.4. Acquisitions outside the current stated policy will only be made in exceptional circumstances.**
- 1.5. The museum recognises its responsibility, when acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Museum Accreditation Standard. This includes using SPECTRUM primary procedures for collections management. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.**
- 1.6. The museum will undertake due diligence and make every effort not to acquire, whether by purchase, gift, bequest or exchange, any object or specimen unless the governing body or responsible officer is satisfied that the museum can acquire a valid title to the item in question.**
- 1.7. The museum will not undertake disposal motivated principally by financial reasons**
 - 1.7.1 If, after following the Themes and Priorities for Rationalisation and Disposal (see Section 5) and the Disposal Procedures (see Section 16), any monies received by the museum governing body from the disposal of items will be applied solely and directly for the benefit of the collections.**

2. History of the collections

The Leicestershire County Council Museum collections were formed from the core collections of the Leicester Town (and later City) Museum and the Melton Mowbray Museum.

Leicester Museum developed from the middle of the C19th with the support of the Town and later (from 1922) City council and the Leicester Literary and Philosophical Society. In the 1930s a Schools Loans collection was created as a significant part of Service delivery. In the 1940s some rationalisation of collections transferred material from the main

collections to School loans and also out of the Service to other UK museums which had sustained loss due to war time bombing.

In 1974 the re-organisation of local government in Leicestershire created the Leicestershire County Council Museums, Arts & Records Service (LMARS) with responsibility for museums in Leicester, Leicestershire and the historic county of Rutland.

Between 1974 and 1997 LMARS developed collections based on curatorial specialisms of Fine Art, Archaeology, Social History, Biology, Geology, Science & Technology and Decorative Arts (including Costume, Ethnography and historic buildings and interiors) Museums reflecting these collections were developed in Leicester and local community museums were developed in Melton Mowbray, Market Harborough, Oakham, Donington-le-Heath Manor House. The County Record Office was responsible for archive collections.

Active collecting continued throughout this period and the collections grew in size and the curatorial departments increased in numbers of staff and focus of specialisation. From 1983 a separate collection group was formed to reflect the new partnership arrangements that created the new Harborough Museum in Market Harborough. (The new museum collection was formed around the founding collection of the Market Harborough Historical Society ownership of which is retained by the Society)

In 1992 LMARS opened Snibston to showcase its coal mining and other Science and Technology collections.

In 1997 subsequent reform of local government in Leicestershire gave unitary status to Leicester City and to Rutland and effectively formed three museum services, one for each authority area.

In 1998 Charnwood Borough Council commissioned LMARS to co-create the Charnwood Museum in Loughborough using existing collections and curatorial knowledge. In 2007 the new Bosworth Battlefield Heritage centre was awarded Accredited Museum status with an associated collection objects discovered through the process of landscape investigation to determine the actual site of the battle.

From 1999 the collections sharing agreement between Leicester city, Rutland and Leicestershire County Councils and the subsequent Acquisition and Disposal Policies of the three authorities have defined the collecting priorities and lead areas for the services.

In 1999 LMARS re-named its collecting areas on a thematic basis, re-forming the previous curatorial specialisms into commonly understood concepts of Natural Life, Home and Family Life, Working Life, Cultural Life and Sporting Life with Archaeology as a process driven collection that underpins all of the other themes. The Harborough Museum Collection continues to be developed under its own collections title.

3. An overview of current collections

3.1 Natural Life

Collections primarily of specimens and information which reflect the landscape, flora and fauna of the county. They demonstrate the changing natural environment of Leicestershire and its place in the rest of the world over time, comprising two main groups of botany and zoology. They include supporting archives about individual collectors, groups, societies and institutions that help tell the history and development of the study of natural science. These

collections are linked to environmental information, species and site records (much in digital formats). They include type and voucher specimens, microscopy, a comprehensive historic and contemporary book collection, some comparative specimens for reference, educational and display purposes and a handling collection for use by communities.

Botany Areas of Excellence

- British non-flowering plants (lichens)
- British non-flowering plants (bryophytes)
- Records and personalia of important historical Leicestershire naturalists and collectors (Pulteney, Bloxham, Berkeley)
- Leicestershire flowering plants, ferns, slime moulds and algae.
- Collections of local natural history societies
- Records and personalia of local naturalists and collectors (Sowter, Ballard, Fletcher)
- Botanical microscope slide collection

Zoology Areas of excellence

- Important reference collections of Leicestershire (Leicester and Rutland) insects, from the 1800s to the present day and supporting reference collection of insects taken in the UK (England, Scotland, Ireland and Wales).
- Reference collection of moth genitalia stored in gelatine capsules or mounted on to microscope slides.
- A comprehensive reference collection of un-mounted bird and mammal skins and zoology skeletons.
- Spirit Collection

3.2 Archaeology

The archaeology collections provide evidence of human activity in what is now Leicestershire. They cover all periods of time from the prehistoric to the modern: some half a million years.

The collections include both 'finds' and 'records'.

The finds comprise artefacts and objects which have been produced or affected by humans, together with associated samples of various kinds, human and animal remains, and biological specimens: this material is collectively referred to as the Finds Archive.

The records comprise information relating to the discovery, recovery and conservation of, and research into, the finds, together with archaeological fieldwork archives and published reports. This material is referred to as the Documentary Archive.

