

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Thursday, 24th January, 2013
at 6.00 pm

COUNCIL CHAMBER - CIVIC CENTRE

This meeting is open to the public

Members

Councillor Moulton (Chair)
Councillor Vinson (Vice-Chair)
Councillor Barnes-Andrews
Councillor Chaloner
Councillor Fitzhenry
Councillor Hannides
Councillor Lewzey
Councillor McEwing
Councillor Morrell
Councillor Pope

Appointed Members

Mrs U Topp, (Roman Catholic Church)
Mr T Blackshaw, The Church of England (Dioceses
of Winchester & Portsmouth)

Vacancies

- Primary Parent Governors Representative;
and
- Parent Governor Representative

Contacts

Ed Grimshaw
Democratic Support Officer
Tel. 023 8083 2390
Email: ed.grimshaw@southampton.gov.uk

Suki Sitaram
Senior Manager – Communities, Change and
Partnership

Tel: 023 8083 2060
Email: suki.sitaram@southampton.gov.uk

PUBLIC INFORMATION

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Southampton City Council's Priorities

- More jobs for local people
- More local people who are well education and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking Policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2012/13

2012	2013
12 July	24 January
16 August	18 February
13 September	14 March
11 October	11 April
8 November	
13 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

DISCLOSURE OF INTEREST

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value for the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are now available online via the Council's Website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 13th December 2012 and to deal with any matters arising, attached.

7 FORWARD PLAN

Report of the Senior Manager – Communities, Change and Partnership, detailing items requested for discussion from the current Forward Plan, attached.

a) Early Years Provision Improvement Strategy

To consider a briefing paper outlining the forthcoming Cabinet decision – “Early Years Provision Improvement Strategy”, attached.

b) Revisions to the Adult Social Care Non-Residential Services Policy

To consider a briefing paper outlining the forthcoming Cabinet decision – “Revisions to the Adult Social Care Non-Residential Services Policy”, attached.

8 PARKING BUDGET PROPOSALS AND THE RELATED POLICY REVIEW

To consider a report of the Cabinet Member for Environment and Transport detailing the parking policy review, attached.

9 WELFARE REFORM INQUIRY: SOCIAL FUND INTERIM RECOMMENDATIONS

Report of the Chair of Scrutiny Panel A detailing the recommendations of the Panel, attached.

10 MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE

Report of the Senior Manager – Communities, Change and Partnership, detailing the actions of the executive and monitoring progress of the recommendations of the Committee, attached.

Wednesday, 16 January 2013

Head of Legal, HR and Democratic Services

SOUTHAMPTON CITY COUNCIL
OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
MINUTES OF THE MEETING HELD ON 13 DECEMBER 2012

Present: Councillors Moulton (Chair), Vinson (Vice-Chair), Barnes-Andrews, Fitzhenry, Hannides, Lewzey, Morrell, Pope and Mintoff and Mr T Blackshaw

Apologies: Councillors Chaloner, McEwing and Mrs U Topp

Also in Attendance: Councillor Letts – Cabinet Member for Resources
Councillor Bogle – Cabinet Member for Children’s Services
Councillor Kaur – Chair of Scrutiny Panel A

39. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

The Panel noted the apologies of Councillor Chaloner and that Councillor Mintoff was in attendance as a nominated substitute for Councillor McEwing in accordance with Procedure Rule 4.3.

40. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Committee meetings on 8th, 19th November and 3rd December 2012, be approved and signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

41. **FORWARD PLAN**

The Committee considered the report of the Senior Manager – Customer and Business Improvement detailing items requested for discussion from the current Forward Plan (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED: that on consideration of the briefing paper relating to the forthcoming Cabinet Decision - Community Right to Bid – decision making & governance - the Committee recommended that the Cabinet Member for Resources ensure that Ward Councillors are kept apprised of the process throughout any potential community bid.

42. **BUDGET PROPOSALS – CHILDREN’S SERVICES**

The Committee considered the report of the Cabinet Member for Children’s Services and Director of Children’s Services and Learning detailing the budget proposals for the Children’s Services Portfolio. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that

- (i) the Executive consider phasing the proposed cuts to Youth Services over a two year period to enable alternative options to maintain provision to be identified and developed.
- (ii) Cabinet Member for Children’s Services be requested to attend the Committee at a future date to set out the clear strategic objectives for the Portfolio

43. **WELFARE REFORM INQUIRY – LOCAL COUNCIL TAX SUPPORT INTERIM RECOMMENDATIONS**

The Committee considered report of the Chair of Scrutiny Panel A, seeking consideration of the draft interim recommendations of Scrutiny Panel A's Welfare Reforms Inquiry relating to the Localisation of Council Tax Support. (Copy of the report circulated with the agenda and appended to the signed minutes).

RESOLVED that the Committee approved to forward to the Executive the draft interim recommendations of Scrutiny Panel A's inquiry into Welfare Reforms that:

- (i) Scrutiny Panel A recommends:
 - a. A Discretionary Fund for Local Council Tax Support is established and aligned with Discretionary Housing Payments.
 - b. Discretionary funding is directed at the most vulnerable.
 - c. To ensure that principles of fairness are applied to the Discretionary Fund. This should include:
 - i. Development of a transparent approach for determining applications for the Fund
 - ii. An appropriate complaints process
 - iii. A fund that is operated in line with the Public Sector Equality Duty.
- (ii) That the Cabinet gives further consideration to applying for funding from the Government's Transitional Grant scheme, in the context of the Final Grant Settlement for Southampton, taking into account the benefits and concerns highlighted by the Panel in this report. In their considerations, the Panel recommends that the decision should be in accordance with the principles of 'making work pay'.

44. **HEALTH OVERVIEW AND SCRUTINY PANEL – REVIEW OF PUBLIC AND SUSTAINABLE TRANSPORT PROVISION TO SOUTHAMPTON GENERAL HOSPITAL**

The Committee noted the report the Senior Manager – Customer and Business Improvement, seeking agreement for the Health Overview and Scrutiny Panel to undertake a mini review on public and sustainable transport to Southampton General Hospital. (Copy of the report circulated with the agenda and appended to the signed minutes).

45. **MONITORING SCRUTINY RECOMMENDATIONS**

The Committee noted the report of the Senior Manager – Customer and Business Improvement, detailing actions and monitoring progress of the recommendations of the Committee. (Copy of the report circulated with the agenda and appended to the signed minutes).

Agenda Item 7

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	FORWARD PLAN
DATE OF DECISION:	24 JANUARY 2013
REPORT OF:	Senior Manager – Communities, Change and Partnership
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This item enables the Overview and Scrutiny Management Committee to examine the content of the Forward Plan and to discuss issues of interest or concern with the Executive to ensure that forthcoming decisions made by the Executive benefit local residents.

RECOMMENDATION:

- (i) That the Committee discuss the Forward Plan items listed in paragraph 3 of the report to highlight any matters which Members feel should be taken into account by the Executive when reaching a decision.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable Members to identify any matters which they feel the Cabinet should take into account when reaching a decision.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. The Forward Plan for the period January 2013 – April 2013 has been circulated to members of the Overview and Scrutiny Management Committee. The following issues were identified for discussion with the Decision Maker:

Portfolio	Decision	Requested By
Children's Services	Early Years Provision Improvement Strategy	Cllr Moulton
Adult Services	Proposed Changes to the Adult Social Care Non-Residential Services Policy	Cllr Moulton

4. Briefing papers responding to the Forward Plan items identified by members of the Committee are appended to this report. Members are invited to use the papers to explore the issues with the decision maker.

RESOURCE IMPLICATIONS

Capital/Revenue

5. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.

Property/Other

- 6. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

- 7. The details for the items on the Forward Plan will be set out in the Executive decision making report issued prior to the decision being taken.
The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007.

Other Legal Implications:

- 8. None.

POLICY FRAMEWORK IMPLICATIONS

- 9. None.

AUTHOR:	Name:	Mark Pirnie	Tel:	023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk		

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report.
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Briefing Paper – Early Years Provision Improvement Strategy
2.	Briefing Paper – Proposed Changes to the Adult Social Care Non-Residential Services Policy

Documents In Members' Rooms

	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
None	

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SUBJECT: EARLY YEARS PROVISION IMPROVEMENT STRATEGY
DATE: 24th JANUARY 2013
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

There are 360 Early Years Providers across the City. Early Years Providers are either private or voluntary group settings, nurseries, or childminders, who provide day care provision for 0 – 4 year olds. Parents make personal decisions about using and financing Early Years Provision between the ages of 0 – 3 years of age. From the age of 3 the Local Authority does cover the cost, through the Dedicated School Grant, of 15 hours of access to early years provision for all 3 and 4 year olds. There is a growing body of evidence showing the negative impact on children's life chances if they do not develop to their full potential in their earliest years, Field, 2010, Allen, 2011. The experience of a high quality pre school can ensure that a child develops their potential. High quality provision is dependent on committed, qualified staff. Currently 78% of providers have been judged as 'Good' or 'Outstanding' by Ofsted, the national regulatory inspection service. This performance has directly impacted on the increase in children, at the age of 5, securing the national average Early Years Foundation Stage Profile, from 35.8% in 2006 to 56.3% in 2012.

Since 2005 Southampton City Council has invested in an Early Team. The Early Years Team comprises qualified teachers, with early years specialism, working alongside the private and voluntary sector to improve the quality of provision available to children. This report summarises the Early Years Provision Improvement Strategy, see Appendix 1, the tool for supporting/enabling Early Years Providers to provide high quality provision. The strategy is based on the premise that the Local Authority has a duty, through legislation, to support and enable the growth of high quality Early Years Provision, within the city, for under five year olds. Only provision that is judged as 'Good' or 'Outstanding', against the Ofsted framework, are deemed to be offering high quality. With 78% of providers, graded 'Good' or 'Outstanding' there is still significant work to ensure all children have access to high quality provision. However, this compares favourably with the national average figure of 74%.

BACKGROUND AND BRIEFING DETAILS:

1. The Childcare Act 2006 created new requirements for local authorities, which were updated in September 2012, to:
 - Improve the well-being and reduce inequalities between young children in their area;
 - Deliver the free entitlement through early years providers who deliver the full Early Years Foundation Stage (EYFS) and are registered with Ofsted, or are schools which are exempt from registration with Ofsted;
 - Provide information, advice and training to childcare providers.

2. The new guidance clarifies that local authorities should only fund providers rated 'inadequate' or 'satisfactory' if they can evidence a commitment to improving the quality of their provision by meeting additional eligibility criteria. Any provider judged as 'inadequate' or 'satisfactory' would be supported to improve their provision. On occasion this might require intervention from the Local Authority, against a provider's wishes. The Strategy clearly outlines the situation in which the Local Authority would intervene, when a provider is judged by Ofsted as 'inadequate' or 'satisfactory' with no evidence of improvement, or when serious concerns have been raised by the public, including professionals, investigated and found to be proven. The intervention could include the Local Authority removing a provider from the Early Years Provider Funding register. The register is used by parents to identify providers that qualify for the Early Years funding of 15 hours per week from the Local Authority.
3. The new Early Years Improvement Strategy describes the legislative context; the approach to developing the early years workforce including levels of support for providers; the process for intervention with settings that are failing, judged by Ofsted to be inadequate or satisfactory; the process for removing a provider from the Council's Early Years Funding Register where provision continues to be inadequate or is assessed as unable to sustain improvement, see Appendix 1.
4. The Early Years Development and Childcare Partnership, the Early Years Leadership Team and Early Years settings and childminders have been consulted on the revised Improvement Strategy.
5. Approval is being sought for:
 - Implementation of the Early Years Provision Improvement Strategy for early years providers in Southampton;
 - Delegation of authority to the Director for Children's Services and Learning to make the final decision in relation to removal of a provider from the Early Years Provider Register following the Appeal Panel hearing.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Policy

6. None

Financial

7. The council funds early years providers who are registered with Ofsted, to provide free places for 3 and 4 year olds for 570 hours per year, and some targeted places for 2 year olds. The fund is distributed via a Nursery Education Funding Agreement with each provider funded from the Dedicated Schools Grant.
8. Settings and childminders who are registered with Ofsted and meet the criteria are placed on the Early Years Funding Register. The providers are funded by the council for each eligible 2, 3, and 4 year old. In order to receive the funding every provider signs a Nursery Funding Agreement annually. The Funding Agreement is to be revised for April 2013 to reflect the new Improvement Strategy and the Statutory Guidance.
9. The Strategy will be implemented from within existing resources including a multi professional team of early years specialists to support and improve quality in early years provision.

Legal

10. **Statutory power to undertake proposals in the report:**

The Childcare Act 2006 has key provisions relating to funded early years provision:

- Places a duty on local authorities to secure free early years provision for eligible children in their area, section 7.
- Gives local authorities the power to place conditions of funding on providers of childcare, section 9.
- Places a duty on local authorities to secure the provision of information, and training to childcare providers and childcare workers, section 13.

11 The government issued the “Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare in September 2012”.

12. The government issued “Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare” in September 2012.

Property

N/A

OPTIONS AND TIMESCALES:

13. The option to do nothing has been considered and rejected as this would not meet the requirements of the statutory guidance or represent value for money. The Council wants to work to improve poor quality settings, which supports children to develop to their full potential and be 'ready for school'.

Appendices/Supporting Information:

1 Early Years Provision Improvement Strategy.

2 Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare- September 2012. Department for Education.

Further Information Available From:

Name: Alison Alexander

Tel: 023 8083 4023

E-mail: Alison.alexander@southampton.gov.uk

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Appendix 1

EARLY YEARS PROVISION IMPROVEMENT STRATEGY

SOUTHAMPTON CITY COUNCIL

April 2013

DRAFT

Contents

- Section 1. Vision
- Section 2. Context
- Section 3. Early Years Workforce
- Section 4. The Improvement Strategy
- Section 5. Process for intervention with early years providers following a satisfactory or inadequate OFSTED judgement.
- Section 6. Process to remove provider from Early Years Provider Register

1. VISION

- 1.1 All children in the City have access to high quality early years provision. This strategy, whilst outlining the Local Authority's statutory responsibilities, articulates our working partnership with providers to achieve our vision.
- 1.2 There is universal agreement that children deserve the best start in life. This includes access to high quality early years provision which is supportive and challenging of them and their families.
- 1.3 High quality provision can be defined as provision which achieves at least a 'good' judgement at Ofsted inspection.

2 CONTEXT

Why is the quality of provision so important?

- 2.1 The Effective Provision of Pre School Education research project (Sylva, 2004) set the context for understanding the importance of quality in early years' settings and consequent increased benefits for young children.

All young children deserve the support of the best quality provision, but for some children this will be particularly important. There is a growing body of evidence showing the negative impact on children's life chances if they do not develop to their full potential in their earliest years, (Field, 2010, Allen, 2011). For society, the future costs across an individual's life course may be high as poor development in the early years can result in, for example, poor health outcomes, long term unemployment and continuing cycles of poverty and deprivation.

The experience of a high quality pre school can mitigate against this and have a significant impact on enhancing a child's abilities; we also know that the higher the quality of this provision, the longer it's impact can be seen on.. (any)... child's education trajectory' (Field, 2010).

The quality of provision is dependent on committed and well qualified staff. 'Babies and young children must have the very best early education and care. 'If those working with young children have the necessary skills, knowledge and understanding they have the potential to offer the formative experience all young children deserve' (Nutbrown, June 2012).

Legislation

- 2.2 The Childcare Act 2006 placed new legal requirements on Local Authorities to ensure sufficient quality early years' provision that responds to needs and is adequately resourced.

Box 1: Childcare Act 2006

- Places a duty on local authorities to secure free early years provision for eligible children in their area, section 7.
- Gives local authorities the power to place conditions of funding on providers of childcare, section 9.
- Places a duty on local authorities to secure the provision of information, and training to childcare providers and childcare workers, section 13.

- 2.3 These requirements were reiterated in September 2012, in new statutory guidance for Local Authorities, 'Delivery of Free Early Education for Three and Four Year Olds and Securing

Sufficient Childcare', when the Government set out its intention to hold Local Authorities responsible for ensuring:

"All children are able to take up their entitlement to free early education in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children particularly for the youngest children. The biggest single indicator of high quality provision is the qualification levels of staff in a setting."

- 2.4 Whilst access to high quality provision provides children with an excellent start in life, it is also a vehicle through which their wellbeing can be improved and inequalities between children can be reduced.
- 2.5 Therefore the partnerships developed with private and voluntary providers across the city are designed to ensure the delivery of the free entitlement to all our three and four year olds, as well as those most disadvantaged two year olds. Our aspiration is that all provision is provided through early years providers who deliver the full Early Years Foundation Stage and are registered as 'good' or 'outstanding' with Ofsted. The only exemption to this is where a school provides the early years provision as schools are exempt from separate early years registration with Ofsted.
- 2.6 Delivery against our vision is dependent on sufficient numbers of providers of early years' provision with the capacity and competence to secure Ofsted registration and achieve 'good' or 'outstanding' inspection judgements. To support the development of the market, access to high level information, advice and training is available.
- 2.7 Provider, who achieve and maintain high quality provision are included in the local authority Early Years Provider Register. Providers listed in the register are funded for each eligible three and four year old who takes up a place. This statutory entitlement is extended to the most disadvantaged two year olds from September 2013. Children's individual entitlement is to 570 hours of early education each year.

Local

- 2.8 Southampton's under 5s population, in April 2012, stood at 16,322. Of these, 6,205 children were eligible for free early years' provision in 2012-2013. Year on year there has been a 7% increase in this cohort.
- 2.9 At the last count, December 2012, there were 122 providers of the entitlement to free early years' provision across the city. This comprises: 37 childminders, 37 private; 39 voluntary and 5 school or public sector providers.
- 2.10 Currently 78% of all provision in the City is judged as 'Good' or 'Outstanding' by Ofsted. Our commitment is to support and challenge all providers to acquire this judgement.
- 2.11 In addition to the external validation of Ofsted, there are locally developed quality criteria. The criteria were developed in partnership with our providers and supports providers in working towards and sustaining improvements which meet these Ofsted grades. Providers are supported to achieve minimum standards and beyond through an Early Years Support Team. The Early Years Support Team comprises multi disciplinary early years specialists.
- 2.12 Providers who wish to provide children in the city with access to early years' education funded through the local authority will also enter into a Nursery Education Providers Agreement. This agreement is signed annually and makes a number of demands on providers, see box 2.

Box 2: Extract from the Nursery Education Providers Agreement

- Demonstrate a commitment to quality improvement in order to deliver the free entitlement and improve outcomes for young children.
- Complete, implement, evaluate and update an annual written development plan 'Setting Story' or an equivalent self assessment.
- Keep records of children's progress using 'Learning Stories in Southampton' or any other agreed alternative.
- Offer good quality, wide ranging activities and experiences which enable children to work towards the Early Learning Goals of the Early Years Foundation Stage (Childcare Act 2006).
- Undertake and sustain a Quality Assurance programme.
- Attain an Ofsted inspection result of at least satisfactory with the additional attainment of one or more of the eligibility criteria set out in the statutory guidance titled 'Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare'.
- Ensure that all practitioners undertake 20 hours professional development per year.

3. EARLY YEARS WORKFORCE

- 3.1 Early education has the biggest impact when it is of high quality, and the quality of the workforce is the most important factor in achieving this, see Appendix 1. To support the development of the market and the professional competence of practitioners in the field a programme of high quality continuous professional development is available to the workforce, see box 3.

Box 3: Continuous professional development

- Subsidised Childminder Pre Registration courses.
- Subsidised Professional Development and Safeguarding programme.
- Bespoke training.
- Continuous Professional Development Fund to achieve qualifications.

- 3.2 Each provider is expected to have in place a Workforce Development Plan. The plan will identify training, based on the needs of staff identified through completion of the 'Setting Story', Ofsted inspection and outcomes of the Environmental Rating Scale.
- 3.3 All continuous professional development is provided through a highly experienced tutor base. Training provision is regularly quality assured. Whilst the recommendations of the Nutbrown Review, Foundations for Quality published in July 2012, is welcomed and supported in strengthening the workforce, current training is aligned with existing good practice standards and regulations.