A sub group of the Archaeology Collections is The Bosworth Collection. This collection contains material traditionally associated with the Battle of Bosworth 1485 as well as artefacts of all periods collected during the Bosworth Battlefield Survey. [\[See separate entry for Bosworth under discrete Collections\]](#)

The collections are supported by a library of selective reference works, and a handling collection.

Areas of excellence:

- Lower Palaeolithic stone tools;
- collections from Leicestershire's scheduled monuments;
- The Hallaton Treasure
- exploitation and bridging of the River Trent in the medieval period;
- coal mining before the Industrial Revolution;
- structural and functional analyses of Leicestershire buildings: standing, ruinous and buried;
- the rural economy from earliest times to the 18th century;
- Medieval and early post-medieval urban life;
- rituals of life and death from the Neolithic to the Medieval period;
- The Bosworth Collection.

3.3 Home and Family Life

The Home and Family Life collections reflect the way the Leicestershire people build, decorate and manage their homes now and in the past. They show changes in domestic technology, hygiene and outside influences on the home.

The collections also record important aspects of family life including rites of passage, family structures and entertainment. Objects including Christmas cards, games, toys, sporting equipment and the ephemera and objects related to things like shopping and holidays all fall within the collecting sphere of Home and Family Life.

The home is also an outlet for creative expression and objects associated with interior decoration, furnishings and home crafts are an important aspect of the collections.

A pro-active collections policy ensures that as many different experiences of home and family life are explored as possible and also that the collection reflects the latest as well as the historical trends in this collecting field.

Areas of excellence

- The collection associated with the Palitoy toy company. We now hold the largest public collection of Palitoy toys outside of London.
- The Ladybird book collection
- The board and card game collection
- The home craft collection of objects exploring female creativity in the home

3.4 Working Life

This collection reflects local trades and industries, partly through collections of tools and equipment, and increasingly through the acquisition of finished products and ephemera, pictures and recordings.

The collection has focussed on the work of traditional craftsmen such as the blacksmith, wheelwright, farmer and baker and secondly on the commercial life of the County's market towns in the 19th and 20th centuries, the latter mainly with collections from long-established shops.

The collections of the larger manufacturing industries of the C19th and C20th reflect the growth and decline of the industrial era and now focus on Engineering, Transport, Mining and other Extractive Industries.

The Working Life collection today preserves and displays material evidence of specifically local Leicestershire trades and industries. The core of the collection is a representative selection of hand tools and products from the area's traditional crafts, mainly dating from the 19th and early 20th centuries. More recent collecting has concentrated on local businesses, mainly small and innovative concerns producing a unique local product. We are also continuing to collect items illustrating modern agriculture and changes to the countryside.

Working Life, Areas of Excellence:

- The Deacon Family clock making workshop from Barton in the Beans, with many original 18th century tools and benches.
- The Leicestershire Clock Collection made by local craftsmen in the period 1720 - 1820
- Historic Farm Wagons and Carts – regionally important collection including a mid-19th century wagon and the mid-18th century Beaumanor Coach

3.5 Mining and Transport

Mining and transport have played an important part in Leicestershire's development for hundreds of years.

The Museum collections represent the history of extractive industries, coal mining and the local mining communities. They range from large underground coal cutters to small personal items and equipment and objects and ephemera of the Miners' Strike. The story also draws on the Archaeology collections to tell the earliest story of coal mining with the nationally-important collection of Tudor and later artefacts from the Lounge Opencast Site.

The focus of the coal mining collections is a comprehensive set of artefacts used by Leicestershire miners in the 20th century, many of which are directly associated with Snibston Colliery. It should be noted that the mine buildings at Snibston are Ancient Scheduled Monuments and intrinsic to the context of the mining collections.

Several Leicestershire-based businesses played an important role in transport technology; for example Brush Electrical Engineering built steam and Diesel locomotives, tramcars, and bus bodies. Our collections include the only standard-gauge Brush steam locomotive in existence, and five small locomotives used by local mines, quarries and power stations.

Our collections reflect Leicestershire's contribution to aircraft design and production. They include five Auster aircraft and the unique "Desford" training aeroplane. Sir Frank Whittle's team, Power Jets Ltd, perfected Britain's first jet engine at Lutterworth and the World's first jet engine factory was opened at Whetstone in 1943.

Mining and Transport, Areas of Excellence:

- N.C.B. Era coal mining artefacts (and Snibston buildings, oral history, and documentary evidence in Record office)
- Auster aircraft (plus Auster archive in Record Office)
- Leicestershire Industrial locomotives
- Power Jets engines, components and models

3.6 Cultural Life

The cultural life collections reflect the artistic and cultural interests and aspirations of the people and institutions of the County in terms of Visual Art, Fashion and design-led products. The collections are currently formed in two main parts the Visual Arts Collection and the Fashion Collection

The Visual Arts collection consists of works on paper and easel paintings which reflect the artist's record of the changing landscape and built environment of the county, portraits of local people, their working and social lives and the traditional pursuits of local people particularly in the field of country sports. There is a small collection of works by Leicestershire artists whose subjects are not the life of the county.

The Fashion collections reflect fashionable and occupational dress of adult men and women from the middle of the eighteenth century to the present day and are considered to be one of the pre-eminent collections in the Midlands.

The Service has no historic collection of decorative art objects; these will only be acquired where they contribute to one or more of the other themes of the life of the County. However, fine examples of contemporary craftworks by local crafts people, or makers with local connections, will be collected, as appropriate.

Areas of excellence:

- Symington collection of corsetry, foundation-wear and swimwear
- NEXT archive and collection (which has been developed in partnership with NEXT plc and is now nationally important, demonstrating one successful retailer's approach to high street fashion and the retail business. Curatorial staff select one male and female outfit every season, which is then donated to the Service by the company. This is the only relationship of its kind in the UK between a retailer and public museum.)
- International Fashion Design
- Sportswear collection
- The work of John Ferneley and the Sporting art collection

3.7 Reflecting Leicestershire Life at Harborough Museum, Melton Carnegie Museum, Charnwood Museum, Snibston and Donington

Leicestershire is a predominantly rural county with specialist centres of industry, learning, innovation and cultural and sporting activity. The overarching Leicestershire Life themes reflect the particular qualities of the story of Leicestershire including working on the land and earning a living from it as well as the villages, towns and industries that sprang from these activities.

Each Museum site reflects the particular nature of the areas and communities which they serve and these are in turn reflected in the focus of collecting through these sites.

3.7.1 Harborough Museum is a formal partnership with the Harborough District Council and the Market Harborough Historical Society, whose collection of local history items and antiquities is the foundation of the museum. The Museum is supported by The Market Harborough and The Bowdens Charity.

The Harborough Museum collects material relating to the landscape and communities of Market Harborough and its surrounding area as defined by the 18th and 19th century carrier

routes. It includes areas of Leicestershire and Northamptonshire from Billesdon in the north, Lamport in the south, Husbands Bosworth in the west and Caldecot in the east.

The collecting area includes the parishes of Arthingworth, Ashley, Billesdon, Blaston, Brampton Ash, Braybrooke, Bringham, Caldecot, Church Langton, Clipston, Cottingham, Cranoe, Desborough, Dingley, Drayton, East Carlton, East Farndon, East Langton, Fleckney, Foxton, Glooston, Goadby, Great Bowden, Great Easton, Great Oxendon, Gumley, Hallaton, Harrington, Haselbech, Horninghold, Husbands Bosworth, Illston, Kelmars, Kibworth Harcourt, Kibworth Beauchamp, Lamport, Laughton, Little Bowden, Lubenham, Lutterworth, Maidwell, Marston, Trussell, Medbourne, Middleton, Mowsley, Naseby, Nevill Holt, North Kilworth, Noseley, Rockingham, Rolleston, Rothwell, Rushton, St Mary in Arden, Saddington, Shangton, Sibbertoft, Slawston, Smeeton, Westerby, South Kilworth, Stoke Albany, Stonton Wyville, Sulby, Sutton Bassett, Swinford, Theddingworth, Thorpe Langton, Tur Langton, Walcote, Walton & Kimcote, Welford, Welham, West Langton, Weston by Welland, Wilbarston and Wistow.

Consideration is given to the collecting policies of other museums in this area including Lutterworth, Fleckney, Foxton, Hallaton, Desborough and Rothwell. Consideration is also given to the collecting policies of the Accredited museums in Northamptonshire.

The Harborough Collections reflect the history and development of the area and include manufacturing including R & W H Symington & Co Ltd, W Symington (Foods) The Harborough Rubber Company, local retailers, agriculture and food production and the complete contents of the Falkner shoe workshop.

The collections also reflect local domestic and social life and record the contribution of local individuals. The museum has an extensive collection of local photographs including the work of pioneer photographer the Rev. Law and the commercial photographer Gulliver Speight.

3.7.2 Melton Carnegie Museum exhibits the changing nature of rural Leicestershire and the relationship of the countryside with the market town. It reflects recent and current agriculture, local food production (particularly Stilton cheese making and Pork Pie production) animal husbandry and countryside management generally.

The changing lives of the area's geographic and cultural communities from the earliest times to the present are also told within the galleries and enhanced through specific collecting and recording projects. Contemporary Collecting and recording are a particular focus. The Museum leads on the collecting and recording of material associated with fox hunting and its related trades, crafts, and roles and its social and cultural life in partnership with the Museum of Hunting Trust.

3.7.3 Charnwood Museum is a partnership with Charnwood Borough Council and reflects the communities, working life and natural life of the area. The objects relating to the area are drawn out of the established collecting themes but have particular strengths in Working Life, Home and Family Life and Natural Life.

The Collections also reflect life in the town of Loughborough including its changing communities and their faiths, the principal industries and the University. The history of the Herrick family and the Beaumanor estate also form part of the collections. The Charnwood area has traditionally been home to a number of leading naturalists and environmental groups and societies and has been a creative focus for artists.

3.7.4 Snibston Colliery Site

The Snibston site is the former Snibston colliery with many of the original mine buildings and infrastructure remaining on the surface. Many of these structures are scheduled as Ancient Monuments by Historic England and are considered to be part of the collections in terms of their interpretation.

As part of the Working Life Collections, the Service holds an important collection of Mining artefacts charting the development of Coal mining from the Tudor period through to the present day (see 3.5). These collections include material relating to the communities that formed the Leicestershire (and related South Derbyshire) Coalfield. The collections include an important library of books and archives related to coal mining, training, surveying and engineering.

Snibston is also home to the Century Theatre (see 3.8 Discrete Collections) and the Sheepy Magna wheelwright's workshop; a building of which the earliest part dates from 1742 and is a unique survival of a late C19th and C20th wheelwright and coffin maker's workshop. The buildings and their contents were taken down and re-assembled on the Snibston site in 1992. The contents are part of the Working Life Collections.