4. THE IMPROVEMENT STRATEGY

- 4.1 High quality provision is dependent on the implementation of a personalised improvement programme. Providers are encouraged to develop/adopt a suitable improvement programme that responds to their needs.
- 4.2 The Local Authority uses an improvement strategy based on a cycle of: Plan, Review, Do and Evaluate. This simple, but effective tool is accessible to all providers: private, voluntary and public sector, inclusive of childminders.

- 4.3 In working with providers the Local Authority first undertakes a base line review of provision, with the provider. This is to secure hard and soft data on the current performance of the provider. Once a base line of performance has been established and agreed with all parties, the provider is supported to develop a robust improvement plan. As the desire is for all providers to be 'Good' or 'Outstanding' improvement plans identify activity that enables this outcome.
- 4.4 The diversity of provision is greatest between childminders and group settings. Points 4.5 to 4.20 detail the different approach to working with these two types of provision.

Childminders

- 4.5 Childminders are registered with Ofsted to look after one or more children under the age of eight to whom they are not related on domestic premises for reward and for a total of more than 2 hours in any day.
- 4.6 All childminders are supported. Childminders, working with the City's children included on the Early Years Provider Register are of the highest quality. To achieve this standing a Childminder will:
- Have been assessed by Ofsted as 'Good' or 'Outstanding'.
 - Be a member of the Children Come First (CFC) Accredited Network.
 - Have signed an agreement to meet the aims, policy and standards relating to the CFC Network.
 - Be regularly assessed by the Network Coordinator to ensure that they continue to meet the required CFC standards.
- 4.7 Childminders will require different levels of assistance to secure this standard. Therefore support through the National Childminding Association is available to work with individuals to develop their professional practice once they have acquired their registration with Ofsted. The Association also provides the Accredited Network for our highest quality childminders.
- 4.8 On the rare occasion a Childminder is not able to meet the minimum quality standards the National Childminding Association will recommend that the childminder be withdrawn from the Network and the Early Years Provider Register. Any proposed removal will be agreed with the Local Authority and will initiate additional support and improvement opportunities if the childminder wishes to work towards re inclusion on the Network.
- 4.9 A Childminder wishing to appeal against removal from the Early Years Provider Register can do so initially using the National Childminding Association appeals process.

Group settings

- 4.10 Group settings provide early education on non domestic premises, this can range from a purpose built nursery or a church hall, for reward for more than 2 hours in any day.
- 4.11 The City's children attend a breadth of registered group settings, including privately run day nurseries, pre schools registered with the charity commission and maintained nurseries. Individual settings are supported at one of three levels: Light Touch; Medium and Intensive support. In the main collective agreement is reached on the level of support needed to ensure the quality of provision.
- 4.12 The level of support is dependent on a number of factors, but generally includes:
- The use of 'The Setting Story', see Appendix 2, assessment tool which contains automatic alerts. If one of these is triggered the setting will automatically move into intensive support.

- The outcome of Ofsted inspections.
- The outcome of the Environmental Rating Scale. All settings participate in the Environment Rating Scale Audits (see Appendix 3). These identify any gaps or areas for improvement and enable a setting, working alongside the Early Years Support Team, to produce their Improvement Plan and agree the level of support required.

4.13 The level of support provided to an individual setting can be changed at any time by agreement with the provision and the Early Years Support Team.

Levels of support

4.14 Support for group settings is provided at 3 levels:

- Light touch support.
- Medium support.
- Intensive support.

4.15 The types of support provided at each level varies, see box 4.

Box 4: Definition of levels and types of support.

Settings in receipt of light touch support:

Will be supported in preparing an Improvement Plan and will have a minimum of three visits during a year from a member(s) of the Early Years Support Team.

Indicative criteria for light touch support: 'outstanding' Ofsted inspection judgement. Score of over 50% in Green section of The Setting Story.

Settings in receipt of medium support:

Will be supported in preparing an Improvement Plan which will identify how weaknesses are to be addressed. These settings will have a minimum of six targeted visits a year from the Early Years Support Team who will review progress against the Improvement Plan, which must contain specific targets for improvement with defined timescales.

Indicative criteria for medium support: 'good' Ofsted inspection judgement. Score of 50% or more in The Setting Story in Red and Amber.

Settings in receipt of intensive support:

Will have a high level of support from the Early Years Support Team in developing, implementing, and sustaining an Improvement Plan. This plan must have clear timescales and measurable targets. The Support Team and the setting will come to an agreed judgement about the areas to be addressed and will discuss and agree the support and challenge to be provided to the setting. A range of approaches, including visits/training/working alongside, will be used to develop practice and provision.

Indicative criteria for intensive support: 'inadequate' or 'satisfactory' Ofsted inspection judgement. Score of 50% or more in Red or automatic trigger in The Setting Story.

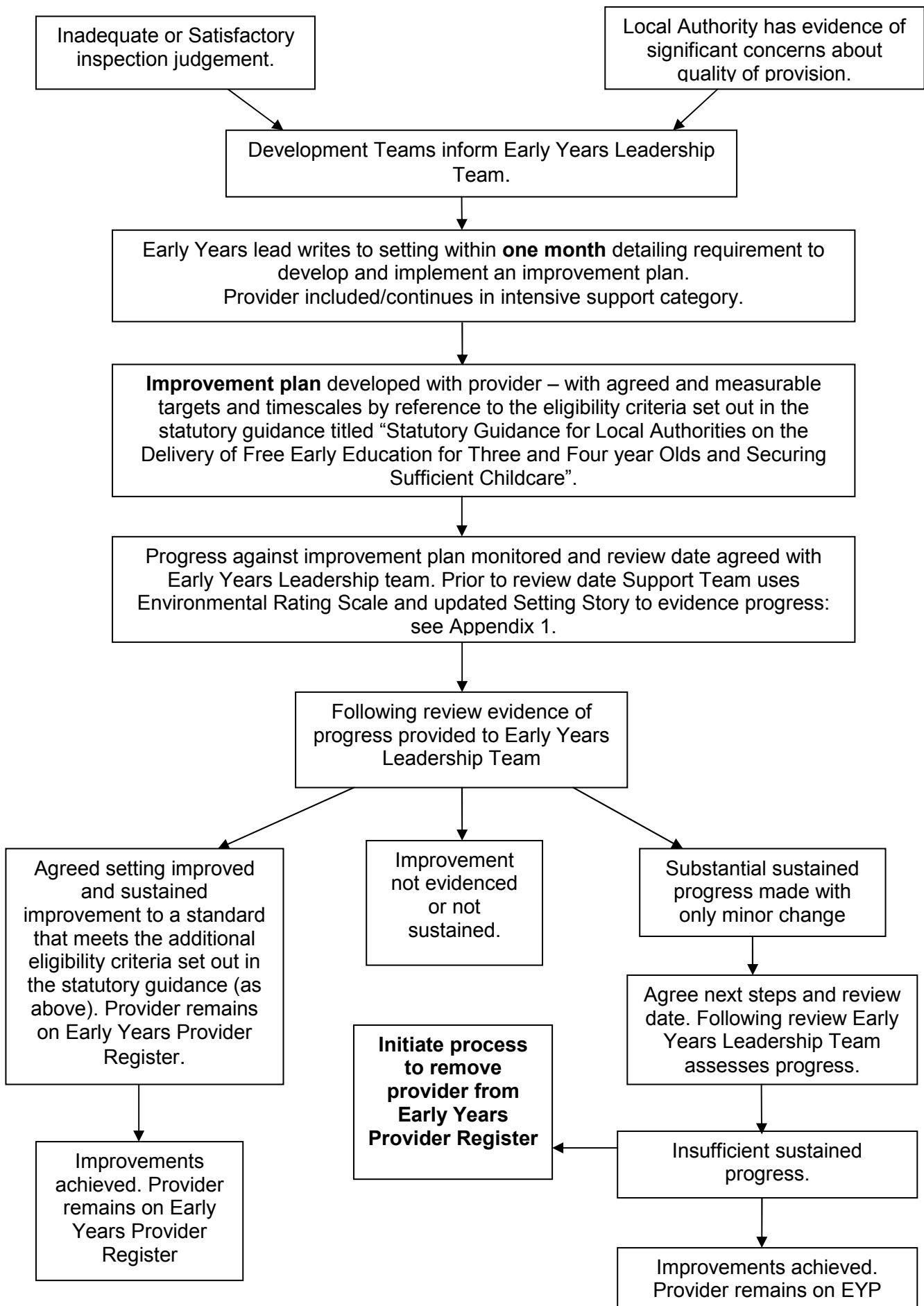
4.16 Similarly to childminders, there will be occasions when group settings, for a range of reasons, struggle to meet minimum standards for care and education. So that the development of our children is protected, where failure to meet minimum standards occur a range of action which drives settings to improve, with input from our Early Years Support Team, will be implemented.

- 4.17 An example of when failure to meet minimum standards occurs includes an 'Inadequate' or 'Satisfactory' Ofsted judgement. Settings in Southampton that are inspected by Ofsted and judged to be "Inadequate" or "Satisfactory" will receive a letter outlining the requirement to develop and implement an Improvement Plan within a specified timescale. The flow charts on pages 8 and 9 show this process.
- 4.18 Settings judged to be 'Inadequate' and who fail to significantly improve in accordance with the Improvement Plan targets and timescales agreed, will have their Nursery Education Funding withdrawn.
- 4.19 Settings judged to be 'Satisfactory' and who fail to evidence a commitment to improve quality through compliance with one or more of the 'additional eligibility criteria' as set out in the "Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare" will have their Nursery Education Grant funding withdrawn.
- 4.20 To be included in the register, after exclusion, the provider will need to demonstrate improvement against the Improvement Plan in a timely manner. The provider will receive time limited support from the Early Years Support Team. Expectations will be outlined in writing, so that a provider has absolute clarity on the conditions for reengagement on the register.

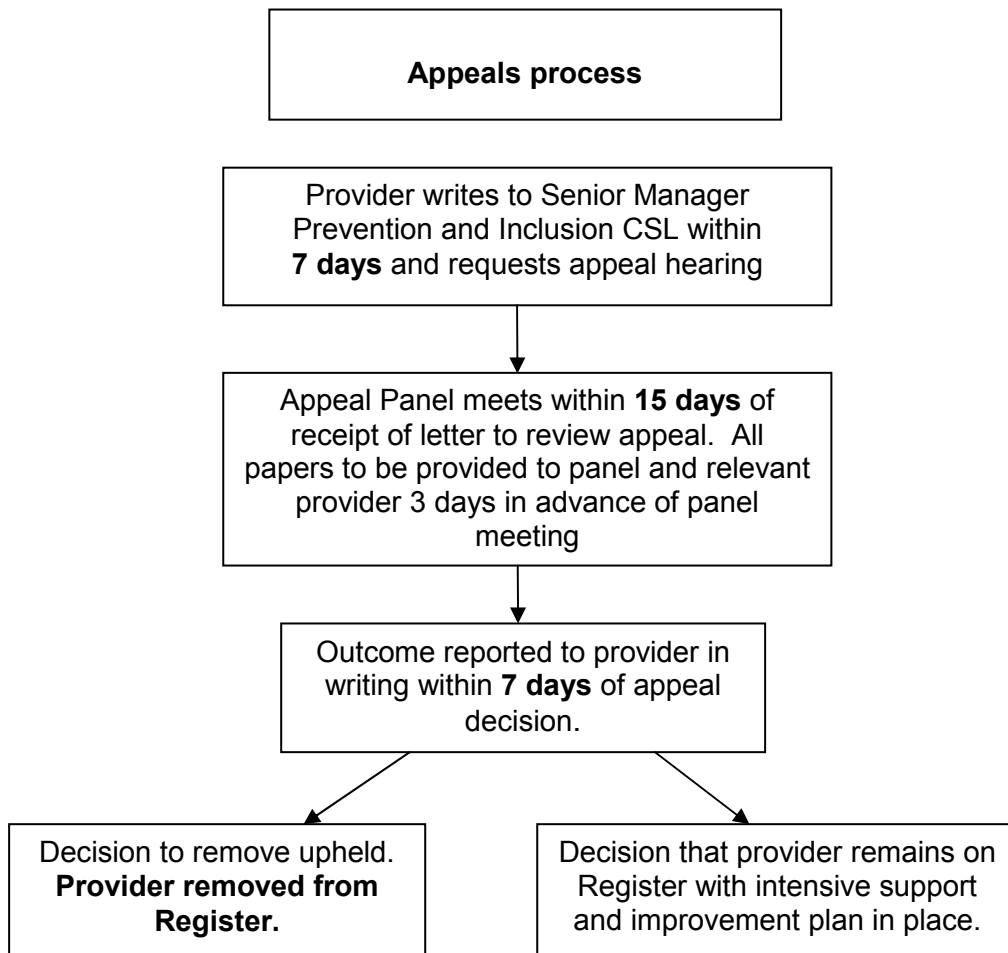
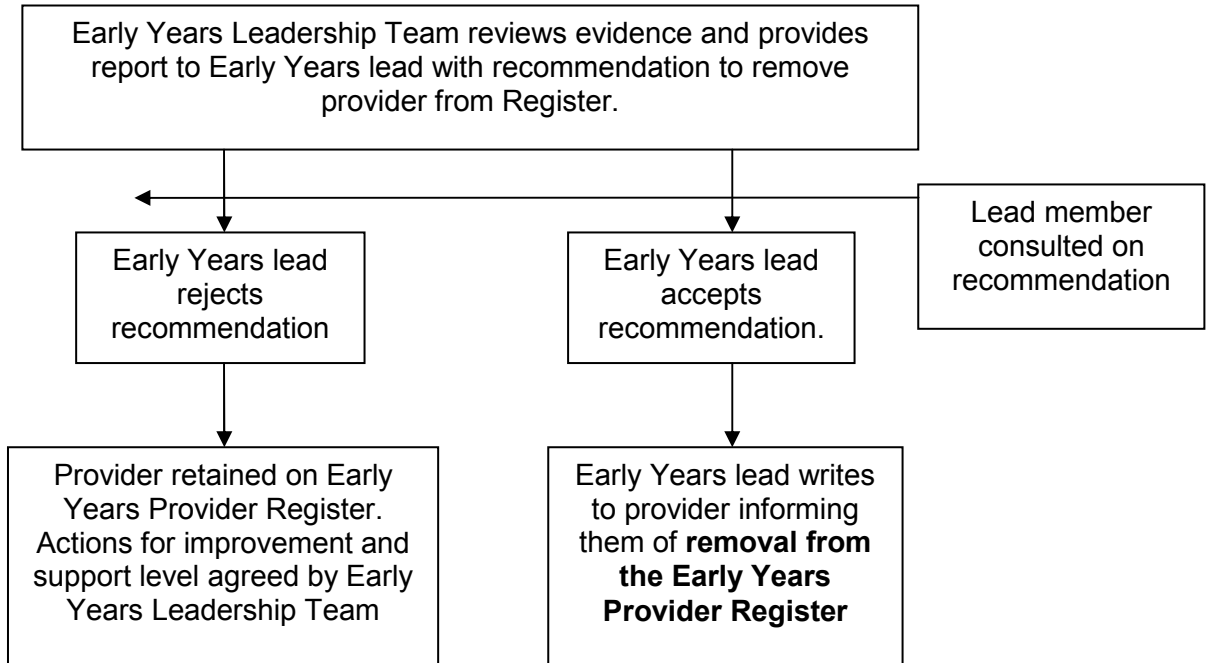
Early Years Support Team

- 4.21 The Early Years Support Team will support the setting in evaluating its provision using an Environmental Rating Scale, see Appendix 3 in developing their Improvement Plan. The team will regularly review progress in implementing the Improvement Plan. Interim reviews against the plan will be held, as a minimum, once a term or three monthly (depending on the type of setting). A final review date will be agreed with the settings management and the Lead Practitioner. At final review the setting must be able to demonstrate that it:
- Can sustain the provision of a wide range of good quality experiences and positive interaction with children and families.
 - Has effective management and leadership in place.
 - Implements robust financial processes that adhere to our Audit procedures contained in the Early Years Funding agreement.
 - Has evidence of parental involvement and carries out and responds to consultation with parents.
 - Meets one or more of the additional eligibility criteria specified in The Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare- September 2012.
- 4.22 Following completion of the Improvement Plan, the level of sustained improvement in the day to day practice in the setting will be jointly assessed by the setting and the Early Years Support Team, on an agreed date, using the relevant Environmental Rating Scale. The outcome of a re inspection by Ofsted during the improvement plan period will also be taken into account. However the Local Authority assessment and processes (for example use of The Setting Story and Environmental Rating Scales) may override this if the Authority is satisfied that the setting can evidence that it is likely to significantly improve on re-inspection or can evidence significant commitment to improving the quality of provision by meeting one or more of the additional eligibility criteria .All assessments of improvement will include the capacity and competence of the leadership, management and governance arrangements.
- 4.23 Failure to improve or sustain improvement within the agreed timescale will result in removal of Nursery Education Grant.
- 4.24 If a provider is being removed from the register they should not participate in a quality assurance scheme or offer student placements.

5. Process for intervention with early years providers following a satisfactory or inadequate OFSTED judgement



6. Process to remove provider from Early Years Provider Register



References

Allen, Graham; *Early Intervention - The Next Steps; An independent report to Her Majesty's Government*; January 2011.

Field, Frank; *The Foundation Years: preventing poor children becoming poor adults The Report of the Independent Review on Poverty and Life Chances*. December 2010.

Sylva, K; *The Effective Provision of Pre School Education (EPPE) Project*. 2004

Appendix 1

Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare: September 2012, extract from page 8:

“Local authorities **should**:

3.4 Not refuse free entitlement funding to providers who have not yet been inspected by Ofsted, where the local authority is satisfied that the provision is of sufficient quality.

3.5 Not fund providers rated ‘inadequate’ by Ofsted unless the local authority is satisfied that the setting is likely to improve significantly at re-inspection or within an agreed timescale.

3.6 Secure alternative provision, as soon as is practicable, for children who are already receiving their free entitlement at a provider when it is rated ‘inadequate’ by Ofsted, and where the local authority is not satisfied that the setting is likely to improve at re-inspection or within an agreed timescale.

3.7 Only fund providers rated ‘satisfactory’ if they can also evidence a commitment to improving the quality of their provision by meeting at least one of the following additional eligibility criteria:

- active participation in a quality improvement programme that the local authority considers appropriate;
- active participation in a peer-to-peer support network (including childminding networks) that the local authority considers appropriate;
- assessed as sufficiently high quality through a local authority quality assessment system;
- a level of workforce qualifications that indicate higher quality provision (for example, all staff having or actively working towards a level 3 qualification, or having a graduate leader).

3.8 Consider whether to require providers rated ‘satisfactory’ to meet more than one of the additional eligibility criteria in para 3.7, in order to raise the quality of provision in the area or if there is sufficient high quality provision already available.

3.9 Consider whether to require providers rated good to meet one or more of the above additional eligibility criteria in para 3.7 to promote further quality improvement in their area.

3.10 Fund providers rated ‘good’ or ‘outstanding’ by Ofsted to deliver free early education places for three and four year olds, unless the local authority has reason to believe that the quality of provision has deteriorated significantly since their last Ofsted inspection, or the provider has ceased to meet any eligibility criterion (as set out in para 3.9) that the local authority required it to meet.

3.11 Ensure that providers are aware of the quality criteria they have to meet in order to deliver free places to three and four year olds.

3.12 Withdraw funding as soon as is practicable from providers who are not demonstrating the sufficient quality improvement required to deliver the free entitlement.”