The Colliery railway was completed by the Stephensons in 1836 and is one of the earliest surviving mineral railways in the UK. There is an associated collection of locomotives.

3.7.5 Donington le Heath Manor House is a late Medieval manor with Tudor and early Stuart additions. The contents of the building are a mixture of accessioned, un-accessioned historic and replica objects which tell the story of the lifestyle of the people who lived there in the past.

3.8 Discrete collections

3.8.1 Bosworth Battlefield

A sub group of the Archaeology Collection is The Bosworth Collection. This is stored and exhibited at Bosworth Battlefield Heritage Centre. The collection contains material traditionally associated with the battle as well as over 5000 artefacts collected during the Bosworth Battlefield Survey.

This material includes an internationally important collection of 15th century round shot (some of which is on loan from the landowner) and nationally important objects associated with the newly rediscovered battle site (including the Boar Badge of King Richard III). The rest of the material, including objects from a regionally important Roman temple site, as well as objects from all periods, acts as an important research collection.

3.8.2 The Century Theatre

The Century Theatre was built in Burbage, Hinckley in 1950 and is the Service's largest single accessioned object. It is housed at Snibston and still functions as a working performance venue. The theatre and a small number of objects and images related to its inception, development and history are supported by an archive housed at the Record Office for Leicestershire, Leicester and Rutland

3.8.3 Donington le Heath Manor House is a late medieval manor house with a re-created historic garden. Material beyond the scope of the main Museum Collecting themes may occasionally be collected for display within the house.

3.9 Partnership Collections

3.9.1 The Hunting Collection

Because of Melton's unique position both as a centre for fox-hunting and as a pivotal location in the evolution of fox-hunting as an organised sport, special consideration needs to be afforded to the scope and content of the hunting collections which are developed in partnership with the Museum of Hunting Trust.

The hunting collections reflect the aspirations of the Museum of Hunting Trust by covering, at a representative level only, the broad scope of hunting and its opposition in the UK. This provides a national context against which the more detailed local collections can be set.

These are specific to the 'Leicestershire' hunts (which straddle the county boundary) and represent all facets of the sport, its social milieu and its impact on the landscape of Leicestershire and its neighbouring counties.

The objectives of the hunting collection are to gather a body of material evidence which demonstrates:

- The role hunting has played in Leicestershire society and economic history, particularly in the Melton area; the families that spent the season there and the celebrities they entertained.
- How the hunt is organised, the hunt year and its established pattern of activities; the Leicestershire hunts, their territories, traditions and trophies.
- The hunting landscape, shaped to support fox populations and the chase, with traditional patterns of hedges, ditches and coverts; hunting lodges, country houses and estates.
- The rural crafts and trades which are closely associated with hunting and equestrianism generally: for example saddlers, boot makers, farriers, grooms, victuallers, inn keepers, tailors, photographers and equestrian artists.
- Hunting people themselves and how fox-hunting impacted on their lives; hunting family histories; the hunt employees and hunt followers.
- Anti-hunting groups and the people who support them; their beliefs and commitments, and the information they produce.
- Hunting dress, from field clothes and liveries to hunt balls and hunt followers.

It is important for this collection to be set in a wider, national context. To this end, collecting objects and information relating to different forms of hunting practised elsewhere in the UK is included in the remit. This is for illustrative purposes only – to provide a synoptic view of hunting nationally, not to acquire in great detail further study collections from beyond the 'county' hunt boundaries.

The Museum of Hunting Trust will support collecting in these areas and will facilitate the acquisition of key items which will develop the national identity of the collections. These acquisitions will become part of the main collections and will be accessioned and used in the usual way.

3.9.2 The Harborough Collections

Life in and around Market Harborough are reflected in three ways: through the collection of the Market Harborough Historical Society, the LCC Harborough Collection (denoted by the L (pre 1997) or X.MH accession prefix) and objects from the area that are accessioned by

curatorial theme within the LCC collection (e.g. the Symington Collection and the Hallaton Treasure).

The Market Harborough Historical Society has ownership of its own collection and appoints an Honorary Curator (traditionally an LCC museum professional) to liaise with other LCC colleagues teams to ensure the collection's management, care and display.

3.10 Special Considerations:

3.10.1 The Reserve Collection

The Reserve collection is a collection of original historic objects, which are available for loan by community groups and (primarily) schools in their own venues.

Collection management principles are the same as those outlined in the policy document, with the added requirement for inspection, conservation, repair and cleaning between loan periods.

The collection is currently undergoing assessment and review to determine its significance and future purpose.

4. Themes and priorities for future collecting

4.1 Natural Life

The focus of collecting over the next 5 years will be:

- to demonstrate the impact of habitat and climate change on the local natural environment
- new species recorded in the county
- reflect the continuing activities of local societies, institutions and individuals
- develop better handling and teaching resources for study by non-specialists as an introduction to science
- continue to add relevant publications to the book collection
- create a small collection of historic objects including taxidermy, jewellery, decorative arts etc to illustrate the use of natural life in man-made objects

The Collection will not accept any further spirit collections or specimens, large taxidermy, specimens requiring taxidermy or unprepared archives and collections of material which are unrelated to Leicestershire.

4.2 Archaeology

- Archives from professional and amateur fieldwork in Leicestershire that meet the standards laid down in '*The Transfer of Archaeological Archives to Leicestershire Museums*';
- Objects from Leicestershire that enhance the Service's visitor offer;
- Objects from Leicestershire of regional or wider significance that become available for acquisition through the procedures laid down in the Treasure Act 1996.