<http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/Free%20Entitlement%20to%20Early%20Education/g00209650/code-of-practice-for-las>

Appendix 2

Early Years Foundation Stage Quality Improvement Classification

The Setting Story

General Information

Setting Name:	Date Completed:					
Private <input type="checkbox"/>	Independent <input type="checkbox"/>					
Voluntary <input type="checkbox"/>	Local Authority <input type="checkbox"/>					
Name of Organisation/Registered Provider:						
Manager/Lead Practitioner/Owner/Childminder						
Setting Details	Contact Address (if different)					
Address:						
Telephone/Mobile:						
E-mail/Website:						
Registration Company Number (if applicable):						
Registration Charity Number (if applicable):						
Ofsted URN/DFES Number						
Previous Support Level (date):						
Approximate % availability of spaces:						
Locality/Children Centre area:						
Early Years Support Teacher Name:						
Development Worker Name:						
Are Conditions of Registration and Insurance Certificate displayed? Yes <input type="checkbox"/> No <input type="checkbox"/>						
Opening Times:		Mon	Tue	Wed	Thur	Fri
	open					
	close					

Children on roll Date:				Setting Age Range	
<2	2yrs	3yrs	4yrs	Youngest	Oldest

Total number of children with SEN	
Total number of children Early Years Action	
Total number of children Early Years Action Plus	
Total number of children with Inclusion Support Grant	
Total number of children with Local Support Package	
Total number of children with Statement/Requesting Statutory Assessment	
Total number of children with an SEN Funded Place if you are a SEN Funded Setting	
Total Number of 2 Year Olds Funded	
Total Number of Sure Care Places	
Total number of Children Looked After	
Total number of Children with a Pre-CAF	
Total number of children with a CAF	
Total number of children identified as CiN/Family of concern (Health Visiting definition)/Known to Social Care	
Total number of children with Child Protection Plan	

Settings Involvement	Comment
2 year old Funding Scheme/Community Placements	
Sure Care Placements	
ECaT Programme: Clubs attended? Audits returned?	
Social Care Placements	
Developmental Movement Play	
Inclusion Networks Attended	
Pre School Learning Alliance Committee Forums (if applicable)	
Quality Assurance (name):	
Healthy Early Years Award (HEYA)	
Southampton Music Service Project	
Attendance at Children Centre Multi Agency Forum	
Regular attendance at Lead Practitioner Meeting	

Notes

Date of Latest Ofsted Report											
Date of Last SEF Review											
Overall Effectiveness of the Early Years Provision			The Effectiveness of Leadership & Management of the Early Years Provision			The Quality of the Provision in the Early Years Foundation Stage			Outcomes for Children in the Early Years Foundation Stage		
Grade	OFSTED	SEF		OFSTED	SEF		OFSTED	SEF		OFSTED	SEF
How well does the setting meet the needs of the children in the EYFS?			How effectively is the EYFS led and managed?			The quality of the provision in the Early Years Foundation Stage			Outcomes of children in the Early Years Foundation Stage		
The capacity of the provision to maintain continuous improvement			The effectiveness of leadership & management in embedding ambition and driving improvement						The extent to which children achieve and enjoy their learning		
			The effectiveness with which the setting deploys resources						The extent to which children feel safe		
			The effectiveness with which the setting promotes equality and diversity						The extent to which children adopt healthy lifestyles		
			The effectiveness of safeguarding						The extent to which children make a positive contribution		
			The effectiveness of the setting's self-evaluation, including the steps taken						The extent to which children develop skills for the future		

	to promote improvement				
	The effectiveness of partnerships				
	The effectiveness of the setting's engagement with parents and carers				

Key: 4 = Inadequate 3 = Satisfactory 2 = Good 1 = Outstanding

Classification Criteria
Please refer to supporting document for evidence

	Red		Amber		Green	
<i>Focus area:</i>	Quality criteria for settings needing Intensive Support.		Quality Criteria for settings needing Medium Support		Quality criteria for settings receiving Light Support	
Ofsted Completed by EYST/DW	Satisfactory Ofsted Grade	<input type="checkbox"/>	Good Ofsted Grade	<input type="checkbox"/>	Outstanding Ofsted Grade	<input type="checkbox"/>
ECERS-R/etc Completed by EYST/DW	Inadequate provision (1 or 2) in 4 or more items	<input type="checkbox"/>	Range of scores between 1 and 7.	<input type="checkbox"/>	All scores 5 or above	<input type="checkbox"/>
Leadership and 3 Management Completed by EYST/DW	New manager or key staff in previous 12 months	<input type="checkbox"/>	Manager and/or key staff in 2 nd year of role	<input type="checkbox"/>	Manager and key staff stable for 2 years or more	<input type="checkbox"/>
	SEF grade for Leadership is 3	<input type="checkbox"/>	SEF grade for Leadership is 2	<input type="checkbox"/>	SEF grade for Leadership is 1	<input type="checkbox"/>
	Ofsted judgement on Leadership is 3	<input type="checkbox"/>	Ofsted judgement on Leadership is 2	<input type="checkbox"/>	Ofsted judgement on Leadership is 1	<input type="checkbox"/>
	Manager is unaware of Whistle Blowing Procedures	<input type="checkbox"/>	Manager is aware of procedures for managing allegations.	<input type="checkbox"/>	Manager has attended training that includes managing allegations.	<input type="checkbox"/>
	Manager/CP Lead has not had higher level safeguarding training within the last 2 years	<input type="checkbox"/>	Manager/CP Lead has had higher level safeguarding training within the last 2 years	<input type="checkbox"/>	Manager/CP Lead has had higher level safeguarding training within the last 2 years and has attended extra safeguarding briefings/training	<input type="checkbox"/>
	High level of staff changes (50% or more)	<input type="checkbox"/>	Staff changes (25% to 49%)	<input type="checkbox"/>	Staffing has been stable for past 12 months (under 25%)	<input type="checkbox"/>
	Below mandatory requirements for staffing qualifications – no plans for development of qualification levels of workforce .	<input type="checkbox"/>	Qualifications meet requirement and plans in place for staff development	<input type="checkbox"/>	EY Graduate practitioners in place/ Practitioners with EYP status; Plans in place to extend qualifications of current workforce	<input type="checkbox"/>
	Managers are not implementing written appraisals and supervisions with all staff	<input type="checkbox"/>	Managers are implementing comprehensive appraisals and supervisions with SMART targets set and reviewed for all staff	<input type="checkbox"/>	Targets are linked to individuals CPD, setting's action plan and SEF	<input type="checkbox"/>

Learning and Development Completed by EYST/DW	Non compliance or inconsistent implementation of the EYFS	<input type="checkbox"/>	Consistent implementation of EYFS across the setting	<input type="checkbox"/>	Effective implementation of EYFS across the setting	<input type="checkbox"/>
	The Learning and Development requirements are not met	<input type="checkbox"/>	Meeting statutory requirements	<input type="checkbox"/>	Assessment at all ages is precise, sharply focused and includes all those involved in the child's learning	<input type="checkbox"/>
	Staff have little or no understanding of the ECM outcomes; SEF grade for ECM is 3	<input type="checkbox"/>	Staff have a satisfactory understanding of the ECM outcomes; SEF grade is 2	<input type="checkbox"/>	All staff have a good understanding of the ECM outcomes; SEF grade is 1	<input type="checkbox"/>
	Learning Stories being used inconsistently to monitor and promote children's progress	<input type="checkbox"/>	Learning Stories completed and being used effectively to monitor and track children's progress	<input type="checkbox"/>	Learning Stories are monitored and used to secure timely interventions and support, based on a comprehensive knowledge of the child and their family. Strategies to support children's next steps in Learning at home are shared with parents/carers.	<input type="checkbox"/>

ECAT	Inconsistent submission or completion of audits	<input type="checkbox"/>	Audits completed accurately and submitted on time.	<input type="checkbox"/>		<input type="checkbox"/>
	Little evidence of next steps incorporated into Learning Stories and planning	<input type="checkbox"/>	Evidence of next steps are incorporated into Learning Stories and planning	<input type="checkbox"/>	Managers, ECAT Lead, SENCO and Parents work collaboratively to plan next steps	<input type="checkbox"/>
	Little monitoring of audit and use of data	<input type="checkbox"/>	ECAT lead monitors completion of audit and use of data.	<input type="checkbox"/>	Managers, ECAT Lead and SENCO monitor audit to ensure consistency and accuracy across the setting	<input type="checkbox"/>
	Inconsistent attendance at ECAT Club and/or gap task not completed	<input type="checkbox"/>	ECAT clubs are attended and gap tasks completed consistently	<input type="checkbox"/>	All staff are involved in gap task and evidence of impact is apparent	<input type="checkbox"/>
	Little ECAT information is cascaded to setting staff and parents/carers	<input type="checkbox"/>	ECAT information is cascaded to setting staff and parents/carers	<input type="checkbox"/>	Evidence of ECAT initiatives involving parents/carers and setting	<input type="checkbox"/>

	Red		Amber		Green	
<i>Focus area:</i>	Quality criteria for settings needing Intensive Support.		Quality Criteria for settings needing Medium Support		Quality criteria for settings receiving Light Support	
Parents Completed by EYST/DW	Limited or no information exchanged with parent/carers	<input type="checkbox"/>	Basic information exchanged with parents/carers	<input type="checkbox"/>	All parents have access to a full range of information	<input type="checkbox"/>
	Minimal engagement with parents	<input type="checkbox"/>	Engagement with parents is satisfactory	<input type="checkbox"/>	Strong parental engagement with continuous improvement	<input type="checkbox"/>
	No variance in methods of communications with parents	<input type="checkbox"/>	Variety in methods of communication with parents	<input type="checkbox"/>	Effective communication used to inform, advise and engage parents	<input type="checkbox"/>
Partnership Completed by EYST/DW	Limited or no information exchanged with professionals	<input type="checkbox"/>	Basic information exchanged with professionals	<input type="checkbox"/>	All professionals have access to a full range of information	<input type="checkbox"/>
	Minimal engagement with professionals	<input type="checkbox"/>	Engagement with professionals satisfactory	<input type="checkbox"/>	Strong professional engagement with innovative practice	<input type="checkbox"/>
	No variance in methods of communications with professionals	<input type="checkbox"/>	Variety in methods of communication with professionals	<input type="checkbox"/>	Effective communication used to inform, advise and engage professionals	<input type="checkbox"/>
Transition Completed by EYST/DW	Limited or inconsistent information sent to next provision	<input type="checkbox"/>	All relevant Information sent to next provision	<input type="checkbox"/>	Comprehensive information is sent to next provision	<input type="checkbox"/>
	Limited liaison with next provision	<input type="checkbox"/>	Some liaison with next provision	<input type="checkbox"/>	Regular liaison with next provision and planned transition experiences for children	<input type="checkbox"/>
	Limited information shared with other provisions attended if applicable	<input type="checkbox"/>	System in place to share information with other provisions attended if applicable	<input type="checkbox"/>	Effective communication channels are established to engage partnership working	<input type="checkbox"/>
	Limited evidence of transition planning or record sharing with parents/carers	<input type="checkbox"/>	Transitions planning and record sharing with parents/ carers is in place	<input type="checkbox"/>	Parents and carers are fully involved within the transitions	<input type="checkbox"/>
Sustainability & Business Completed by DW	No or unsatisfactory business plan in place	<input type="checkbox"/>	Satisfactory business plan in place	<input type="checkbox"/>	Business plan in place which is regularly reviewed monitored and updated.	<input type="checkbox"/>
	No or unsatisfactory 'cash flow' forecast in place	<input type="checkbox"/>	Satisfactory 'cash flow' forecast in place	<input type="checkbox"/>	'Cash flow' forecast in place and used and managed effectively	<input type="checkbox"/>
	Significant sustainability issues	<input type="checkbox"/>	Sustainability issues are being addressed	<input type="checkbox"/>	No issues of sustainability.	<input type="checkbox"/>
Inclusion Completed	Insufficient evidence of inclusive practice	<input type="checkbox"/>	Evidence of inclusive practice	<input type="checkbox"/>	Strong inclusive practice	<input type="checkbox"/>

by Area Senco	Vulnerable children are not identified or identified but not given targeted support	<input type="checkbox"/>	Vulnerable children are identified and supported effectively	<input type="checkbox"/>	Strategies/IEP's evident in planning and provision	<input type="checkbox"/>
	Limited attendance at CPD for SENCOs	<input type="checkbox"/>	Attendance at CPD has impact upon SEN practice	<input type="checkbox"/>	Attendance at CPD informs the review and evaluation of the SEN policy and provision	<input type="checkbox"/>
	Children at risk of low achievement not identified or not given targeted support	<input type="checkbox"/>	Children at risk of low achievement identified early and receive appropriate provision and target support as required	<input type="checkbox"/>		
	Limited regard to the SEN Code of Practice	<input type="checkbox"/>	There is regard to the SEN Code of Practice	<input type="checkbox"/>	SEN Code of Practice is fully implemented systematically monitored, evaluated & reviewed	<input type="checkbox"/>
Continuous Professional Development Completed by EYST/DW	Minimum requirements from LA [NEG agreement] are not met for CPD activity	<input type="checkbox"/>	Minimum requirements are met	<input type="checkbox"/>	Minimum requirements are exceeded	<input type="checkbox"/>
	No CPD plan linked to identify priorities of setting or linked to performance management	<input type="checkbox"/>	CPD plan linked to identified priorities and performance management with sound evidence of impact	<input type="checkbox"/>	Good evidence of impact of CPD undertaken and monitored by management	<input type="checkbox"/>
	No or limited attendance at external CPD events	<input type="checkbox"/>	Attendances at a range of CPD events	<input type="checkbox"/>	Attendance at a range of CPD events which links to identified priorities	<input type="checkbox"/>
	Satisfactory use of in-house training opportunities	<input type="checkbox"/>	In-house training opportunities are used well to meet the requirements of setting and workforce	<input type="checkbox"/>	Good evidence of impact of in-house training undertaken and monitored by management	<input type="checkbox"/>
	Child Protection/Safeguarding training for most staff in last 3 years	<input type="checkbox"/>	All staff have received CP/ Safeguarding training in the last 3 years	<input type="checkbox"/>	All staff have received CP/ Safeguarding training in the last 3 years plus additional Safeguarding training	<input type="checkbox"/>
			Currently undertaking QA Accreditation	<input type="checkbox"/>	Completed QA Accreditation	<input type="checkbox"/>
	Not completed or updated	<input type="checkbox"/>	Qualification audit tool is completed and regularly updated	<input type="checkbox"/>	A written copy of individual's CPD is kept in their personnel file	<input type="checkbox"/>

	Red		Amber		Green	
<i>Focus area:</i>	Quality criteria for settings needing Intensive Support.		Quality Criteria for settings needing Medium Support		Quality criteria for settings receiving Light Support	
Safeguarding and Welfare Completed by setting	Not all staff have an up to date understanding of Safeguarding and promoting children's welfare.	<input type="checkbox"/>	All practitioners have an up-to-date understanding of safeguarding children issues.	<input type="checkbox"/>	All practitioners have an up-to-date understanding of safeguarding children issues and are able to implement the safeguarding children policy and procedure appropriately with continuous improvement.	<input type="checkbox"/>
	No clear complaints procedures/log	<input type="checkbox"/>	There is an up to date complaints procedure displayed.	<input type="checkbox"/>	The complaints procedure is displayed clearly, is current and reviewed regularly and known to parents, including how to complain to OfSTED.	<input type="checkbox"/>
	Outings are a concern: i.e no written permission from parents, inadequate risk assessments	<input type="checkbox"/>	Risk assessments and ratios are satisfactory for outings.	<input type="checkbox"/>	Outings are carefully planned and there are written risk assessments in place.	<input type="checkbox"/>
	Concern about procedures for medicines or illness ie. Administering non prescribed medication	<input type="checkbox"/>	Clear procedures for administering medicines and excluding sick children are in place. including written consent forms	<input type="checkbox"/>	Effective implementation of the policy on administration of medicines and illness. Only named suitable staff administer medicines and exclusions are displayed for staff to see	<input type="checkbox"/>
	No First Aid trained person on site/outings at all times	<input type="checkbox"/>	Paediatric First Aid trained person in setting at all times	<input type="checkbox"/>	Majority of staff are paediatric first aid trained and there is someone always on site with full first aid at work.	<input type="checkbox"/>
	There are concerns about the food and drinks provided. Fresh drinking water is not readily available at all times. Those responsible for preparation and handling food are not competent to do so.	<input type="checkbox"/>	Meals, snacks and drinks are healthy, balanced, nutritious and varied. Fresh drinking water is readily available at all times.	<input type="checkbox"/>	Children and parents contribute to menus. Setting undertaking or completed H.E.Y.A.	<input type="checkbox"/>
	An Ofsted action regarding welfare in the last twelve months which has been	<input type="checkbox"/>	No Ofsted welfare actions	<input type="checkbox"/>		

	addressed but not yet imbedded into practice.				
	Visitor book inconsistently completed	<input type="checkbox"/>	Visitors register is completed including date, time and contact details. System to verify the identity of visitors – badge ID requested and recorded	<input type="checkbox"/>	Visitor's badge given and worn <input type="checkbox"/>
	Not registered with Local Authority Environmental Health Department	<input type="checkbox"/>	Registered with Environmental Health and all practitioners have Food Hygiene	<input type="checkbox"/>	<input type="checkbox"/>
Suitable People	Limited or inconsistent induction procedures	<input type="checkbox"/>	There is a clear induction process. New staff are monitored appropriately	<input type="checkbox"/>	All new staff are monitored appropriately and allocated a mentor. Staff 1:1s are increased during the probationary period. <input type="checkbox"/>
	Staff often start work before all checks are completed.	<input type="checkbox"/>	Occasionally staff commence work prior to receiving a clear CRB but are always supervised appropriately with no lapses.	<input type="checkbox"/>	All references and checks are done prior to commencing work Portable CRB;s are never used <input type="checkbox"/>
	EY2s or enhanced CRBs are not in place for all relevant people.	<input type="checkbox"/>	EY2s and enhanced CRBs are completed appropriately and in place for all relevant people	<input type="checkbox"/>	EY2s, enhanced CRBs and EY3s are completed and in place for all relevant people. Processes for renewal and storage of information meets requirements. <input type="checkbox"/>
	Lead Practitioner and Deputy are often not on site	<input type="checkbox"/>	Lead Practitioner, competent Deputy or competent room leader are on site but not always with the children.	<input type="checkbox"/>	Lead practitioner or competent deputy are on site and working with the children. <input type="checkbox"/>
	Ratios have been a concern in the last twelve months.	<input type="checkbox"/>	Ratios meet legal requirement.	<input type="checkbox"/>	Ratios consistently exceed legal requirement. <input type="checkbox"/>
	An Ofsted 'Suitable Person' action identified in the past twelve months – which has been addressed but not yet imbedded into practice.	<input type="checkbox"/>	No outstanding Ofsted actions regarding 'Suitable People'	<input type="checkbox"/>	

	Red		Amber		Green	
<i>Focus area:</i>	Quality criteria for settings needing Intensive Support.		Quality Criteria for settings needing Medium Support		Quality criteria for settings receiving Light Support	
	Not all staff and committee members are aware of their roles and responsibilities.	<input type="checkbox"/>	All staff/committee/volunteers are aware of their roles and responsibilities.	<input type="checkbox"/>	All staff/committee/volunteers have a clear understanding of their roles and responsibilities and consistently apply them.	<input type="checkbox"/>
	Inconsistencies in the recruitment process.	<input type="checkbox"/>	Recruitment procedures are thorough	<input type="checkbox"/>	Manager and committee on recruitment panel have undergone Safer Recruitment Training	<input type="checkbox"/>
	Infrequent 1:1 supervisions that includes Safeguarding.	<input type="checkbox"/>	Half Termly 1:1 supervisions that includes Safeguarding	<input type="checkbox"/>	Monthly 1:1 supervisions that includes Safeguarding	<input type="checkbox"/>

Suitable premises, environment & equipment	A full risk assessment has not been completed in the past twelve months	<input type="checkbox"/>	A full written Risk assessment is in place and reviewed annually. Action taken to rectify identified issues within appropriate time scales	<input type="checkbox"/>	A full written Risk assessment is in place and reviewed each term, and more regularly if required. Actions taken to reduce any identified risks within realistic time scales.	<input type="checkbox"/>
	No fire drills have been practised	<input type="checkbox"/>	Fire drills are practised by all children and staff termly.	<input type="checkbox"/>	Fire drills are practised more than once per term using all exits and recorded in fire log. Fire training undertaken	<input type="checkbox"/>
	There are some cleanliness concerns that have been identified	<input type="checkbox"/>	Cleanliness is good.	<input type="checkbox"/>	Clear cleaning routine for the premises –inside and out and all resources and equipment. A designated place of safety is agreed	<input type="checkbox"/>

	There has been an Ofsted suitable premises action identified in the past twelve months and/or previous concerns have not been addressed.	<input type="checkbox"/>	No outstanding suitable premises, environment and equipment Ofsted actions	<input type="checkbox"/>		
	Concerns about the safety and security of the premises either indoor or outdoor.	<input type="checkbox"/>	Premises are safe and secure. Both indoor and outdoor.	<input type="checkbox"/>	The premises are safe and secure both indoor and outdoor with additional measures in place and there is effective management and reviewing.	<input type="checkbox"/>
	Not informing Ofsted about any notifiable changes, ie.	<input type="checkbox"/>	Ofsted are informed when there any	<input type="checkbox"/>		

	to premises or effecting operations.		notifiable changes			
Organisatio n	Inconsistent approach from Key Persons.	<input type="checkbox"/>	All children have a consistent key person who is clearly known to them.	<input type="checkbox"/>	There is evidence that key persons help children form secure emotional attachments and provide a strong base that promotes each child's well being and independence	<input type="checkbox"/>
	Children's next steps are not planned.	<input type="checkbox"/>	Children's next steps are planned and shared with parents.	<input type="checkbox"/>	Comprehensive next steps planned for each child using all available observations and evidence. E.g. Learning Stories, ECAT audit etc and shared with individual child	<input type="checkbox"/>
	There is little or no variety of resources and activities offered to the children both outside and inside	<input type="checkbox"/>	There is a variety of resources and activities offered to the children both outside and inside	<input type="checkbox"/>	There is a well balanced variety of resources and planned activities offered to the children both inside and out throughout each term	<input type="checkbox"/>
Documentat ion	The policies and procedures do not meet the requirement for the safe and effective management of the setting. Policies have not been reviewed within the past twelve months and/ or some concerns about policies, registers, or paperwork from staff, PDW or Ofsted with in the past twelve months	<input type="checkbox"/>	The policies and procedures meet the requirement for the safe and effective management of the setting. All policies have been reviewed in the past twelve months and amended as required.	<input type="checkbox"/>	All staff, parents and management committee are involved with amending/ updating policies and procedures and are reviewed and amended in line with any new legislation and current best practice.	<input type="checkbox"/>
	No certificates displayed and parents have no access to policies.	<input type="checkbox"/>	Certificates are displayed and parents have access to policies.	<input type="checkbox"/>	All certificates are displayed clearly for parents, staff and visitors. Parents are given copies of policies.	<input type="checkbox"/>
	Incomplete details and registers of children.	<input type="checkbox"/>	Details and Registers of children are clear and completed	<input type="checkbox"/>	Details and Registers of children are clear, completed, well organised and appropriately accessible.	<input type="checkbox"/>
ECERS-R and ITERS-R Personal Care Routines	Scores for Personal Care Routines are below minimal in more than one item.	<input type="checkbox"/>	Scores for Personal Care Routines are good, with no more than 1 item score below 5	<input type="checkbox"/>	Scores for Personal Care Routines are all 5 or above.	<input type="checkbox"/>

	Red		Amber		Green
<i>Focus area:</i>	Quality criteria for settings needing Intensive Support.		Quality Criteria for settings needing Medium Support		Quality criteria for settings receiving Light Support

Automatic alerts to support level: Completed by EYST/DW ANY of these statements automatically determine the level of support	Inadequate Ofsted or lower OfSTED grade than previously.	<input type="checkbox"/>						
	No SEF or evidence of reflective practice reviewed in last 12 months	<input type="checkbox"/>						
	Unforeseen circumstances indicate potential closure	<input type="checkbox"/>						
	New Registration	<input type="checkbox"/>						
	Failure to engage with LA support	<input type="checkbox"/>						
	Major building works or re-location	<input type="checkbox"/>						
	No 'Whistle-blowing' policy or procedures	<input type="checkbox"/>						
	No phone, social networking and camera policy	<input type="checkbox"/>						
	No Safeguarding Lead Officer or inadequate practice.					Name of Lead Officer:		
	No SENCO or inadequate SEN practice	<input type="checkbox"/>						
Red alert in Leadership and Management, Safeguarding and Welfare, Learning and Development	<input type="checkbox"/>							
No identified lead for ECAT or inadequate engagement								
Formula for support level	Setting requesting intensive support and can evidence justification	<input type="checkbox"/>	Setting requesting Medium Support and can evidence justification	<input type="checkbox"/>	Light Support	<input type="checkbox"/>		

If less than 50% over all criteria boxes, the support level will be at the discretion of the EY Support Team in relationship to evidence provided.

Provisional overall support allocation	Total no. indicators	Agreed level of support
Light (Green)		
Medium (Amber)		
Intensive (Red)		

Allocation of Support to include (Specific)	Action	Responsibility

Completed by: _____

Date: _____

Team Manager: _____

Date: _____

For office use only	
Confirmed Categorisation:	
Letter sent:	
Responses/Conclusion:	

Appendix 3: Environmental Rating Scales

There are three scales used in Southampton.

The Early Years Environmental Rating Scale (ECERS-R)

ECERS-R is an internationally used scale which identifies, in an objective way, the quality of any early years setting. There are seven sub scales (with 49 items) rated at inadequate, minimal, good and excellent and provides a score for each item. Early years settings should aim to score 'good' across all seven sub scales with an aspiration to become 'excellent'. In this way settings will achieve a standard of provision which greatly exceeds the minimum standards inspected by OfSTED.

The Infant and Toddler Environment Rating Scale (ITERS)

This is a similar tool and used by settings working with children under 3.

The Family Child Care Rating Scale (FCCRS)

This may be used instead in Day Care or Childminder settings.



Department
for Education

Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare

September 2012

Contents

		Page
	Introduction	3
	Part A: Free Early Education for Three and Four Year Olds	
A1	The Free Entitlement	5
A2	Flexibility	7
A3	Quality	8
A4	Funding the Free Entitlement	10
A5	Delivering in Partnership	12
	Part B: Securing Sufficient Childcare	13
	Part C: Information to Parents	14
	Part D: The legal framework and other relevant information	15

Introduction

This is statutory guidance from the Department for Education for English local authorities on their duties under sections 6, 7 and 11 of the Childcare Act 2006. **It is effective from 1 September 2012** and replaces the *Code of Practice for Local Authorities on Delivery of Free Early Years Provision for Three and Four Year Olds* (September 2010) and *Securing Sufficient Childcare – Statutory guidance for local authorities in carrying out their childcare sufficiency duties* (2010).

Section 6 places a duty on English local authorities to secure sufficient childcare for working parents.

Section 7 places a duty on English local authorities to secure free early years provision. Regulations made under section 7 set out the type and amount of free provision and the age of children to benefit. This guidance refers to 'early years provision' as 'early education' or the 'free entitlement to early education'.

Section 11 places a duty on English local authorities to assess childcare provision. Regulations made under section 11 set out how the assessment must be prepared and published.

Local authorities **must** have regard to this guidance when seeking to discharge their duties under sections 6, 7 and 11 of the Childcare Act 2006 and **should not** depart from it unless they have good reason to do so.

The guidance seeks to assist local authorities, providers and parents by making it clear:

- what **outcomes** different measures are seeking to achieve, which should guide local authorities in their interpretation of the guidance;
- what is a legal duty **required** by legislation; and,
- what local authorities **should** as a matter of course do to fulfil their statutory responsibilities and ensure effective delivery.

This guidance does not prescribe matters which are rightly for local determination; local authorities must work with providers to plan and manage local provision to meet the needs of families and children in their area. Local authorities should not intervene in providers' private business outside of the free entitlement. This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above the free entitlement.

Future policy intentions

The two year old entitlement

The Government plans to introduce a new targeted entitlement for two year olds to access free early education. This is part of the Government's Fairness Premium, to drive up social mobility and improve life chances. The primary focus will be on disadvantaged children, who are currently less likely to access the benefits of early education.

The new entitlement will be implemented in two phases. In September 2013 (phase one), around 130,000 (20%) two year olds in England will be able to access free early education places. From 2014 (phase two), the entitlement will be extended to around 260,000 (40%) two year olds.

The Government consulted between November 2011 and February 2012 on proposed eligibility criteria for the **first** phase of the entitlement. The consultation also included a number of proposals which are common across both phases of the entitlement; including proposals on start-dates for the free places and on the quality and flexibility of provision.

The Government's intentions regarding the first phase of the entitlement are set out in the Government's response to the consultation which can be found [here](#). Two year olds who meet the Free School Meals criteria, or who are looked after by the local authority, will be eligible for the free places in the first phase. The Government intends to make secondary legislation on the two year old entitlement, subject to parliamentary approval. The legislation for the first phase is planned for Autumn 2012 – one year in advance of the entitlement coming into force, in order to give early clarity to local authorities, providers and parents. The Government intends to publish a revised version of the current guidance alongside the secondary legislation. This will cover the free entitlement for two, three and four year olds, and will contain sub-sections on the specific requirements relating to two year olds.

New eligibility criteria will be required for the extension of the entitlement to more children in the second phase, from 2014. The primary focus will remain on supporting economically disadvantaged families, and the Government will also consider whether additional groups of children, such as children with special educational needs or disabilities, should be included. The Government plans to consult on proposals for the new criteria in summer 2012. The secondary legislation and guidance will then be amended to incorporate the eligibility criteria for the second phase.

Assessing the sufficiency of childcare

The Department intends to introduce measures to repeal the requirement on local authorities to assess the sufficiency of childcare in their area (section 11 of the Childcare Act 2006) and the associated regulations at the earliest opportunity.

Part A: Free early education for three and four year olds

Section A1: The Free Entitlement

Outcome:

All eligible children are able to take up high quality early education regardless of their parents' ability to pay – benefiting their social, physical and mental development and helping to prepare them for school. Evidence shows that regular, good quality early education has lasting benefits for all children.

To secure delivery:

Local authorities **are required** by legislation to:

1.1 Make available sufficient **free** early education places offering 570 hours a year over no fewer than 38 weeks of the year for every eligible child in their area from the relevant date following their third birthday until they reach compulsory school age (the beginning of the term following their fifth birthday) and to ensure that every place is provided free of charge.

1.2 Ensure they meet their duties under the Equality Act 2010 when securing free early education places.

1.3 Local authorities must make a place available from the start of the term beginning on or following the dates set out below.

- Children born in the period 1st January to 31st March: **1st April** following the child's third birthday.
- Children born in the period 1st April to 31st August: **1st September** following the child's third birthday.
- Children born in the period 1st September to 31st December: **1st January** following the child's third birthday.

Local authorities **should**:

1.4 Ensure that providers who charge for any goods or services, for example meals, optional extras or additional hours of provision outside of the free entitlement, do not do so as a condition of children accessing their free entitlement.

1.5 Ensure that three and four year old children moving to England from another country can access a free early education place on the same basis as any other eligible child in the local authority area.

1.6 Deliver the free entitlement in a way that reflects the local market through providers across the maintained, private, independent and voluntary sectors.

1.7 Enable children to take up a free place at a provider who, for good reason, may not be able to open for 38 weeks a year or for 15 hours a week where this suits the parent's needs.

1.8 Promote equality and inclusion, particularly for disadvantaged families, looked-after children, children in need and children with disabilities or special educational

needs by removing barriers of access to free early education and working with parents to give each child support to fulfil their potential.

1.9 Encourage take up of the free entitlement and conduct outreach activities to identify children who are not taking up their full entitlement and support them to do so.

Section A2: Flexibility

Outcome:

Children are able to take up their full entitlement to free early education at times that best support their learning, and at times which fit with the needs of parents.

To secure flexible delivery:

Local authorities **should**:

2.1 Fund providers to deliver free early years provision for three and four year olds at times and in patterns that support parents to maximise the use of their child's entitlement.

2.2 Encourage providers to offer flexible packages of free early education, subject to the following standards on flexibility:

- No session longer than 10 hours;
- No session shorter than 2.5 hours;
- Not before 7.00am or after 7.00pm.

2.3 As a minimum ensure that parents are able to access their child's free early education place in the following patterns:

- 3 hours a day over 5 days of the week;
- 5 hours a day over 3 days of the week.

2.4 Act as a broker between overall parental demand in the area and provider capacity, seeking to provide the maximum possible flexibility where demand exists beyond the guaranteed models referred to in 2.3.

2.5 Support parents to identify providers who can offer a free place on the day and hours they need, noting that the free entitlement does not offer a guarantee of a place at any one provider.

2.6 Consider the impact on continuity of care for children when enabling children to access the free entitlement at more than one provider.

2.7 Enable parents to take up patterns of hours which "stretch" their child's entitlement by taking fewer free hours a week over more weeks of the year, where there is provider capacity and sufficient demand from parents.

2.8 Publish their local flexible offer and inform the local Family Information Service (FIS) what is available.

Section A3: Quality

Outcome:

All children are able to take up their entitlement to free early education in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children particularly for the youngest children. The biggest single indicator of high quality provision is the qualification levels of staff in a setting.

To secure and improve quality:

Local authorities **are required** by legislation to:

- 3.1 Improve the well-being of young children in their area and reduce inequalities between young children in their area.
- 3.2 Deliver the free entitlement through early years providers who deliver the full Early Years Foundation Stage (EYFS) and are registered with Ofsted or are schools which are exempt from registration with Ofsted.
- 3.3 Provide information, advice and training to childcare providers.

Local authorities **should**:

- 3.4 Not refuse free entitlement funding to providers who have not yet been inspected by Ofsted¹, where the local authority is satisfied that the provision is of sufficient quality.
- 3.5 Not fund providers rated 'inadequate' Ofsted unless the local authority is satisfied that the setting is likely to improve significantly at re-inspection or within an agreed timescale.²
- 3.6 Secure alternative provision, as soon as is practicable, for children who are already receiving their free entitlement at a provider when it is rated 'inadequate' by Ofsted, and where the local authority is not satisfied that the setting is likely to improve at re-inspection or within an agreed timescale.
- 3.7 Only fund providers rated 'satisfactory' if they also can evidence a commitment to improving the quality of their provision by meeting at least one of the following additional eligibility criteria:
 - active participation in a quality improvement programme that the local authority considers appropriate;
 - active participation in a peer-to-peer support network (including childminding networks) that the local authority considers appropriate;
 - assessed as sufficiently high quality through a local authority quality assessment system;
 - a level of workforce qualifications that indicate higher quality provision (for example, all staff having or actively working towards a level 3 qualification, or having a graduate leader).

¹ Or an independent inspection body approved by the Secretary of State

² Ofsted has recently consulted on a proposal to replace its inspection rating 'inadequate' with 'requires significant improvement or enforcement' and 'satisfactory' with 'requires significant improvement'. If this change is made to the inspection judgements, the new equivalent judgements will apply.

3.8 Consider whether to require providers rated 'satisfactory' to meet more than one of the additional eligibility criteria in para 3.7, in order to raise the quality of provision in the area or if there is sufficient high quality provision already available.

3.9 Consider whether to require providers rated good to meet one or more of the above additional eligibility criteria in para 3.7 to promote further quality improvement in their area.

3.10 Fund providers rated 'good' or 'outstanding' by Ofsted to deliver free early education places for three and four year olds, unless the local authority has reason to believe that the quality of provision has deteriorated significantly since their last Ofsted inspection, or the provider has ceased to meet any eligibility criterion (as set out in para 3.9) that the local authority required it to meet.

3.11 Ensure that providers are aware of the quality criteria they have to meet in order to deliver free places to three and four year olds.

3.12 Withdraw funding as soon as is practicable from providers who are not demonstrating the sufficient quality improvement required to deliver the free entitlement.

Section A4: Funding the Free Entitlement

Outcome:

Fair and transparent funding that supports a diverse range of providers. This diversity enables parents to choose a provider that best meets the needs of their child.

To fund the free entitlement:

Local authorities **are required** by legislation to:

- 4.1 Fund early years provision for three and four year olds in all sectors using a locally-determined, transparent formula – the early years single funding formula (EYSFF).
- 4.2 Construct a formula composed of either a single base rate for all providers or a number of base rates differentiated by type of provider according to unavoidable cost differences. The formula must also include a deprivation supplement, and must be based on a count of children attending provision conducted at least three times a year.
- 4.3 Issue all providers with an indicative budget at the beginning of the financial year which broadly reflects anticipated participation. Local authorities must also adjust budgets to reflect actual levels of participation within the financial year, across all sectors.
- 4.4 Provide Free School Meals for children who are registered pupils of a maintained school, who attend free provision both before and after lunch and whose parents are in receipt of specified benefits.

Local authorities **should**:

- 4.5 Ensure that their EYSFF is clear, simple and transparent, and in particular that:
 - the number of base rates is kept to a minimum;
 - any supplements are understood by providers and help drive positive outcomes for children;
 - rates are based, as far as is practicable, on a clear understanding of provider costs in the area.
- 4.6 Strike a balance between having suitable processes to ensure value for money and minimising administrative burdens on providers.
- 4.7 Fund children of “free entitlement” age who have already been admitted to primary school and are attending a maintained school reception class separately through the main schools budget.
- 4.8 Make clear their local policy of funding free early education places for children who move providers during the term or start later in the term.
- 4.9 Consider and determine whether to fund providers / children with exemptions from the Early Years Foundation Stage Learning and Development requirements.
- 4.10 Ensure providers do not charge parents for any hours for which the provider already receives any funding from the local authority.

4.11 Ensure providers are not penalised for short term absences of children through withdrawing funding but use their discretion where absence is recurring or for extended periods taking into account the reason for the absence and the impact on the provider.

4.12 Ensure providers are aware of the local authority policy on reclaiming funding when a child is absent from a setting during free entitlement hours.

4.13 Consider and determine whether to fund the cost of lunch when a child who would qualify for Free School Meals in a maintained school takes up their free entitlement at a private, voluntary or independent provider.

Section A5: Delivery in Partnership

Outcome:

Local authorities and providers work effectively together to ensure children can access the free entitlement in a variety of settings that meet the needs of their family.

To secure delivery:

Local authorities **are required** by legislation to:

- 5.1 Work with relevant partners to secure integrated early childhood services.
- 5.2 Act in accordance with the School Admissions Code in enabling children to take up a place in a maintained reception class from the September following their fourth birthday.

Local authorities **should**:

- 5.3 Maintain a directory of providers eligible to deliver the free entitlement.
- 5.4 Maximise parental choice by admitting all eligible providers (see 3.2) who wish to deliver the free entitlement onto the directory if they meet the required quality standards and local conditions of funding.
- 5.5 Ensure providers are aware of the process for being admitted to the directory and the implications of withdrawing from delivering the free entitlement.
- 5.6 Have an appeals procedure for providers rejected for inclusion in, or facing removal, from the directory.
- 5.7 Publicise their complaints procedure so that providers know how to complain if necessary.

Part B: Securing Sufficient Childcare

Outcome:

Parents are able to work because childcare places are available, accessible and affordable and are delivered flexibly at a range of high quality settings.

To secure delivery

Local authorities **are required** by legislation to:

B.1 Secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).

B.2 Assess the sufficiency of the childcare in their area at least every three years.³

Local authorities **should**:

B.3 Take into account, in assessing what sufficient childcare means in their area and what is “reasonably practicable” for them:

- the state of the local childcare market, including the level of demand for specific types of providers, in a particular locality and the amount and type of supply that currently exists;
- the state of the labour market;
- the quality and capacity of childcare providers including their funding, staff, premises, experience and expertise; and
- the local authority’s resources, capabilities, and overall budget priorities.