The collections will not accept:

- archives and collections from living creators, extant bodies and trading businesses that do not meet the minimum standards laid down in '*The Transfer of Archaeological Archives to Leicestershire Museums*';
- archives and collections no part of which derives from Leicestershire;

- objects that lack a provenance, or were found outside Leicestershire, except as reference material;
- Human remains for which explicit scientific justification for their retention in an archaeological archive is lacking.

4.3 Home and Family Life

- Continuing to add to the Palitoy collection with particular reference to older and archive material.
- Developing the home craft collection as a reflection of creative expression
- New domestic and personal technologies
- Collecting the memories of Leicestershire people with particular reference to the material culture of domestic life
- Material for the re-interpretation of Donington le Heath Manor House

The collections will not accept furniture, large domestic appliances, sewing machines or duplicate Ladybird books.

4.4 Working Life

- Leicestershire Agriculture in an era of change
- Leicestershire inventions and innovations
- Disappearing trades and industries
- Working life at the beginning of the 21st century, particularly creative industries, e and digital technology.

4.5 Mining and Transport

- The Leicestershire Coalfield, in particular Snibston Colliery and its owners (including George and Robert Stephenson) and workforce.

4.6 Cultural Life

- International fashion design including the work of emerging designers
- Establish new archives and collections representing pre-eminent fashion retailers from the area
- Menswear
- Sportswear
- Commission local artists to produce works that record the local landscape and built environment
- Relevant works that reflect the country sports of Leicestershire, record local individuals or are by local artists of significance
- Dress associated with Civil Partnership ceremonies of local people

The Collections will not accept children's clothing or wedding dresses that are not connected with a ceremony conducted in Leicestershire

5. Themes and priorities for rationalisation and disposal

Please note Section 1.3:

By definition, the museum has a long-term purpose and should possess (or intend to

acquire) permanent collections in relation to its stated objectives. The governing body accepts the principle that, except for sound curatorial reasons, there is a strong presumption against the disposal of any items in the museum's collection.

- 5.1 The museum recognises that the principles on which priorities for rationalisation and disposal are determined will be through a formal review process that identifies which collections are included and excluded from the review. The outcome of review and any subsequent rationalisation will not reduce the quality or significance of the collection and will result in a more useable, well managed collection.
- 5.2 The procedures used will meet professional standards. The process will be documented, open and transparent. There will be clear communication with key stakeholders about the outcomes and the process.
- 5.3 As outlined in Leicestershire County Council Museums Collections Management Framework 2015-2019 (p.10)

A programme of collections review and rationalisation ensures that our collections are accessible, well looked after, and fit for use. Where gaps in the collections (usually in terms of representation of our communities) are identified, targeted collecting will be planned to fill them. This review and rationalisation also informs our recommendations to dispose of material no-longer relevant to our collections or Service offer.

This disposal of objects from the museum collections is done in accordance with the Accreditation Standard for Museums, taking into account the Museum Association's (MA) Code of Ethics (2014) and SPECTRUM Primary Procedures on Disposal

OUR COMMITMENT:

Collections will be reviewed periodically, and rationalised where necessary, to ensure they remain relevant to the services offered and fit the cultures and aspirations of the communities they represent.

Policy Points

- The Service undertakes to review its collections in the light of the requirements of its communities, partner and supporting organisations, local and regional heritage networks and the objectives of the county council.
- Collection rationalisation, as well as targeted collecting, will be undertaken to ensure the collections are fit for use.
- The approved procedures for disposal of objects, or groups of objects from the museum and related collections **MUST** be adhered to in all circumstances.
- Significant acquisitions and all disposals will be considered by the Lead Member who meets regularly with the professional Head of Service to maintain an overview of museum collecting activity and to instigate disposal procedures where necessary.

Current areas of review relate to the Working Life and Mining and Transport Collections and the collection known as 'The Reserve' (See 3.10.1)

The closure of Snibston Discovery Museum on 31 July 2015 has meant that a process of audit and review of objects at that museum has been planned and implemented. The audit and review is divided into a number of phases based on site location, provenance and ownership. The priority first phase involved objects displayed in the museum gallery building. This phase will end on 19 Feb 2016. This has prioritised establishment of title and ownership, return of loans, safe storage of LCC Collections both on site and in other collections facilities and response to expressions of interest for loans from other Accredited museums and heritage organisations. Leicestershire County Council has worked closely with Leicester City Museum Service under the terms of the existing Collections Sharing Agreement to return loans and transfer a small number of objects with a City connection or provenance, including two Gimson beam engines and a Merryweather fire engine.

The review specifically looks at the Working Life and Mining and Transport Collections which were displayed and are stored at Snibston. As the review phases continue, this will also extend to a small number of Working Life and Mining and Transport collections housed at the Collections Resources Centre.

The remaining collections that were displayed at Snibston (including the Fashion Collection and toys and other objects from the Home and Family Life collection) will be rehoused in our collections facilities and continue to be publicly accessible by appointment.

Phase 2 and subsequent phases will be to investigate all objects, collections and other material on the Snibston Colliery site to determine their future purpose.