B.4 Report annually to elected council members on how they are meeting their duty to secure sufficient childcare and to make this report available and accessible to parents. Local authorities are responsible for determining the appropriate level of detail in their report, geographical division and the date of publication. However, the report should include:

- a specific reference to how they are ensuring there is sufficient childcare available to meet the needs of: disabled children, children from families in receipt of the childcare element of working tax credit or universal credit, children aged 2, 3 and 4 taking up free early education, school age children and children needing holiday care;
- information about the supply and demand of childcare for particular age ranges of children, and the affordability, accessibility and quality of provision;
- details about how any gaps in childcare provision will be addressed.

³ The Department intends to introduce measures to repeal the duty on local authorities to assess the sufficiency of childcare in their area at least every three years (section 11 of the Childcare Act 2006) at the earliest possible opportunity

Part C: Information to parents

Outcome:

Parents are provided with comprehensive information about their child's entitlement to free early education and childcare options in their area so that all children are able to benefit from provision which meets their needs.

Local authorities **are required** by legislation to:

C.1 Provide information, advice and assistance to parents (of children and young people up to the age of 20) and prospective parents on the provision of childcare in their area.

Local authorities **should**:

C.2 Ensure that parents are aware of:

- the entitlement to free early education for three and four year olds;
- their right to continue to take up their free 15 hour early education place at another provider until their child reaches compulsory school age if they choose not to take up a place in a state-funded school reception class in the September following their child's fourth birthday;
- childcare options available to them including childcare settings suitable for children with disabilities and special educational needs;
- how to identify high quality provision in their area.

C.3 Ensure that parents can clearly see, from the information they receive from their provider, that they have received their child's full 15 hour entitlement completely free.

C.4 Make parents aware of the quality criteria providers delivering free early education places for three and four year olds have to meet in order to deliver free places and how each provider has met those criteria.

C.5 Have a complaints procedure for parents who are not satisfied that their child has received their free place or with any aspect of the way in which they have received it and publicise this to parents.

PART D: Legal annex and other relevant information

Summary of the key provisions in the Childcare Act 2006 relating to the entitlement to free early years provision

- Sections 1-5 require local authorities and their partners to improve the outcomes of all children under 5 and reduce inequalities.
- **Sections 6 and 11 require local authorities to assess the local childcare market and to secure sufficient childcare.**
- **Section 7 places a duty on local authorities to secure free early years provision for eligible young children in their area.**
- Section 8 enables local authorities to assist others to provide childcare (including giving them financial assistance) but says that local authorities should only provide childcare themselves if not other provider is able or willing to.
- Section 9 gives local authorities the power to place conditions of funding on providers of childcare.
- Section 12 places a duty on local authorities to provide information to parents about childcare in the area.
- Section 13 places a duty on local authorities to secure the provision of information, advice and training to childcare providers and childcare workers.
- Sections 39-48 establish the Early Years Foundation Stage (EYFS)
- Sections 31-38 and 49-98 reform and simplify the childcare and early years regulation framework.
- Section 99 allows for the collection of information about young children.

Local authorities should have regard to any statutory guidance issued under the Childcare Act 2006

Section 7 – Duty to secure prescribed early years provision free of charge

- From 1st September 2008, s7 of the Childcare Act 2006 placed a **legal duty** on local authorities in England to **secure free early years provision** for each young child in their area who has attained such age as may be prescribed but is under compulsory school age.
- Under s7 (2) of the Childcare Act local authorities must have regard to statutory guidance issued by the Secretary of State when fulfilling their duty under s7.

Regulations made under section 7

Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2008 (S.I. 2008/1724) amended by the Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment Regulations 2010 (S.I. 2010/301) are made under s7 (1) of the Childcare Act 2006. These regulations prescribe the **type** and **amount** of free provision and the **age of children to benefit** from free

provision. These Regulations came into force on 1st September 2008 and the amendments came into force on 1st September 2010.

Type of free provision

- Local authorities **must** secure that the prescribed amount of free early years provision is available for each eligible child in their area from providers who are under a duty to deliver the Early Years Foundation Stage (the EYFS - established under s.39 of the Childcare Act).
- That is: Providers who are either a) registered on the Ofsted Early Years Register (under s.40 of the Childcare Act 2006) or b) schools which are exempt from registration on the Ofsted Early Years Register (under section 34(2) of the Childcare Act 2006) that is, certain maintained schools, approved non-maintained special schools or independent schools; **and not from** providers that are exempted from delivering the EYFS learning and development requirements under s.46 (1) or (2) of the Childcare Act.
- Local authorities **must** ensure that all parents have the option to take up their child's free early education place at a provider who delivers the full EYFS learning and development requirements.
- The regulations **do not legally require** local authorities to fund providers who have an exemption from the EYFS or to fund a child who has been exempted from the EYFS. Local authorities have discretion whether to fund such provision and the amount of such provision that they wish to fund.

Age of children to benefit from free provision

- Children become eligible for the free entitlement from the beginning of the next school term on or following the date set out below:
 - Children born in the period 1st January to 31st March: **1st April** following the child's third birthday
 - Children born in the period 1st April to 31st August: **1st September** following the child's third birthday
 - Children born in the period 1st September to 31st December: **1st January** following the child's third birthday
- These dates are consistent with those used for determining the commencement of compulsory education and ensure that every child is able to access at least six terms of early education and / or reception before they reach statutory school age.
- Although they are **not required** to do so, local authorities are not prevented from making available free provision to a child before the child becomes eligible (i.e. before the start of the next school term after the child's third birthday).

Increase to amount of free provision:

- Local authorities **must** secure availability of at least 570 hours of free provision (this works out at 15 hours per week if spread over 38 weeks) for all eligible children in their area over **at least** 38 weeks, in each 12 month period from the date a child becomes eligible until the child reaches compulsory school age.

- Local authorities **must not** condense the free entitlement into less than 38 weeks. However, nothing in the legislation prevents local authorities from “stretching” the provision offering fewer hours over more than 38 weeks when parents want that and the local authority has the capacity to deliver the entitlement in this way.
- Under the current legislation parents do not have the right to demand a particular pattern of provision.

Special Educational Needs

- Local authorities should ensure that all providers in the maintained and private, voluntary and independent sectors that they fund to deliver free early education places are aware of the requirement on them to have regard to the Special Educational Needs Code of Practice and to have a written Special Educational Needs policy.

Early Years Single Funding Formula

The School Finance (England) Regulations 2012 (S.I. 2012/335) set out how local authorities must operate their Early Years Single Funding Formula (EYSFF). The Regulations require that:

- a local authority must consult their schools forum about and decide upon an EYSFF for the financial year 2012-2013, which they must use in that year.
- in operating their EYSFF local authorities:
 - must provide budgets for providers using the most recently available data;
 - must review the budgets during or after the year using either attendance data collected during three sample weeks (census week for example) or total actual hours of attendance;
 - must redetermine the provider’s budget as appropriate;
 - must notify providers within 28 days of redetermining the budget;
 - must implement the redetermination when they consider it appropriate – which may be different for different providers;
 - must not use a factor within the formula which take into account the number of places, except where places have been specifically reserved by the authority for pupils with SEN or for children in need (following the 1989 Children Act definition) with a provider;
 - may provide differential funding to types of providers to reflect unavoidable costs;
 - must use a factor within the formula which takes into account the incidence of deprivation (a deprivation supplement); and
 - may use factors within the formula which take into account:
 - the need to improve the quality of provision by particular provider or types of provider;
 - the degree of flexibility in hours of attendance the provider makes available; and

- the need to secure or sustain a sufficiency of provision within an area.

Compulsory School Age

- Compulsory School Age is defined at Section 8 of the Education Act 1996 together with the Education (Start of Compulsory School Age) Order 1998 (SI 1998: 1607).
- A child reaches compulsory school age either on or after their 5th birthday, on whichever of the following dates is either on, or the first to follow, their birthday: 31st August, 31st December or 31st March.

Equality

- The Equality Act 2010 outlaws discrimination, harassment and victimisation and covers statutory and non-statutory early years organisations and provision. It applies to a range of protected characteristics including sex, race, disability, religion or belief and sexual orientation.
- Local authorities and other listed public authorities (which include schools) must also comply with the provisions of s149 of the Equality Act, and the Equality Act 2010 (Specific Duties) Regulations 2011, in meeting their statutory responsibilities.
- While private, voluntary and independent settings are not bound by this public sector equality duty which applies to public authorities, the principles of equity and justice underpinning the law should be applied as good practice. Where provision is overseen, coordinated or advised by the local authority or a partnership with local authority membership, the local authority will have responsibility to ensure the duties are fulfilled.

School Admissions

- Local authorities must have regard to the School Admissions Code which came into force on 1 February 2012 and applies to admissions from September 2013 in all maintained schools in England.

Admission of children below compulsory school age and deferred entry to school

- Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that:
 - parents can request that the date their child is admitted to school is deferred until later in the year or until the term in which the child reaches compulsory school age, and
 - parents can request that their child takes up the place part-time until the child

reaches compulsory school age.

Free School Meals

- Entitlement to free school meals (FSM) only applies to eligible children in maintained schools, academies and free schools. It does not apply to children in the private, voluntary or independent sector.
- In order to qualify for FSM:
 - a child must be a registered pupil of a maintained school, academy or free school;
 - a child must be receiving education before and after the lunch break (if the child is receiving part-time nursery education); and
 - under **current criteria**** the child's parent must be in receipt of any one or more of the following support payments: income support (IS); income-based jobseeker's allowance (IBJSA); income-related employment and support allowance; support under Part 6 of the Immigration and Asylum Act 1999; or the guarantee element of State Pension Credit; or be entitled to Child Tax Credit but not to Working Tax Credit and have an annual income not exceeding £16,190 (as of 6 April 2012), as assessed by Her Majesty's Revenue and Customs. A child whose parent is entitled to the Working Tax Credit four-week run-on (the payment someone receives for a further four weeks after they stop qualifying for Working Tax Credit) is also entitled to FSM.
 - a child who is in receipt of a qualifying benefit in their own right is also entitled to FSM.

** On 8 March 2012 the Welfare Reform Act 2012 received Royal Assent. The Act introduces Universal Credit, which will replace current benefits with a single payment. The plan is to introduce Universal Credit from 2013, with a phased introduction over several years. It is intended to be a simpler approach and a fairer way of determining entitlement, but it will mean that the current criteria for entitlement to free school meals will eventually be replaced by new criteria.



Department
for Education

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Agenda Item 7b

Appendix 1

DECISION-MAKER:	CABINET		
SUBJECT:	REVISIONS TO THE ADULT SOCIAL CARE NON-RESIDENTIAL SERVICES POLICY		
DATE OF DECISION:	29 JANUARY 2013		
REPORT OF:	CABINET MEMBER FOR ADULT SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Carol Valentine	Tel: 023 80834856
	E-mail:	carol.valentine@southampton.gov.uk	
Director	Name:	Margaret Geary	Tel: 023 80832548
	E-mail:	margaret.geary@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

NA

BRIEF SUMMARY

The report outlines the proposals for change made by an officer led review group to the non residential care (NRC) charging policy for adult social care, details the public consultation exercise undertaken, reports on the outcome of the consultation, considers the cumulative impact of the proposals and proposed changes to a range of benefits and recommends changes to the policy.

RECOMMENDATIONS:

- (i) To approve changes to the non residential care contributions policy for adult social care as set out in Appendix 1.
- (ii) To delegate authority to the Senior Manager: Safeguarding Adults, following consultation with the Cabinet Member for Adult Care and the Head of Legal, HR and Democratic Services to review the format and content of the current non-residential care contributions policy for adult social care, to make any textual, formatting or administrative or other minor changes required to update the policy, give effect to recommendation 1 above and ensure it is fit for purpose for 2013 and beyond.
- (iii) To delegate authority to the Executive Director for Adult Social Care to determine which 'one off' services should be included within the Policy as chargeable services and to determine the scale of fees and charges to be applied for these services (Proposal 10 in Appendix 1 – changes to Policy)
- (iv) To note that recommendation 2 above does not extend to making any major or substantive changes to either the services to be provided under the policy or the charges to be applied to any such service, Such matters would require reference to Cabinet for determination following appropriate public consultation

REASONS FOR REPORT RECOMMENDATIONS

1. The changes will
 - Ensure the policy meets national guidance.
 - Support the development of personalisation in adult social care.
 - Ensure equity and fairness in the application of the policy.
 - Maximise income from those who can afford it to support the Council to meet the costs of providing for increased demand due to demographic changes.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. To take no action would mean the policy was unable to meet national guidance, would not be applied equitably and would not support the development of personalised social care.
3. Respondents to the consultation asked the City Council to consider the long term impact of the proposed changes. They suggested that if individuals felt they could not afford services they would wait till crisis point and require higher cost services such as residential care. They felt this was counter intuitive to prevention and health and well-being agendas and therefore the changes should not be taken forward.

This proposal was rejected since;

- The Council as a whole is addressing the prevention and health and well being agendas, this is not solely the role of social care.
- No one will ever be asked to contribute more than they can afford
- Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances.
- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

4. Respondents to the consultation asked that the Council consider leaving the maximum contribution level at 95% of the figure the individual is assessed as being able to afford rather than the proposed 100% since this was felt to negatively impact on service users quality of life.

This proposal was rejected since;

- To take 100% of the contribution which the individual is assessed as being able to contribute leaves service users with 25% above nationally set minimum income levels.
- A 100% contribution meets national guidance, which was set in recognition of the fact that social care users are likely to have additional expenditure related to their needs.
- Individual circumstances can be taken into account in assessing contributions and in particular any disability related expenditure must be considered.
- If the Council does not take forward the proposals there will be a need to

consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

5. Respondents suggested that the specific rent allowance that the Council is proposing to end funds additional daily living expenses for people with severe learning disabilities. It was thought that stopping this payment will have a significant impact on these service users' quality of life.

This proposal was rejected since;

- To treat a specific customer group differently would be inequitable, would not meet national guidance and could lead to judicial challenge.
- There is no rationale for the rent allowance since the policy takes account of day to day living expenses. In addition householders who qualify for housing benefit have this reduced when there is a non dependant living in the home and this is taken account of as rent when calculating social care contributions.
- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

6. The proposal to change the policy so that users with more than £23,250 would organise their own care raised concern that this placed an inappropriate burden on carers. There was also concern raised about the need to handle any changes to individual arrangements sensitively.

The removal of the proposal was rejected since;

- Setting this limit brings the NRC policy in line with the national residential care charging policy and is felt to be fair and equitable.
- A range of support will be offered to those requiring to commission their own arrangements including; continued right to social care assessment; support with care planning both from the Council and via services set up by the Council; those who do not have capacity and do not have family carer support will continue to have their arrangements managed by the Council; work will be undertaken throughout the year to support those already receiving services to set up their own arrangements.

7. The results from the telephone helpline showed that paying full cost for care was a key concern. Callers expressed the opinion they are already "charged a lot" for services and contributions should not be raised.

This proposal was rejected since;

- No one will ever pay more than they are assessed as being able to afford.
- Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.

- If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
8. The proposal to ask for contributions toward the cost of two carers raised concerns that this might increase the burden on service users and family carers who might try to cope without a second carer on the basis of cost. There was also a concern that this might be inequitable. To remove this proposal was rejected since;
- No one will ever pay more than they are assessed as being able to afford.
 - Carers needs are assessed as part of the assessment process and Individual circumstances can be taken into account and charges waived or reduced for welfare reasons.
 - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.
 - Legal advice suggests that since the policy is based on ability to contribute and takes individual circumstances into account it is equitable.
9. Tenants of Extra Care Housing were concerned that they would be charged for overnight care services which they currently did not need and suggested only charging those who used night time care. This proposal was rejected since;
- Individuals make the decision to move to extra care to ensure access to immediate support should they need it. It would therefore be inequitable to charge only those who receive hands on care when all tenants are benefitting from the service.
 - If the Council does not take forward the proposals there will be a need to consider alternative service reductions which are likely to have an impact on residents or to consider restricting social care to those with critical needs only, which would significantly reduce the numbers of individuals receiving support.

DETAIL (Including consultation carried out)

Background

10. The Council has discretionary power to levy contributions towards the costs of NRC provided these are in line with national guidance. The NRC policy was reviewed in 2008. A further review was completed in October 2012. This was undertaken to ensure the policy met revised national guidance, supported the development of personalisation in adult social care, and was equitable and fair and maximised income from those assessed as being able to afford to pay to ensure future sustainability of services given the increasing demands due to demographic changes. The proposals from the initial officer led review

update to outline the impact of changes to the original proposals, the assessed impact on those using services in August 2012 and the results of a benchmarking exercise are attached in Appendix 2 and 3.

11. **Consultation process**

An extensive consultation exercise has been undertaken led by a facilitator commissioned by the Council. This commenced on 8th October 2012 and included the development of a website, helpline, letter to current users of social care services and their appointees, meetings with customer groups potentially affected by specific proposals and with advocacy organisations and commissioning 2 DVDs which were used to ensure older people attending day services and people with learning disabilities were able to comment on the proposals. A full report on the consultation approach is attached in Appendix 4 and 5.

12. **Consultation response**

Issues highlighted in the consultation included

- There was general understanding that the City Council needs to fairly and equitably source funding to help meet the increasing costs of Adult Social Care services.
- There was recognition that people who can afford to do so should contribute towards the cost of their care.
- There was consensus that people paying more for day services should have their increased contributions phased in to allow time for adjustment.
- It was felt the Council should provide proactive additional support for those most affected by the proposed changes.
- Respondents asked the Council to consider the long term impact of the proposed changes which were felt to be counter intuitive to prevention and health and well-being agendas.
- Respondents felt increasing the Net Disposable Income taken into account from 95% to 100% would be a “grossly unfair”, “harsh,” “regressive” or “draconian” measure. Although it was acknowledged that this leaves the service user with 25% over the Government’s minimum income levels, it was thought that this would still negatively impact on service users’ quality of life. It was said that the 25% above minimum income meets expenditure most people would think of as essential and is not enough for individuals’ to save towards purchasing essential items (such as disability related equipment) or covering additional disability related living costs.
- The meeting to discuss the rent allowance and the People’s Panel highlighted that the specific rent allowance that the Council is proposing to stop helps fund additional daily living expenses for people with severe learning disabilities. It was thought that stopping this payment will have a significant impact on these service users’ quality of life.
- On charging the full cost for Day Care and Home Care, there was some concern that this would result in individuals not accessing these services and ultimately lead to more people being placed in residential care leading to higher net costs for the Council.

- There was also concern that the day care charges proposals would result in reduced accessing of carers respite.
- The results from the telephone helpline showed that paying full cost for care was a key concern, with callers expressing their opinion that they are already “charged a lot”.
- The proposal to change the policy so that service users with more than £23,250 would organise their own care was called “regressive”. There was also a concern that this placed an inappropriate burden on carers. However others thought that the proposed limit was set too low.
- The proposal to ask for contributions toward the cost of two carers raised concerns that this might have a significant impact and increase the burden on service users and family carers who might try to cope without a second carer on the basis of cost. There was also a concern that this might be inequitable.

Appendix 6 fully reports on all key consultation themes and officer responses to these.

13. **Cumulative Impact of proposed changes to NRC policy and benefit changes**

It is recognised that the proposed changes to the NRC policy is being proposed at the same time as changes to the Benefits system, Council Tax and Housing Benefit are being developed. A review has been undertaken of these changes and the impact for social care users. Consideration has been given to the cumulative impact and proposed approaches to minimise this have been developed. Appendix 7 details the impact and the actions required to ameliorate the cumulative impact.

14. **Proposals**

As a result of the consultation a change is suggested to the original proposals. It was recognised during the consultation that the proposal to ask those who can afford to do so to contribute up to the full economic costs of day care services including an element of overheads would have a significant impact on attendance at day services. Such a reduction would destabilise individual care arrangements and increase pressure on carers and would affect the stability of the day services market. In addition the Joint Commissioning Team in Adult Social Care will be reviewing day service contracts with a view to developing personalised approaches, This is expected to change models of provision and reduce costs.

It is therefore proposed that maximum contribution rates are raised over 2 years with an increase in 2013/14 to £22 and to £42.57 in 2014/15. This increases the maximum contribution by approximately 50% in 2013/2014 and taking it to approximately half the current economic cost of the service. This proposal reduces the expected income by approximately £125,000.

A Local Authority Circular; Charging for Residential Accommodation and Non Residential Care Services was received on 15th October 2012, after the consultation had commenced. This gives guidance on setting the level of charges. The circular states:

“Councils should take account of no more than the full cost of providing the service, excluding costs associated with the purchasing

function and the costs of operating the charging system.”

The proposal to include overhead costs when calculating the maximum contribution for services has therefore been removed.

The amended proposals are attached in Appendix 1

RESOURCE IMPLICATIONS

Capital/Revenue

15. The proposed Non Residential Charging Policy, after amendments arising from the consultation, is estimated to increase income to the council by £285,000 assuming a 1st April implementation date. Of this sum £135,000 has been included within the 2013/14 savings submission from Adult Services, whilst £150,000 had been submitted in a previous budget round.
16. The calculation of this level of additional income was achieved through a model comprising of live client data as at August 2012. Therefore it is possible, due to changes in clients etc that the actual impact regarding achievable income and client numbers affected may vary. To acknowledge this and mitigate risk a 5% margin of error has been applied to the income assessed as being achievable.
17. There are five key recommendations that impact materially on the achievement of this income. These are shown in Table 1 on Appendix 8 along with the additional income that has been estimated for each. Please note that the proposed changes to the full cost rates and the level of Net Disposable income have an impact on the level of income estimated under the other three key financial recommendations.
18. The proposal to phase in the full cost rate for Day Care has reduced the potential income in 2013/14 by £125,000. In 14/15, once fully implemented, this income will be achievable.
19. Proposed benefit changes in conjunction with these proposals to change the Non Residential Charging Policy may have a significant adverse impact on some clients. Where this occurs and there is no other form of mitigation to the client to prevent falling into hardship it is proposed that some or part of the additional social care charge is waived. It is not possible to predict accurately with current information what the call on this is likely to be. It is estimated that a reasonable provision would be £150,000. If this sum is not required in full in 2013/14 it will be offered as a saving in later budget rounds.
20. It should be noted that all figures are quoted at 12/13 rates and will be subject to an annual uplifting in April 2013, in line with increases in rates paid to providers. This uplifting will be subject to a separate approval by the Executive Director under Delegated Authority.

Property/Other No implications

21. There are no implications in relation to property or other assets.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives the Council discretionary power to charge adult recipients of non-residential services. The Council may recover such charges as are reasonable in respect of relevant services
23. Section 7 of the Local Authority Social Services Act 1970 allowed the Secretary of State to issue guidance to Councils on the exercise of their social services functions, including those which are exercised under discretionary powers. In exercising those functions, Councils must have regard to guidance issued under section 7.
24. In 2003, The Department of Health issued guidance entitled 'Fairer Charging Policies for Home Care and other non-residential Social Services. In 2010 guidance entitled "Fairer Contributions Guidance: Calculating an individual's contribution towards their personal budget" was also issued. The proposed policy changes comply with the relevant provisions of the guidance documents.
25. Local Authorities may also charge for services provided directly to carers under the provisions of the Carers and Disabled Children's Act 2000.
26. Where the 'Fairer Charging Policies for Home Care and other non-residential Social Services does not provide clarity in a general area, the Council also observes the Department of Health's Charging for Residential Accommodation Guide (CRAG) and the Guidance for Council's with Social Services Responsibilities published in October 2012 for fairness, clarity and consistency reasons.

Other Legal Implications:

27. The proposals in the report are compliant with the requirements of both the Human Rights Act 1998 and the Equalities Act 2010. Consideration of the impact of the proposed changes under these Acts has been carried out as part of the preparatory work and ongoing consultation process and, taking the overall changes into account, the Council is satisfied that the proposals are necessary and proportionate in terms of individual impact having regard to the needs of the wider community and the need to target available resources at the most vulnerable. Detailed consideration of the impacts of the proposals are as set out in the report and appendices.

POLICY FRAMEWORK IMPLICATIONS

28. The proposals in this report are wholly in accordance with the Council's budget and policy framework.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1. NRC Charging Policy Review – Proposals to Cabinet
2. NRC Charging Policy Review - Officer led review recommendations
3. NRC Charging Policy - Benchmarking exercise (information used in Officer led review)
4. NRC Charging Policy Review - Consultation Process
5. NRC Charging Policy Review – detailed timeline of consultation exercise
6. NRC Charging Policy Review - Consultation response
7. NRC Charging Policy Review - Benefit changes and Charging Policy – Cumulative impact
8. NRC Charging Policy Review – Estimated levels of income - Summary Table

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	Yes
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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Local Authority Circular – Charging for Residential Accommodation and Non Residential Care Services

Impact Assessments:

1.	Equality Impact Assessment AS10	Overarching
2.	Equality Impact Assessment AS10	Capital
3.	Equality Impact Assessment AS10	NDI Increase
4.	Equality Impact Assessment AS10	Domiciliary and Day Care
5.	Equality Impact Assessment AS10	Overnight Care

6.	Equality Impact Assessment AS10	2 Carer Packages
7.	Equality Impact Assessment AS10	Rent Allowance

Proposed Changes to the Non Residential Adult Social Care Charging Policy

Introduction

The Council has discretionary power to levy contributions towards the costs of non residential care provided these are in line with national guidance. An officer led review of the current policy was completed in October 2012. This was undertaken to ensure the policy met revised national guidance, supported the development of personalisation in adult social care, was equitable and fair and maximised income from those assessed as being able to afford to pay to ensure future sustainability of services given the increasing demands due to demographic changes.

An extensive consultation exercise has been undertaken led by an independent facilitator. This commenced on 8th October 2012 and ended on 11th January 2013.

As a result of the consultation one change is suggested to the original proposals. It was recognised during the consultation that the proposal to ask those who can afford to do so to contribute up to the full economic costs of day care services would have a significant impact on attendance at day services. It is therefore proposed that maximum contribution rates are raised over 2 years with an increase in 2103/2014 to £22.

The final proposals after consultation are detailed below;

1. To change the title of the policy to “non residential care contributions policy”.
2. To offer annualised Individual Budgets as required.
3. To introduce a capital limit in line with Charging for Residential Accommodation Guidance (CRAG) excluding capital in the home the individual is currently resident.
4. To take 100% of disposable income into account in determining individual contributions towards the costs of non residential care.
5. To require a contribution of up to the actual cost of providing domiciliary care (Note this will not increase contributions as the current maximum contribution equated to the actual cost of provision)
6. To require a contribution of up to £22 for day services in 2013/2014 and to increase this to the actual cost of providing day care in 2014/2015.
7. To require a contribution of up to the actual cost of overnight care and 24 hour care.

Appendix 1 NRC Charging Policy Review – Proposal to Cabinet

8. To take benefits related to night time care into account in the financial assessment of individuals receiving overnight care.
9. To require a contribution of up to the actual cost of 2 carer packages of care.
10. To delegate to the Executive Director for Adult Social Care the authority to determine which one off services should be included in charging and the scale of fees for these services.
11. To treat services directly accessed by carers as non chargeable.
12. To remove the rent allowance previously given to a small number of individuals living at home.
13. To assess individuals arranging their own residential respite under the NRC policy.
14. To ratify the current approach of annualising contributions for day services commissioned by the Council taking account of the level of closure for public holiday.
15. To ratify the current practice of offering a choice of financial assessment as a couple or individual.
16. To discontinue the collection of income in situations where the individual is assessed as regularly requiring to contribute less than £3 per month.
17. To backdate changes to contributions to the date the individuals assessed contribution changes.
18. After individual review of care arrangements to ensure best value and equity in spend to take account of the additional contributions individuals receiving Independent Living Fund are required to make when setting individual contributions.
19. To ratify the current approach of requiring those receiving care and support under a Guardianship Order to contribute towards the costs of their care.
20. To work with other Councils to maximise contributions from those awarded compensation to meet care needs.
21. To end the practice of taking debt into account when determining contributions.
22. To endorse the current policy on allowances for Disability Related Expenses.

Southampton City Council Non Residential Care Contributions Policy Officer Led Review – Proposals for change

1. Introduction

A report was prepared in August 2012 to detail the outcomes of the officer led review of the current non residential care (NRC) charging policy for adult social care provision and the impact for service users. This has been updated to reflect the changes to original proposals related to day services and revised national guidance published in October 2012. It should be noted that all figures are quoted at 12/13 rates and will be subject to an annual uplifting in April 2013 in line with increases in rates paid to providers.

2. Background

2.1 The Council has discretionary power to levy contributions towards the costs of NRC, provided these are in line with national guidance. This differs from residential care where contributions are nationally prescribed under Charging for Residential Accommodation Guidance (CRAG) regulations. The Council's NRC policy was last reviewed in 2008. A further review was undertaken to consider the policy's application in supporting the development of the Personalisation agenda, ensuring equity, fairness and fit with recently revised national guidance and considering maximisation of income for those who can afford to pay to meet the costs of providing for increased demand due to demographic changes.

The review was informed by the following;

- A benchmarking exercise undertaken with other Councils.
- A review of national guidance.
- Discussion with staff teams about current practice issues.

2.2 The current policy operates in the following way;

- The assessment of an individual's contribution towards the costs of their NRC services considers 3 areas.
- Income - the majority of benefits are taken into account, as are private pensions and other income. Notional income from all capital over £14,250 (excluding the home the individual is occupying) is taken into account at a rate of £1 per £250.
- Expenditure –national guidance ensures Councils offer Dept of Works and Pension minimum income levels plus an additional 25% in recognition of the increased expenditure needed to meet additional needs resulting from frailty or ill health. In Southampton at the present time an additional 30% is allowed. In addition to this all Local Authorities must have regard to individual circumstances and

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

Southampton's policy allows additional expenses, often related to disability.

- The costs of the provision - in Southampton at the present time individuals are asked to contribute a maximum of £13.69 per hour of domiciliary care or day of day service provision no matter the real costs of the service.
- The contribution the individual pays is the lesser of the net disposable income (expenditure minus income) or the notional cost levied for the service.
- No one with a FACS eligible need will ever be refused a service because they cannot afford it. There is delegated authority to waive charges in situations where this is important for the welfare of the customer, e.g. when a person has no insight into their needs due to mental health issues and would refuse to pay for services.

2.3 It is not proposed to significantly change the current approach to calculating an individual's contribution towards the cost of their services. There are however specific areas where changes to the current policy are recommended.

3. Policy Review

3.1 Personalisation –“contributions” rather than “charges”

To promote choice and control, individuals with social care needs are now offered an Individual Budget (IB) and helped to determine how they will use this and other resources available to them to develop individualised support packages to meet their desired outcomes in a more holistic way. This differs from the previous approach which largely arranged services from a defined range to meet social care need. The language of “charging” is therefore no longer relevant and the recent national review of NRC guidance suggests “contributions” should be used.

3.1.1 Recommendation

- To re-name the NRC Charging Policy the NRC Contributions Policy.

3.2 Personalisation –weekly/annualised Individual Budgets

Weekly IB allocations are now offered. However, there will be times when an individual's spend will increase in some weeks e.g. if the person requires a respite arrangement. To offer maximum flexibility in the use of IB it is proposed that the IB can be annualised where required.

3.2.1 Recommendation

- To agree annualised IB sums when required.

3.3 Capital Limits

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

In national CRAG guidance, when an individual has capital over £23,250 they are expected to commission and fund their own care home placement, whilst still being entitled to assessment of their social care needs and signposting to services to meet these needs.

Southampton's NRC policy has no capital limit beyond which an individual is expected to commission their own services. This has the effect of drawing individuals into a full assessment process to find at the end of the process they can often commission services themselves at similar or lower costs. This is a negative experience from the consumer's view point; it promotes a dependency culture and does not make best use of staff resources.

The benchmarking exercise undertaken showed that all Councils NRC policies had capital limits, beyond which individuals are expected to commission and to fund 100% of their care costs. Two Councils cap these costs, one at £900 per week and the other at £334.50.

An audit undertaken in August 2012 demonstrated there were 313 individuals receiving non residential services with capital over the proposed limit who would be required to fully fund and commission their own services. There would be no impact on income, however this approach could impact on the workload of the service in the longer term.

3.3.1 Recommendation

- To introduce a capital limit, in line with CRAG, excluding the capital in the home where the individual is currently resident.

3.4 Net Disposable Income

Following the 2008 review, which showed the Council to be more generous than its comparators, the Council made the decision to increase the chargeable factor of the net disposable income (income minus expenditure) to 85% in 2010 and 95% in 2011. In the recent benchmarking exercise the Council was again shown to be more generous. 75% of councils indicated they take 100% of net disposable income into account.

The reduction of the net disposable income adds to the NRC policy's complexity and potentially makes it less transparent for our customers. In addition it does not maximise income from those who can afford to pay.

A detailed review of those in NRC charging at August 2012 showed that of the 2,109 people in NRC charging 798 would be affected by this proposal, none of whom currently contribute at full cost due to capital or refusal to disclose their financial arrangements. The range of annual contributions increase for the 798 would be between 52p and £2,600 with average increase of £121 per annum. In total this exercise has indicated that the proposal will raise an additional £96,200 income.

3.4.1 Recommendation

- When determining NRC contributions to take 100% of net disposable income into account.

3.5 Charging full unit costs for day and domiciliary care

The current maximum contribution towards the costs of services directly commissioned by the Council is calculated at £13.69 per hour of domiciliary care or day of day service provision. When actual costs paid to providers (based on full occupancy in day services and market average costs in domiciliary care) are taken into account the real cost of day service provision is higher whilst the maximum contribution for domiciliary care meets actual costs of the service.

Provision	Current charge	Actual average direct cost
Domiciliary care	£13.69	£13.69
Day care	£13.69	£42.57

The proposals made in August 2012 had suggested taking overheads related to paying providers and billing service users into account, however national guidance published in October 2012 has shown that this is not possible. For this reason the proposals have been amended and whilst the principle of requiring a maximum contribution of the actual cost of domiciliary care is suggested no increases to the unit cost of domiciliary care would result from this.

In terms of day services the Council is more generous than the majority of Councils. One Council charged a lower rate of £9.60 per day but was about to consult on charging the actual cost of the service. Another did not charge for any in house service. Some charged for transport and meals separately in day services. The maximum charge was £98 per day.

Changing the approach to contributions for day services would ensure equity between individuals who are offered Direct Payments (DP) and those who rely on the Council to manage their IB. At the present time those receiving DP contribute towards the full cost of their services, whilst those who are receiving care commissioned by the Council contribute only towards the full notional cost. This could have the effect of discouraging the uptake of DP when the policy drivers are to increase its use because studies show that the use of DP increases the individual's control over their support. It is likely that the numbers taking up DP will be part of the revised national performance indicator set for social care.

Discussion with day service providers highlighted that to increase costs from £13.36 to £42.57 in a single year is likely to result in a significant number of individuals ending their day service. This would destabilise current care arrangements and increase strain on carers. In addition, the Joint Commissioning Team is planning to review day service contracts to develop personalised approaches. This is likely to change models of provision and to reduce costs. For these reasons the original proposal has been amended and it is now proposed to increase the maximum

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

contribution over 2 years, increasing the maximum contribution to £22 in 2013/2014, an increase of around 50% from the current charge of £13.69 per day.

A review of service users in August 2012 was reviewed based on raising contributions to £22. This has demonstrated that in addition to the proposal at point 3.4 raising the full cost rates for day care would generate a further £120,700. 527 individuals received day services and 203 would be affected by the proposal. The range of annual increase for clients would be from £7.50 to £2,166 and the average additional contribution would be £594.69 per annum.

It should be noted that if a decision is made to introduce a capital limit this could reduce the numbers affected and income generated by this proposal.

3.5.1 Recommendation

- To charge up to the actual full cost of providing Domiciliary and Day care.
- To phase the increased contributions in Day care over 2 years, increasing the maximum contribution to £22 in 2013/2014, then £42.57 from 14/15.

3.6 Charging for 24 hour live in care/ sleep in care/waking night care/Extra Care overnight care

There is no coherent approach to charging for some of the services detailed above. At the present time the Council provides sleep in cover in 2 of its 3 Extra Care facilities and waking cover in the 3rd. There are no charges set for these services whilst those who do not live in Extra Care do not contribute towards these costs those in their own homes do so, although no scale of charges has currently been formally set.. This could be considered inequitable in terms of applying the national guidance. It is therefore important that the Council clarifies its charging policy in this area.

In August 2102, a review of those in services showed very few people had their needs met in this way; in charging there were 19 individuals who received live in care, sleep-in night care, or waking night care and 71 people receiving care lived in Extra Care Sheltered Housing. However, the Council is committed to developing further Extra Care and other Supported Housing solutions many of which will offer overnight support. In addition as personalisation allows an individual to have more control over their support it is likely that individuals who currently move to residential care will increasingly consider 24 hour support in their own homes. Administering a contributions policy based on a weekly allocation of funds which can be used to buy a wide range of support services when some services are chargeable and others are not would be confusing and lacking in transparency for our customers, time consuming for staff and impede the development of personalisation.

Benchmarking showed the majority of Councils apply full cost for these services. Two organisations apply ceiling limits, one of £900 per week and the other £334.50.

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

Additional benefits can be claimed when there are overnight care needs e.g. higher rate attendance allowance. These benefits are given to meet additional care costs but are not currently taken into account in the NRC charging policy. To ensure equity it is appropriate that they are taken into account in determining contributions for packages which include an element of overnight care.

The costs of the extra care services in Southampton are £95 for night sleep in and £106 per night waking cover. Using current numbers receiving the service the unit cost would be £29.18 per week. However there is capacity to increase numbers of residents without increasing the overheads and taking this into account the proposed maximum contribution for this service is £19.52 per week.

Current and proposed future contributions are detailed below

	Sleep in (per night)	Waking Night	Extra Care(per week)	24 hour waking care (per hour)
Current	£10.63	£55 per night	£0	£13.69
Proposed	£16.42	£13.69 per hour	£19.52	£13.69

The changes proposed to 24 hour, waking and sleep in case are based on average real costs for these services and would generate no additional income nor would they impact on individuals receiving these services in August 2012.

Of the 90 individuals receiving services in August 2012, 71 individuals in Extra Care would be affected by this proposal of whom 7 contribute at the current maximum cost. The annual increase in contributions would range from £491.68 to £1,334.78 with the average client increase being £1,182.06. The proposal would generate £63,700 in additional income.

3.6.1 Recommendation

- To charge up to the full unit cost for Extra Care, 24 hour care, sleep in and waking night care.
- To take benefits related to night time care into account in the financial assessment.

3.7 Charging for two carer packages

Increasingly there is a need for 2 carers to be in attendance for the provision of domiciliary care. This is largely to ensure safe moving and handling but can also be to ensure the safety of the carer, e.g. in the case of individuals who, due to their impaired cognitive abilities, display aggressive behaviour. Currently the Council charges on the basis of 1 carer being present, although the real costs charged by providers are for 2 staff members' attendance.

Benchmarking shows that the majority of the Councils in the sample applied charges for a second carer. Some applied criteria such as not charging if the second carer is

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

required for external health and safety reasons such as visiting an area which may be dangerous after dark.

At August 2012, 105 individuals in charging received 2 carer packages and 1 individual received a 3 carer package. In addition to the proposals at point 3.4 and 3.5 above the analysis showed that a total of 24 individuals would be affected by changes to 2 carer contributions. Of those, 18 individuals contribute full cost due to capital or refusal to disclose income. The average client increase would be £5,498.47 per annum and the range of increase is £33.89 to £12,701.30. Total additional contributions from this element of the proposals would be £132,000.

It should be noted that if a decision is made to introduce a capital limit this will reduce the numbers affected and income generated by this proposal.

3.7.1 Recommendation

- To charge for the full costs of a two carer package based on charges outlined in 3.5 above.

3.8 One off services

There is a lack of clarity locally on contributions for one off services such as the provision of pet care in an emergency or a deep clean of a home. Funding for these one off services will in future be a part of an Individual Budget. Administering a contributions policy based on a weekly allocation of funds which can be used to buy a wide range of support services when some services are chargeable and others are not would be confusing and lacking in transparency for our customers, time consuming for staff and impede the development of personalisation.