The Reserve Collection was formed in an ad-hoc way, beginning in the 1930s. Its purpose was to provide the basis for customised loans to communities particularly schools and colleges. Since the rationalisation of the Resource Box and Artworks Collections (museum loans to schools) the Reserve Collection feeds into the this service in a more limited way. The purpose of the review is therefore to determine the history of the objects (e.g. were they transfers from accessioned main collections or acquired specifically for the purpose of educational loan?) and to determine the best use of those objects by the service in the future.

6 Legal and ethical framework for acquisition and disposal of items

- 6.1 The museum recognises its responsibility to work within the parameters of the Museum Association Code of Ethics when considering acquisition and disposal.**

7 Collecting policies of other museums

- 7.1 The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources.**

- 7.2 Specific reference is made to the following museum(s)/organisation(s):**

We maintain regular contact with Derby Museums, Nottingham City Museums Service, Rutland County Museum, Northampton Museum and Art Gallery, Lincolnshire County Council Museums and with independent museums in the Leicestershire via the Leicestershire and Rutland Heritage Forum.

We continue to participate in the specialist networks for curators fostered by the Renaissance East Midlands and now Arts Council's programme of Museum Development (East Midlands).

7.3 The agreement reached with Leicester City Museum Service (LCMS) in 1999 on the sharing of museum collections, following local government re-organisation, specified certain areas of specialism for the LCMS, and LCCMS respectively. This means the County Service does not acquire material in those areas being developed by LCMS, and vice versa. In effect, this limits collecting by mutual agreement and is supported by robust access arrangements for the joint use of certain collections. Following a significant restructuring and review of the Service in 2008 and a subsequent strategic review of collections the 1999 agreement was revised following consultation with user groups and other interested partners. The revision agreed to house the County Geology Collection with LCMS and the Higher Plant Botany with the County Service.

8 Acquisition

8.1 The policy for agreeing acquisitions is:

The Museum's acquisition policy is

To collect and record the natural life of the County of Leicestershire and to reflect the histories, interests and aspirations of the people who have made it their home.

8.1.1 Criteria governing future collecting policy, including the subjects or themes for collecting

This procedure supports the Collections Management Framework by establishing parameters for the acquisition of objects and their status once acquired. It also conforms to the requirements of the Accreditation Standard in respect of new acquisitions, and will be reviewed no later than 2019.

The rationale for the collections is contained within the 'Collecting the Life of the County' thematic approach to collecting, and this provides a framework by which collecting effort can be prioritised and structured.

8.1.2 General Restrictions

The governing body will ensure that both acquisition and disposal are carried out openly and with transparency.

By definition, the museum has a long-term purpose and holds collections in trust for the benefit of the public in relation to its stated objectives. The governing body therefore accepts the principle that sound curatorial reasons must be established before consideration is given to any acquisition to the collection, or the disposal of any items in the museum's collection.

The museum recognises its responsibility to work within the parameters of the Museum Association Code of Ethics when considering acquisition and disposal.

The Service recognises its responsibility, in acquiring additions to its collections, to ensure adequate care of collections, documentation arrangements and proper use of such collections.

It will take into account limitations on collecting imposed by such factors as inadequate staffing, storage and care of collection arrangements.

All items being considered for addition to the collections should conform to the following criteria:-

- Acquisition falls within the scheme of delegation to the Head of Service – otherwise Lead Member or Cabinet approval is required (e.g. high value or sensitive items).
- There should be a clear reason why the Service needs the item.
- The Service has the knowledge, professional care and management skills, space and financial resources to ensure the object's future.
- The ownership of the item should be clearly established.
- The position regarding copyright should be clarified, the preferred option being a transfer of copyright to the Service.
- If the item is offered for sale on the open market, the funding to support its purchase must be in place, including grant monies and any contribution from the Service's purchase fund, and approval by an appropriate authority (normally the Assistant Director of the Service department) obtained before the purchase is finalised; a purchase order should be issued and payment is normally made on receipt of an invoice.
- The item should fall within the 'Collecting the Life of the County' rationale.
- The item is best acquired by this Service rather than another. In deciding this, the Service will take account of the collecting policies of other national and in particular local and East Midlands museums collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources.
- The Service can house the item and store it to an appropriate standard.
- Given the objects condition the Service can conserve or restore the item within an acceptable timescale, and allow access to it to an appropriate professional standard.
- Acquisition does not contravene any legal, ethical or local laws or regulations.

8.1.3 Acquisition

Acquisition is the permanent addition of an item or collection into the Museum collections through the transfer of legal title by gift or sale, or in the case of archives as deposits on indefinite loan. Items may be acquired through:

- Agreed gifts (donation) and bequests (usually via an executor).
- Purchase from reputable dealers and auctioneers, organisations or individuals who either have legal title, or are acting on behalf of parties that have legal title.

- Collecting by staff, contractors or associates to support research, excavation, interpretation or similar activities.
- Transfer from like institutions.
- The disaggregation of collections resulting from local government re-organisation in 1997, and in accordance with the legal agreement between the County and City Councils.
- Deposits of archives on indefinite loan by the owners or their legitimate agents.

Many of these processes may involve intermediaries who can be neutral or can act either for the owner or for the Service. The position of intermediaries should be established and recorded as part of the acquisition procedure.

Transfer of title and copyright, or deposit on indefinite loan can only be done by the legal owner or by a legally appointed intermediary (e.g. executor or legal representative).

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the Senior Management Team following a strong recommendation from the curatorial team and having regard to the interests of other museums.

8.1.4 Curatorial Selection

Curatorial staff consider acquisitions to, and disposals from, the main collections. This group may co-opt others outside the organisation to give expert opinion as required.

The remit of the curators is to:

- Provide an overview of acquisitions across the Service so everyone has a picture of what is coming into the Service and why.
- Develop and review a Collections Development Strategy to support the Acquisitions and Disposals Policy, which is part of the Collections Development Policy.
- Manage a range of issues relating to collections and their management (e.g. standards for storage and conservation) as necessary.
- Support documentation procedures and develop strategies for tackling any backlog.
- Ensure the profile of collections, their requirements and management is maintained in the Service and outside.
- Initiate and carry out fundraising initiatives for the acquisition of key objects.
- The Senior Curator and Resources and Collections Manager support curatorial decisions on the routine acceptance of objects for the collections and decide on acceptance or rejection of less clear-cut offers of gift.
- The Senior Curator and Resources and Collections Manager consider recommendations for disposal to ensure objects are surplus to requirements across the whole Service, and present these recommendations to SMT and ultimately the responsible Lead Member.

8.1.5 Period of time and/or geographical area to which collecting relates

- Although the collections are predominantly of Leicestershire origin, in some areas we collect material which is from outside Leicestershire. These can be summarised as:
- Important **regionally** and not well represented elsewhere in the East Midlands (e.g. the River Trent collection).
- Known **nationally** because of their exceptional quality (e.g. the fox-hunting collection).
- Renowned **internationally** because of their unique holdings (e.g. the Symington foundation wear collection, the Hallaton Treasure).

- Archive collections including material relating to areas elsewhere in the UK or abroad, but retained as a unit because of the primary principle of not splitting archive groups.
- The collection covers the human experience from the pre-historic Palaeolithic period (around 400,000 years ago) to the present day.

8.1.6 Limitations on collecting

The museum recognises its responsibility, when acquiring additions to its collections, to ensure that care of collections, documentation arrangements and use of collections will meet the requirements of the Museum Accreditation Standard. This includes using SPECTRUM primary procedures for collections management. It will take into account limitations on collecting imposed by such factors as staffing, storage and care of collection arrangements.

8.1.7 Collecting policies of other museums

The museum will take account of the collecting policies of other museums and other organisations collecting in the same or related areas or subject fields. It will consult with these organisations where conflicts of interest may arise or to define areas of specialism, in order to avoid unnecessary duplication and waste of resources.

Specific reference is made to the following museum(s):

We maintain regular contact with Derby Museums, Nottingham City Museums Service, Rutland County Museum, Northampton Museum and Art Gallery, Lincolnshire County Council Museums and with independent museums in the Leicestershire via the Leicestershire and Rutland Heritage Forum.

The agreement reached with Leicester City Museum Service (LCMS) in 1999 on the sharing of museum collections, following local government re-organisation, specified certain areas of specialism for the LCMS, and LCCMS respectively. This means the County Service does not acquire material in those areas being developed by LCMS, and vice versa. In effect, this limits collecting by mutual agreement and is supported by robust access arrangements for the joint use of certain collections. Following a significant restructuring and review of the Service in 2008 and a subsequent strategic review of collections the 1999 agreement was revised following consultation with user groups and other interested partners. The revision agreed to house the County Geology Collection with LCMS and the Higher Plant Botany with the County Service.

We continue to participate in the specialist networks for curators fostered by the Renaissance East Midlands and now Arts Council's programme of Museum Development (East Midlands).

8.1.8 Policy review procedure

The Collections Development Policy will be published and reviewed, at least once every five years and more frequently if substantial change in either policy or delivery is required (e.g. significant re-structuring of the Service) The date when the policy is next due for review is noted above (page 1).

Arts Council England will be notified of any changes to the Acquisition and Disposal Policy, and the implications of any such changes for the future of existing collections.

8.1.9 Acquisitions not covered by the policy

Acquisitions outside the current stated policy will only be made in very exceptional circumstances, and then only after proper consideration by the governing body of the museum itself, having regard to the interests of other museums.

8.2 The museum will not acquire any object or specimen unless it is satisfied that the object or specimen has not been acquired in, or exported from, its country of origin (or any intermediate country in which it may have been legally owned) in violation of that country's laws. (For the purposes of this paragraph 'country of origin' includes the United Kingdom).

8.3 In accordance with the provisions of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which the UK ratified with effect from November 1 2002, and the Dealing in Cultural Objects (Offences) Act 2003, the museum will reject any items that have been illicitly traded. The governing body will be guided by the national guidance on the responsible acquisition of cultural property issued by the Department for Culture, Media and Sport in 2005.

9 Human remains

9.1 As the museum holds or intends to acquire human remains from any period, it will follow the procedures in the 'Guidance for the care of human remains in museums' issued by DCMS in 2005.

10 Biological and geological material

10.1 So far as biological and geological material is concerned, the museum will not acquire by any direct or indirect means any specimen that has been collected, sold or otherwise transferred in contravention of any national or international wildlife protection or natural history conservation law or treaty of the United Kingdom or any other country, except with the express consent of an appropriate outside authority.

11 Archaeological material

11.1 The museum will not acquire archaeological material (including excavated ceramics) in any case where the governing body or responsible officer has any suspicion that the circumstances of their recovery involved a failure to follow the appropriate legal procedures.