Although 66 % of Councils stated they do not charge for 1 off services the range of services they consider as non chargeable varies, with charging for some of these services being proscribed by legislation e.g. Occupational Therapy aids to daily living.

3.8.1 Recommendation

- To bring the majority of services into charging and to clarify which services should not be included when determining an individual's contribution.

3.9 Charging for Services provided to informal carers

At the present time the Council has no policy on whether services directly provided to support carers are chargeable, although in custom and practice terms no charges are levied. In the majority of cases the service benefits both the direct customer and their carer and in these cases the customer's ability to pay is assessed. There are however increasing numbers of situations when the service is provided solely for the benefit of the carer and when carers are being offered their own IB.

Benchmarking shows that the majority of Councils do not ask carers to contribute towards the costs of their services. One applies a low key "self assessment" where

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

those declaring they have over £23,250 pay the full cost whilst those who sign to say they have less than this amount pay no contribution.

3.9.1 Recommendation

- To treat carers support as non chargeable.
- To continue to charge the customer for services when they are the direct recipient, e.g. respite, sitting and day services.

3.10 Rent Allowance

A small group of individuals who have a learning disability and live in parental/family homes have historically been given rent allowance of £40 per week. This longstanding arrangement has only recently been recognised.

Due to this inequitable approach the current operation of the policy does not meet national guidance and exposes the Council to potential challenge. The Council therefore requires to either apply this allowance to all those living in parental homes or to remove the allowance.

There is no rationale to applying a £40 allowance. The current system of applying a weekly allowance takes account of day to day living expenses. In addition parents who are on a low income and qualify for Housing Benefit are deducted £11.45 per week Housing Benefit when the service user lives at home. This is currently allowed for as rent when calculating the service user's social care contribution.

The benchmarking exercise showed all but 1 Council made no allowances for rent, assuming this was catered for from other benefits unless there was evidence to show otherwise. One Council allowed £9.40 per week but had clear guidelines to ensure there is no opportunity to receive Housing Benefit and rent allowances and guidance on what rent allowance is expected to pay for. Two Councils ask for proof of a rent book and tenancy agreement before making an allowance and finds it rarely offers an allowance.

A review of the impact in August 2012 suggests the removal of the rent allowance for these specific clients could generate a maximum additional income of £150,800 based on applying proposals at 3.4 and 3.5 above first. The removal of rent allowance will affect 92 individuals, of the total 108 individuals receiving this allowance, of whom 61 will contribute towards their costs for the first time. The average additional client contribution will be £1,639.17 per annum, with the minimum additional contribution being £245.58 and the maximum £2,085.60.

3.10.1 Recommendation

- To remove the rent allowance for the small group of current users who receive it.

3.11 Charging regime for respite care

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

Clarification is required on charging for respite care when customers take their Individual Budget in the form of a Direct Payment which they use to directly commission their own services.

In the past residential respite care has been assessed using the national CRAG regulations. Benchmarking showed that, in common with Southampton, 66% of Councils now allow Direct Payment users to be charged under NRC guidance when they commission their own residential respite care. The other Councils are reviewing their approach with a view to updating the policy.

3.11.1 Recommendation

- To assess Direct Payment recipients, arranging their own residential care, under NRC policy.
- To continue to assess individuals where the Council has arranged residential respite under CRAG policy.

3.12 Charging for day services

Day services directly commissioned by the Council are subject to closures for public holidays throughout the year. To minimise the administrative burden on the Council no reduction in charges has been made for these closures, the rationale being that the charges were annualised.

3.12.1 Recommendation

- To ratify the policy of annualising day service contributions, taking account of the level of closure for public holidays.

3.13 Couple's contribution

There is a lack of clarity in the current policy about the approach to the contributions paid by couples. Local practice to date has been to assess both individually and as a couple and to use the most favourable figures for the customer. In most cases the individual NRC assessment is a lower figure than the couple's assessment. Benchmarking demonstrates a variety of practices across Councils. 33% of Councils opted for a joint assessment.

3.13.1 Recommendation

- To ratify the current practice, offering the choice of NRC assessment as an individual or a couple.

3.14 Thresholds for contributions

The Council has no minimum contribution below which it will not invoice customers who are receiving directly commissioned services. Transaction costs in producing and sending invoices and collecting income is such that it is not economically

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

efficient to collect contributions below a specified sum. All other Councils have a threshold below which they will not collect income.

An initial analysis of the impact of setting a threshold are detailed below, this is based on using 100% net disposable income and proposed increased full cost rates as detailed earlier in this report. This exercise has also been undertaken based on the existing charging policy and the difference is negligible.

Lower threshold amount per month	Estimated number of individuals affected	Income reduction per annum
£2	0 - 5	£50
£3	6 - 10	£110
£4	10 - 15	£200

3.14.1 Recommendation

- To discontinue the collection of income of assessed contribution of less than £3 per month.

3.15 Backdating contributions

The Council does not enforce a policy of backdating contributions when an individual's income has increased and they fail to inform the Council of this. This could be viewed as inequitable. It does however backdate decreases in contributions when it is informed of reduced income. Southampton is the most generous Council in the bench marking group. All other Councils backdate charges, usually allowing a period of up to 6 weeks for the service user to inform the Council of the change. All other Councils backdate to the date the increased income was received.

It is not possible to estimate the numbers of individuals who would be affected or the income maximised by this approach.

3.15.1 Recommendation

- That the Council backdates changes to contributions to the date the individual's income changes.

3.16 Independent Living Fund

In the past when an individual's contribution towards the cost of social care services was calculated ILF adjusted their payment to take account of this contribution. However, ILF will no longer make any adjustments to payments and if an individual's contribution increases this is not being allowed for.

If the package of care remains the same, the client requires to fund the difference in the care package costs from their own resources, in effect paying a higher contribution than other customers towards their social care costs. Some individuals will be unable to afford this additional sum and this could jeopardise their care package.

3.16.1 Recommendation

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

- After individual review of the support arrangements to ensure best value and equity in spend to take account of the additional contribution the individual is required to make when setting contribution rates.

3.17 Guardianship

The current policy lacks clarity with regard to charging individuals on Guardianship orders for their services although in practise individuals are asked to contribute. Bench marking shows 44% of comparator authorities ask individuals to contribute towards the costs of these services and 22% were also unclear about their policy. There are currently 7 people on Guardianship orders and all are being charged for their services.

3.17.1 Recommendation

- To require those on Guardianship orders to contribute towards the costs of their services.

3.18 Compensation and future care

The Council has no clear policy or guidance on contributions to be made by individuals who have received compensation following an injury. A recent case has shown the need for clarity nationally and for the Association of Directors of Adult Social Services (ADASS) to discuss the approach now being taken in Courts and by Trust Fund Managers with Government.

Bench marking has demonstrated that many other Local Authorities have no clear policy. One Council treats interest from compensation awards as income but refuses to allow disability related expenses. Two councils take the level of care which would be needed had the accident not occurred into account and applies charging to this but not to services provided for the needs for which compensation has been paid.

The numbers of cases where compensation is paid is very small and therefore will not have an impact on income. However, given the sums paid in compensation individual contributions could be significant.

3.18.1 Recommendation

- To maximise contributions from those who have been awarded compensation.
- To work with other Councils and ADASS to develop a coherent policy.

3.19 Debt

The Council currently allows personal debt to be considered at the point the first assessment of contributions is made as part of the individual's allowances. This could be viewed as inequitable. No other Council has taken this approach apart from Hertfordshire which allows debt related to the purchase of disability related equipment to be taken into account. Many Councils have systems where referral to and support from money management services is offered.

Appendix 2 – NRC Charging Policy Review –Officer Led Review Recommendations

Officer time taken in managing bad debt will increase if the approach taken in other Councils is adopted.

3.19.1 Recommendation

- To develop clear pathways to debt management services.
- To end the practice of allowing debt to be taken into account in determining contributions.

3.20 Disability Related Expenses

In Southampton disability related expenses are determined on an individual basis using National Association of Financial Assessment Officers guidance in conjunction with advice from a Care Manager involved with the individual. A review of this policy was undertaken and has determined that it is equitable and robust.

3.20.1 Recommendation

- To endorse the current policy.

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

NRC Comparison Table

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
% of Disposable Income Level	100% (However, do allow the highest PC+25% allowance for ALL age groups.)	100%	100% - no subsidy	95%	100%	100%	100%	90%	80%
Lower Threshold for contribution	£3.00 per week is lowest charge	£2.50 per week due to administration costs	£2	£3.00	£1	£2.50	£1	£1	£2 per week
Does this apply to DP users	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rent Allowance	Unless HB applies, we always assume these costs are paid from the living allowance and no further allowance is given.	No, this would be covered by the personal allowance	No, this would be covered by the personal allowance	Only where it can be evidenced-rear in practice	No	Yes – living with parents £9.40 pw for rent	No – however we allow non-dependant deduction rate for HB to cover all housing costs	No	Would need to see evidence for this and must meet housing benefit regulations
What do you expect the rent allowance to be used for						Not what HB allows for can not be used for food Bedroom provision. But can be used for lodging area, bedroom furnishing and insurance			

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Do you back date charges?	Yes, the assessment applies from the date the extra income applies.	We backdate the charge to the date the increase in benefit was allowed. We make this clear in all our letters to SU re charging	yes but each case is based on individual circumstance The assessment is backdated reflecting the changes to the income/capital and re-invoiced	SU made aware this increase may be taken into account at a later date	No	Depends but not normally, if informed within reasonable time period (usually 4 – 6 weeks). But if not informed yes we will backdate as recent case we backdated charges for 3yrs	Yes – 6 months or beginning of financial year which ever is in the clients favour. Fairer Charging.	Yes, letters to SU ask them to let us know about any increase in their income or savings and calculate on individual basis.	Encouraged to apply for all benefits entitlement, if deliberately avoiding than backdate to start of care
Personal Debts				Not ordinarily	No, unless debt relates directly to disability – e.g. loan to buy disability equipment not covered by DFG			It depends what they are for. We also offer debt advice to the customer	
Under Guardianship is Contribution paid	Yes			Yes	Not Sure	No	Yes	Yes	Not Sure
Independent Living Fund – New Policy	Not yet	Not yet	Not yet	Cases looked at on an individual basis if financial assessment disputed	Not yet	Not yet	Client will be supported in budgeting skills to meet any shortfall – LA does not accept responsibility	Not yet	Not yet

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Respite Care	CRAG for residential placements. NRC if part of general care package and non-registered breaks or home care.	CRAG for residential home then we charge. If we give a DP and are not sure when and where the respite will take place it is done under FC	Under review at present. CRAG for residential home DP NRC	From 9/4/12 the NRC calculation contribution	FC	CRAG flat rate of £84 pw than after 8 weeks – full financial assessment completed	CRAG	Currently CRAG, although looking at changing some to Fairer Charging	CRAG for residential NRC for DP
Does this apply to DP users?	Yes	Yes	Yes – assessed under NRC	Yes	Yes	Yes	YES	No. Direct Payments are always assessed under Fairer Charging	NRC if non residential - same as DP
Day Care Rates	From April 2012 Day Care Max Charge is £23.50 per day (no reductions for half day etc.) Meals at DC (where applicable) Fixed Price Charge @ £3.10 per day Transport for DC (where applicable) Fixed Charge @ £2.15 per return	We currently charge £9.60 per day but are about to go out to consultation with the actual cost of the Day Care	Older person day care - £41.24 per day. Learning Disabilities - £38 - £98 per day, dependent on level	Varies. Its Rate actual cost of purchased or provided services.	£39.34	£14.50 per day and looking to review this	Charges against actual cost of service up to a maximum of £40.00 per week (capped rated following customer consultation	The maximum charge is the cost of the service	Do not charge for in-house services

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Is Day Care Credit given	Yes, we only charge when people actually attend	We only charge for actual attendance	Yes, we only charge for actual attendance/service delivery unless short notice by the customer	No, an alternative day is offered if unplanned	Yes	Yes, maximum of 14.50 for 3 weeks and only if higher than assessed contribution	Yes – charge against actual service provided – unless due to client non-attendance. We require 24 hours notice to be given, if not we still charge		Do no Charge for in-house services
Classification of One-Off Services			If the budget is taken as a direct payment, insurance, equipment, CRB checks are one-off payments. Also respite		Equipment DPU	Pet care only for respite care/ not hospital	Equipment purchases, emergency child care, emergency pet care	counselling if not ongoing	Do no Charge for in-house services
Do individuals contribute towards one-off services			Above, yes, Equipment, no.		No	No	NO	Yes, depending on financial assessment	NO
Hospital Stay do individuals continue to pay	Only DP Users	<i>Only DP Users</i>	No	Only for break in service for 5 days or more,	No	no	No	No	Not for 7 days
Does this apply to DP Users	Yes	Yes	Yes	Yes					

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Sleep in / waking Night what is max contribution?	Full cost capped at £900	£12.95 for Sleep in t	Full cost	No Cap	Sleep in is of £14.50 per hour = waking night is £145 per night	Full cost	Full cost	Full Cost	unsure
Live in what is max amount an individual can pay?	Full cost capped at £900	Full cost	Full cost	No Cap	Capped at £334 per week	Full cost	Full cost	Full cost	Full Cost
Two carer packages – is 2nd carer charged for?	YES	No	No– if for H&S reasons	No	No tried to introduce it last year but councillors did not want it. Will try again this year 2 nd carer for health & safety only	Yes if this is carer related (e.g. use of hoist etc) no if provider health and safety reason (e.g. internal policies to visit in pairs in certain areas after dark).	Yes	Yes	yes
Backdating charges – when do you charge from if individuals fails to notify you?	Backdate to start of service or date capital acquired if later	Letter to SU states if there is a change in financial situation they must contact us we would look closely at whether or not to backdate a charge	Customers can opt for an individual or couples assessment. Couples income is added together to determine contribution. Normally better off as single	Monday following notification of their max weekly contribution	Joint and single assessment choose most favourable. Single assessment use ½ couple threshold as IS+25	If both receiving services calculated on single persons rate as are better off usually	If there is PC/IS entitlement we complete a couple assessment as per Fairer charging.		Assess individually

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

			assessment						
Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Couples contribution	Treat as couple initially unless specific request to treat individually	Take into accounts both parties income and capital less PC/IS + 25% to give disposable income	Customers can opt for an individual or couples assessment. Couples income is added together to determine contribution. Normally better off as single assessment	Based on 50% of household income/ capital & 100 of Benefits & DRE specific to the service user	Joint and single assessment choose most favourable. Single assessment use ½ couple threshold as IS+25	If both receiving services calculated on single persons rate as are better off usually	If there is PC/IS entitlement we complete a couples assessment as per Fairer charging.		Assess individually
Self funders	100% capped at £900	100%	100%	100%	100%	Capped at £334.50	100%	100%	100%
Compensation	We will always charge where the rules allow but you must follow CRAG for capital inclusions. You don't have to follow CRAG for income, so we will always charge on income from disregarded capital.	We are looking into developing a policy re personal injury claims and future awards re care	Take any interest from the compensation as income but disregard the capital amount. Do not allow the customer to claim DRE as the compensation money would	Have consulted on this and now take compensation into account where lawful to do so.	Depends on how held – check CRAG. Not had one yet.	Underlying issue is what is not to do with the accident, the council picks up this cost the rest is made up of the compensation award. The compensation award is	Yes – not experienced in few years	Currently, we disregard compensation	Depends on how the compensation award & what level of award is for care and what element of the support package is for the care award, which is than calculated against the care package, in terms of what element of the care would be

Appendix 2a NRC Charging Policy Review – Benchmarking exercise (information used in Officer led review)

			be used for disability related expenditure.			only used for services cost towards the accident			needed if the compensation was not needed / or incident did not occur
Areas	BRIGHTON	BOURNMOUTH	DERBY	HAMPSHIRE	HERTFORD SHIRE	LUTON	PORTSMOUTH	SUFFOLK	WILTSHIRE
Carers services	No	No	No	No	No	No	No	No	No
Online matrix system	No	No	No	No	No	No	No	No	No
Good practice			With the move to direct payments, it is important that Visiting Officers do not include expenditure which is being used from the direct payments i.e. respite care. On review, the VO should be asking about DRE to ensure it was not used from direct payments.	FAB visits are initially booked a.m. or p.m. by an Admin team and confirmed day before visit					

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**Non-Residential Charging Policy for Adult Social Care:
Public Consultation Process**

1. Summary

On the 8th October 2012 the City Council launched a consultation on proposed changes to the current Non-Residential Charging Policy for Adult Social Care. An officer led review undertaken to ensure the policy supported the development of personalisation in Adult Social Care, met revised national guidance, was equitable and fair and maximised income from those assessed as being able to afford to pay to ensure the sustainability of services in the future having made 21 proposed changes to the policy.

Service users, their representatives and family carers were contacted by letter and asked to comment and take part in the consultation, as were key advocate organisations and Day Care providers in the City. Specific service user and carer group meetings for people living in Extra Care, attending Older People's Day Care facilities, for individuals with Learning Disabilities and their carers and for those receiving a specific rent allowance, a meeting of advocacy groups and a People's Panel took place. In recognition of the complexity of the consultation, the City Council invested in an infrastructure including a telephone helpline, website page and dedicated e-mail and postal addresses and the production of 2 DVDs.

The City Council Compact Code of Practice says that a consultation must run 12 weeks, therefore the consultation should have closed on the 21st December 2012. However, in recognition of the complexity of the consultation, and because of Christmas period, it was agreed to extend the end of the consultation period to the 11th January 2013.

2. The Consultation Process

The consultation process is detailed below

2a. City Council Consultation Website

On the 8th October 2012 the Council began by launching the consultation on its website. The site opened the consultation on the policy and included a fact sheet with all 21 proposed changes, and other key information such as the telephone number and opening hours for the helpline, dedicated e-mail and postal addresses and how to volunteer to be part of the People's Panel. Equality Impact Assessment information was added at a later date within the consultation period, on 27th November 2012. The consultation website has had 117 views.

2b. Telephone Helpline

On the 8th October the telephone helpline went live. The Council felt that because of the complex nature of the consultation a telephone helpline was

Appendix 3 NRC Charging Policy Review – Public Consultation

required from the beginning of the public consultation process. The helpline was run by staff who had undergone training on the proposed changes to the charging policy. This was run by Capita Contact Centre. The helpline was open from 8.30am to 6.00pm Monday to Friday. The function of the helpline was to ensure any of the 21 proposed changes could be clearly explained to a caller, and to act as a means by which a caller could leave a comment on the proposed changes or volunteer to be part of the People's Panel. If staff working on the helpline did not know an answer to a caller's question then a procedure was in place to escalate that question to a nominated adult social care or financial assessment officer to answer and feedback. This was also used as a means to alert social care staff to service users who may need reassurance or support because of anxiety caused by the consultation. . The helpline received 160 telephone calls between October and the end of December 2012.

2c. Letters to Service Users or Representatives

City Council letters were posted to 2,388 service users or their representatives with similar information to that on the main narrative of the website and enclosing the fact sheet. The letters were posted to service users or their representatives on:

Letter Type	Date posted
General	9-10 th October 2012
Extra Care	11 th -18 th October 2012 Rosebrook posted 18 th December.
Rent Allowance	13 th November 2012
Additional Rent Allowance (6 individuals who were later identified as also receiving this allowance)	23 rd November 2012
Day Care	24 th -25 th October 2012

2d. Dedicated E-Mail and Postal Addresses

The City Council set-up dedicated e-mail and postal addresses as methods through which people could respond to the consultation. There were 2 letters and 50 e-mails received.

2e. Advocate Organisations

Key advocate organisations in the City were alerted to the consultation by e-mail on or around the 24th September 2012 and most were individually visited to ask them to formally engage in the consultation. These organisations were Carers Together, Solent Mind, Age Concern, Southampton Centre for Independent Living, Mencap and Choices Advocacy. All of these organisations were invited to send representatives to an Advocate Meeting on the 20th December 2012. At this meeting they were able to give their considered views on the proposed changes directly to the City Council to both the Cabinet Member and the Senior Officer leading the process.