11.2 In England, Wales and Northern Ireland the procedures include reporting finds to the landowner or occupier of the land and to the proper authorities in the case of possible treasure (i.e. the Coroner for Treasure) as set out in the Treasure Act 1996 (as amended by the Coroners & Justice Act 2009).

12 Exceptions

12.1 Any exceptions to the above clauses will only be because the museum is:

- acting as an externally approved repository of last resort for material of local (UK) origin
- acting with the permission of authorities with the requisite jurisdiction in the country of origin

In these cases the museum will be open and transparent in the way it makes decisions and will act only with the express consent of an appropriate outside authority. The museum will document when these exceptions occur.

13 Spoliation

13.1 The museum will use the statement of principles 'Spoliation of Works of Art during the Nazi, Holocaust and World War II period', issued for non-national museums in 1999 by the Museums and Galleries Commission.

14 The Repatriation and Restitution of objects and human remains

14.1 The museum's governing body, acting on the advice of the museum's professional staff, if any, may take a decision to return human remains (unless covered by the 'Guidance for the care of human remains in museums' issued by DCMS in 2005), objects or specimens to a country or people of origin. The museum will take such decisions on a case by case basis; within its legal position and taking into account all ethical implications and available guidance. This will mean that the procedures described in 16.1-5 will be followed but the remaining procedures are not appropriate.

14.2 The disposal of human remains from museums in England, Northern Ireland and Wales will follow the procedures in the 'Guidance for the care of human remains in museums'.

15 Disposal procedures

15.1 All disposals will be undertaken with reference to the SPECTRUM Primary Procedures on disposal.

15.2 The governing body will confirm that it is legally free to dispose of an item. Agreements on disposal made with donors will also be taken into account.

15.3 When disposal of a museum object is being considered, the museum will establish if it was acquired with the aid of an external funding organisation. In such cases, any conditions attached to the original grant will be followed. This may include repayment of the original grant and a proportion of the proceeds if the item is disposed of by sale.

15.4 When disposal is motivated by curatorial reasons the procedures outlined below will be followed and the method of disposal may be by gift, sale, exchange or as a last resort - destruction.

- 15.5** The decision to dispose of material from the collections will be taken by the governing body only after full consideration of the reasons for disposal. Other factors including public benefit, the implications for the museum's collections and collections held by museums and other organisations collecting the same material or in related fields will be considered. Expert advice will be obtained and the views of stakeholders such as donors, researchers, local and source communities and others served by the museum will also be sought.
- 15.6** A decision to dispose of a specimen or object, whether by gift, exchange, sale or destruction (in the case of an item too badly damaged or deteriorated to be of any use for the purposes of the collections or for reasons of health and safety), will be the responsibility of the governing body of the museum acting on the advice of professional curatorial staff, if any, and not of the curator or manager of the collection acting alone.
- 15.7** Once a decision to dispose of material in the collection has been taken, priority will be given to retaining it within the public domain. It will therefore be offered in the first instance, by gift or sale, directly to other Accredited Museums likely to be interested in its acquisition.
- 15.8** If the material is not acquired by any Accredited museum to which it was offered as a gift or for sale, then the museum community at large will be advised of the intention to dispose of the material normally through a notice on the MA's Find an Object web listing service, an announcement in the Museums Association's Museums Journal or in other specialist publications and websites (if appropriate).
- 15.9** The announcement relating to gift or sale will indicate the number and nature of specimens or objects involved, and the basis on which the material will be transferred to another institution. Preference will be given to expressions of interest from other Accredited Museums. A period of at least two months will be allowed for an interest in acquiring the material to be expressed. At the end of this period, if no expressions of interest have been received, the museum may consider disposing of the material to other interested individuals and organisations giving priority to organisations in the public domain.
- 15.10** Any monies received by the museum governing body from the disposal of items will be applied solely and directly for the benefit of the collections. This normally means the purchase of further acquisitions. In exceptional cases, improvements relating to the care of collections in order to meet or exceed Accreditation requirements relating to the risk of damage to and deterioration of the collections may be justifiable. Any monies received in compensation for the damage, loss or destruction of items will be applied in the same way. Advice on those cases where the monies are intended to be used for the care of collections will be sought from the Arts Council England.
- 15.11** The proceeds of a sale will be allocated so it can be demonstrated that they are spent in a manner compatible with the requirements of the Accreditation standard. Money must be restricted to the long-term sustainability, use and development of the collection.

15.12 Full records will be kept of all decisions on disposals and the items involved and proper arrangements made for the preservation and/or transfer, as appropriate, of the documentation relating to the items concerned, including photographic records where practicable in accordance with SPECTRUM Procedure on deaccession and disposal.

Disposal by exchange

15.13 The museum will not dispose of items by exchange.

Disposal by destruction

15.14 If it is not possible to dispose of an object through transfer or sale, the governing body may decide to destroy it.

15.15 It is acceptable to destroy material of low intrinsic significance (duplicate mass-produced articles or common specimens which lack significant provenance) where no alternative method of disposal can be found.

15.16 Destruction is also an acceptable method of disposal in cases where an object is in extremely poor condition, has high associated health and safety risks or is part of an approved destructive testing request identified in an organisation's research policy.

15.17 Where necessary, specialist advice will be sought to establish the appropriate method of destruction. Health and safety risk assessments will be carried out by trained staff where required.

15.18 The destruction of objects should be witnessed by an appropriate member of the museum workforce. In circumstances where this is not possible, eg the destruction of controlled substances, a police certificate should be obtained and kept in the relevant object history file.

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