2f. People's Panel

A People's Panel (Citizen's Jury) is suggested in the Council Compact as a way of engaging service users and carers in a consultation process, so that a more meaningful and detailed examination of the proposed changes can be made by them.

The aim was for the People's Panel to be made-up of 12 service users and/or carers supported by an independent facilitator. The invitation to join the People's Panel went out to 2,388 service users or to their representatives. 13 people volunteered to be part of the Panel, however 9 people actually attended the meetings (not all attending each meeting).

On the 19th December 2012 the Panel had the opportunity to interview the City Council officer leading the consultation.

The Panel examined the 21 proposed changes over four workshops on the 4th, 6th, 11th and 19th of December 2012:

Workshop	Business Done
4th December	<ul style="list-style-type: none"> • Understanding the role of the Panel. • General introductions and exploring issues. • Formulating initial questions for the City Council to get a better understanding of the 21 proposed changes. • Beginning to write the questions for 19th December meeting.
6th December	<ul style="list-style-type: none"> • Looking at City Council's response to the initial questions. • Continuing to write the questions.
11th December	<ul style="list-style-type: none"> • Completing the questions.
19th December	<ul style="list-style-type: none"> • Interviewing the Senior Officer. • Drafting the Panel's final response.

2g. Extra Care Meetings

Extra Care meetings took place to specifically discuss those proposed changes to the charging policy including those about 24hr and overnight care on the following dates:

Extra Care Facility	Date of meeting
Manston	15 th October 2012
Rozel	29 th October 2012
Rosebrook	2 nd November 2012

Approximately 40 individuals took part in these meetings including residents, their families and staff supporting residents at the complexes.

2h. Day Care Meetings and DVD

Providers of older people's day services were contacted on 15th November 2012 and asked to engage with their customers specifically on the proposed Day Care changes. The Day Care providers engaged in the process were SCA and Age Concern. To aid engagement in the consultation a simple DVD was produced, specifically focusing on the day care changes. Over a two week period the DVD was shown to individuals attending the day care sessions in the city.

2i Individuals with a learning disability DVD and meeting

A DVD was produced to explain the changes to individuals with a learning disability. This was used by Mencap, who hosted 2 meetings involving 67 individuals with learning disability and their carers.

Choices Advocacy met with 6 service users and publicised the proposals to individuals as widely as possible throughout the period from the 27th November to the end of December 2012. The self advocacy worker shared the DVD with 8 customers during this period

2j. Rent Allowance Meeting

A meeting took place in the Council Chamber on the 21st November 2012 to discuss the proposal to stop providing a special rent allowance for a small group and to look at other changes proposed in the consultation. 114 letters of invite were sent. The meeting was attended by 15 people and their representatives and was Chaired by the Cabinet Member and the Senior Officer involved in the project.















2k. Learning Disability Partnership Board (LDPB)


















A presentation was given to the LDPB on 10th December 2012. This Board has representation from service users, carers and services supporting individuals with learning disabilities.





Agenda Item 7b

Appendix 3a NRC Charging Policy Review – Detailed timeline of consultation exercise

Appendix 6

Date	Type	Event
08/10/12	Helpline	Line went live.
08/10/12	Website	Website went live; http://www.southampton.gov.uk/council-partners/consult/current/chargingpolicy.aspx
09/10/12	Letter - General	General letters merged 9 th October and posted in batches from 9 th -10 th October 2012 enclosing Fact Sheet. <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  AHoS12-676 NRC General letter FINAL </div> <div style="text-align: center;">  Fact Sheet FINAL </div> </div>
10/10/12 – 11/10/12	Letter – General Representative	General Representative letters merged 10 th October and posted in batches from 10 th -11 th October 2012 enclosing Fact Sheet. <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  AHoS12-684 General Rep Letter FINAL08.1 </div> <div style="text-align: center;">  Fact Sheet FINAL </div> </div>
11/10/12	Letter – Extra Care	Manston Court Extra Care letters hand delivered to facility on 11 th October. 1) Letter re proposed changes to Charging Policy Extra Care 2) Letter providing details of meeting at Extra Care facility on 15/10/12 3) Fact Sheet 4) Visually Impaired version of Extra Care letter <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  AHoS12-688 Extra Care Letter FINAL08.1 </div> <div style="text-align: center;">  AHoS12-698 Extra Care Letter Meeting 1 </div> <div style="text-align: center;">  Fact Sheet FINAL </div> <div style="text-align: center;">  AHoS12-688 Extra Care Letter FINAL 08 </div> </div>
15/10/12	Meeting – Extra Care	Manston Court Extra care facility meeting with customers. <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  AHoS12-703 - Presentation NRC Pol </div> <div style="text-align: center;">  Fact Sheet FINAL </div> </div>
17/10/12	Letter – Extra Care	Rosel Court Extra care letters posted 17 th October. 1) Letter re proposed changes to Charging Policy Extra Care 2) Letter providing details of meeting at Extra Care facility on 29/10/12 3) Fact Sheet 4) Visually Impaired version of Extra Care letter <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  AHoS12-688 Extra Care Letter FINAL08.1 </div> <div style="text-align: center;">  AHoS12-700 Extra Care Letter Meeting 2 </div> <div style="text-align: center;">  Fact Sheet FINAL </div> <div style="text-align: center;">  AHoS12-688 Extra Care Letter FINAL 08 </div> </div>
18/10/12	Letter – Extra Care	Rosebrook Court Extra Care facility letters posted 18 th October. 1) Letter re proposed changes to Charging Policy Extra Care 2) Letter providing details of meeting at Extra Care facility on 02/11/12

		<p>3) Fact Sheet 4) Visually Impaired version of Extra Care letter</p> <p>   </p> <p>AHoS12-688 Extra Care Letter FINAL 08 AHoS12-701 Extra Care Letter meeting 1 Fact Sheet FINAL AHoS12-688 Extra Care Letter FINAL 08</p>
24/10/12 – 25/10/12	Letter – Day Care	<p>Day care letters merged 24th Oct and posted 24th and 25th enclosing Fact Sheet.</p> <p> </p> <p>AHoS12-683 Day Care Letter FINAL 08 Fact Sheet FINAL</p>
25/10/12	Letter – Visual Impairment General and Day Care letters	<p>Visual Impairment General and Day care letters merged 25th Oct – posted 25th.</p> <p> </p> <p>AHoS12-676 (VI) NRC General letter FI AHoS12-683 (VI) Day Care Letter FINA</p>
29/10/12	Meeting – Extra Care	<p>Rosel Court Extra Care facility meeting with customers.</p> <p> </p> <p>AHoS12-703 - Presentation NRC Pol Fact Sheet FINAL</p>
02/11/12	Meeting – Extra Care	<p>Rosebrook Court Extra Care facility meeting with customers.</p> <p> </p> <p>AHoS12-703 - Presentation NRC Pol Fact Sheet FINAL</p>
13/11/12	Letter – LD clients and reps	<p>Letters posted to LD clients and LD client reps enc Fact Sheet</p> <p>  </p> <p>AHoS12-778 LD Rent Allowance FINAL 13.1 AHoS12-779 LD Rep letter FINAL 13.11.12 Fact Sheet FINAL</p>
15/11/12	DVD	<p>Day care DVD final version received.</p>
21/11/12	Meeting - Consultation	<p>Consultation with LD clients re rent allowance.</p> <p> </p> <p>AHoS12-757 - Presentation contribu Fact Sheet FINAL</p>
21/11/12	Meeting - Advocates	<p>Independent Facilitator / Senior Staff Member Choices Advocacy</p>
22/11/12	Meeting - Advocates	<p>Independent Facilitator / Senior Staff Member Age Concern</p>
26/11/12	DVD	<p>LD DVD final version received.</p>
26/11/12	Meeting – Day Services	<p>Day Care DVD shown to Day Care organisations and copies provided.</p>
Week commencing 26/11/12	Day Care DVD	<p>Age Concern Day Care meetings at Day Centre to show DVD. Day Care organisation posted copies of DVD to families of attendees.</p>

26/11/12	Meeting – Benefit Changes	Senior Managers Adult Social Care and Housing.
27/11/12	Meeting - Advocates	Independent Facilitator / Senior Staff member Solent Mind
27/11/12	Meeting – Briefing Advocates	Senior Manager Adult Social Care and Choices/Mencap briefing meetings DVD Day Care and Learning Disability DVD given to Mencap.
27/11/12 – 21/12/12	Meetings - Advocate	During the period 27/11/12 to 21/12/12 Choices Advocacy met with 6 service users regarding the changes, and publicised the proposals to customers wherever possible. The DVD was shared at a meeting with 8 customers by the Self- Advocacy worker.
28/11/12	Meeting	Senior Manager Adult Social Care/Independent Facilitator re consultation issues to date.
30/11/12	Meeting	Independent Facilitator/CIr /Carer's Together Senior Staff member and Opposition Spokesperson for Adult Social Care re Charging Equality Impact Assessments
Week commencing 03/12/12	Day Care DVD	Age Concern meeting at Padwell Day Centre to show DVD. Advocate posted copies of DVD to families of attendees.
03/12/12	Day Care DVD	SCA organisation showed DVD to 18 people at The Brook Day Care centre.
04/12/12	Meeting - Consultation	People's Panel 1 (facilitated by Independent Facilitator).  Fact Sheet FINAL  AHoS12-616 SCC Non Residential Care  NRC Comparison Table  AHoS12-757 - Presentation contribu
04/12/12	Meeting - Consultation	Choices Advocacy supported a service user and their carer to attend the People's Panel.
06/12/12	Meeting - Consultation	People's Panel 2 (facilitated by Independent Facilitator).
06/12/12	Meeting - Consultation	Choices Advocacy supported a service user and their carer to attend the People's Panel.
10/12/12	Meeting	Charging proposals were discussed by an officer at the Learning Disability Partnership Board (formerly Valuing People Board). Choices Advocacy supported 12 people to attend this board.
11/12/12	Meeting – Day Services	Day Services feedback meeting (facilitated by Independent Facilitator with Senior Adult Social Care Officer in attendance).
11/12/12	Meeting - Consultation	People's Panel 3 (facilitated by Independent Facilitator).
11/12/12	Meeting - Consultation	Choices Advocacy supported a service user and their carer to attend the People's Panel.
17/12/12	Meeting – Extra Care	Extra Care meeting at Rosebrook Court Extra Care facility arranged for this date but did not take place
17/12/12	Meeting - Advocates	Mencap meeting –the LD DVD was shown to 29 carers on 17 th December 2012.
18/12/12	Letter – Extra Care	Letters to Rosebrook Court Extra care clients re second meeting on 8 th February - all posted to Extra Care facility care of co-ordinator on 18/12/12 <ul style="list-style-type: none"> Informed that this further meeting on 08/02/13 will not be included as is outside consultation period. Facility have agreed this.

18/12/12	Letter – Extra Care Representatives	Letter to Rosebrook Court Extra Care customer representatives re second meeting on 8 th February.
19/12/12	Meeting - Consultation	Final People's Panel (facilitated by Independent Facilitator with Senior Officer Adult Social Care and Cabinet Member for Adult Social Care)
19/12/12	Meeting - Consultation	Choices Advocacy supported a service user and their carer to attend the People's Panel.
20/12/12	Meeting - Advocates	Feedback with Advocates and Cabinet Member for Adult Social Care.
20/12/12	Meeting – rearranged to 10/01/13	Cabinet Member for Adult Social Care/Age Concern Senior staff member re policy changes.
07/01/13	Meeting	Adult Social Care Housing, Welfare Benefits and Advice service, Financial Assessment and Benefits services representatives – meeting re Welfare changes.
08/01/13	Meeting	Senior Officer Adult Social Care and Council Tax Benefit Senior Staff member re Benefit changes.
09/01/13	Meeting - Advocate	Senior Officer Adult Social Care - Mencap Carer's lunch where 38 carers shown LD DVD and discussion on charging policy.
10/01/13	Meeting	Cabinet Member for Adult Social Care and Senior Staff member Carer's Together re policy changes.

Consultation on Changes to the Non-Residential Charging Policy for Adult Social Care: Findings from the Public Consultation

1. Summary

On the 8th October 2012 the Council launched a consultation on 21 proposed changes to the current Non-Residential Adult Social Care Charging Policy. The proposed changes are outlined in the Cabinet report. Service users or their representatives were contacted and asked to comment and take part in the consultation, as were key advocate organisations and Day Care providers in the City. Specific service user and carer group meetings for people living in Extra Care and attending Day Care facilities, a People's Panel, and an event for individuals receiving a specific rent allowance also took place. The City Council invested in an infrastructure to support the consultation including a telephone helpline, website page, production of DVDs targeted at older people in day services and at those with a learning disability and dedicated e-mail and postal addresses. Full details of the consultation process are outlined in Appendix 2.

2. The Consultation Findings

The headline findings on the impact of the proposed 21 changes to the Charging Policy are:

- There was a degree of recognition in the meetings held that the City Council needs to fairly and equitably source funding to help pay towards the cost of Adult Social Care services.
- There was also recognition in the meetings that people who can 'truly' afford to do so should contribute towards the cost of their care.
- There was some consensus that people paying more for day care should have their increased contributions phased in to allow time for adjustment and that the Council should provide proactive additional support for those most affected.
- Respondents asked the City Council to consider the long term impact of the proposed changes – i.e. if people feel they cannot afford services will they do without until they are in crisis and then need higher cost services such as residential care. This, they said, feels counter intuitive to prevention and health and well-being agenda.
- Respondents thought that for the Council to take 100% Net Disposable Income would be a “grossly unfair”, “harsh,” “regressive” or “draconian” measure. Although it was acknowledged that this leaves the service user with 25% over the Government’s minimum income levels, it was thought that this would still negatively impact on a service user’s quality of life. It was said that the 25% above minimum income is used to meet expenditure most people would think of as essential and is not enough for

Appendix 4 NRC Charging Policy Review – Consultation response

people to save towards purchasing essential items (such as disability related equipment) or covering additional disability related living costs.

- The meeting to discuss the rent allowance and the People's Panel highlighted that the specific rent allowance that the Council is proposing to stop paying helps towards funding these additional daily living expenses for people with severe learning disabilities. It was thought that stopping this payment will have a significant impact on these service users' quality of life.
- On charging the full cost for Day Care and Home Care, there was some concern that this would mean people not accessing these services and, as highlighted above, ultimately lead to more people being placed in residential care leading to higher net costs for the Council.
- There was also concern that the day care charges proposals would mean carers going without respite.
- The results from the telephone helpline showed that paying full cost for care was a key concern, with callers expressing their opinion that they are already "charged a lot".
- The proposal to change the policy so that users with more than £23,250 would organise their own care was called "regressive". There was also a concern that this placed an inappropriate burden on carers. However others thought that the proposed limit was set too low.
- The proposal to ask for contributions toward the cost of two carers raised concerns that this might have a significant impact and increase the burden on service users and family carers who might try to cope without a second carer on the basis of cost. There was also a concern that this might be inequitable.

Findings of the consultation and responses to the issues raised are set out in more detail below and in table 1.

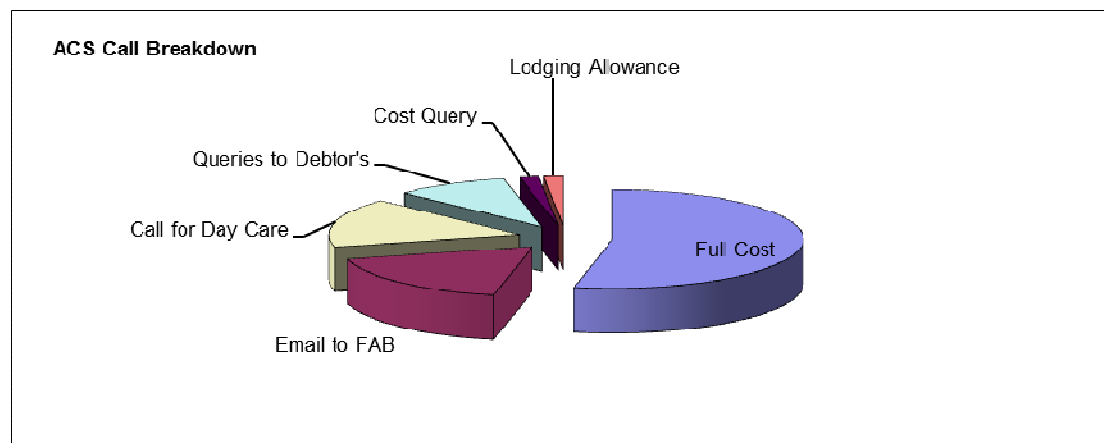
2a. City Council Consultation Website

On the 8th October 2012 the Council launched the consultation on its website. The site highlighted that a consultation on the policy was taking place and included a fact sheet with all 21 proposed changes, and other key information such as the telephone number and opening hours for the helpline, dedicated e-mail and postal addresses and how to volunteer to be part of the People's Panel. Equality Impact Assessment information was added at a later date. There were 117 views of the site. Comments from individuals are set out in the emails/letters section below and under the same heading in table 1.

2b. Telephone Helpline

On the 8th October the telephone helpline went live.

Comments from the helpline are detailed in Table 1 below. Highlight findings are set out below:



The chart above represents responses from 62 calls to the telephone helpline from October till the end of December. The majority of the other callers were requesting further information about the proposals or were misdirected calls related to other adult social care and billing issues. The biggest single issue was about the proposed changes that would mean users paying more or the full cost of their services – i.e. for Home Care and Day Care. This represents 52% of calls received. The main type of comment received from callers was related to paying higher contributions.

In the main, the remainder of the data illustrated in the chart represents actions that followed from these and other phone calls to the helpline, e.g. e-mails sent to the Financial Assessment of Benefits Team or query to Debtor's Team.

2c. Dedicated E-Mail and Postal Addresses

The main findings from the letters and from the e-mail box are summarised in Table 1. The majority of correspondence was about asking for more information. However, 7 people made more detailed responses to the consultation. Some examples are set out below:

- The consultation proposes changing the charging policy so that where a user has capital of more than £23,250 they will organise their own care. This proposal was said by one respondent as “regressive”, and should only be implemented if the council can set up a system whereby persons who are privately funding their care are regularly reassessed by the council to see if they now meet the test for financial support.

3 respondents disagreed with the proposal to move to 100% Net Disposable Income. To take 100% of a user's net disposable income was

Appendix 4 NRC Charging Policy Review – Consultation response

thought to be “harsh and regressive”, with the current policy on this being “severe enough”.

On charging the full cost for Day Care and Home Care, 2 respondents were concerned that this would mean people not accessing these services and ultimately leading to more people “being placed in residential care” leading to higher net costs for the Council. Therefore it was thought by one respondent that it is in the “...council's interests to subsidise this care heavily, and the correct move is for the council to rationalise the subsidy such that both those with Direct Payments / Individual Budgets also “...receive a subsidised care service”.

- Another respondent wrote: “I feel very strongly that disabled people and old age pensioners on a limited income should not be paying for care in the community. Compared to the cost of residential care, the Council are saving a great deal of money by having people looked after in the community. You should be looking after the vulnerable people in this City – they are the least able to object to your taking contributions for their care.”
- There was a concern that charging people in Extra Care Sheltered Housing for overnight care, 24 hour care, sleep in and waking night care would result in more “residential placements”. 1 respondent proposed that “...the council should develop a policy which selects persons for whom some element of subsidy is useful and necessary. So for example a young disabled person who is working but in need of sleep in or waking night care, could be rationally supported by the council with a subsidy since they are a) contributing to the GDP of the city, b) living relatively independently, and c) placing them in care would be cruel and regressive.”

2d. Advocate Organisations

Individual meetings with Advocacy groups culminated in a meeting on the 20th December 2012. At this meeting advocate organisations were able to give their considered views on the proposed changes directly to the Council. Feedback meeting is set-out in Table 1. Example findings from that meeting are set out below:

- The advocates thought that the Council should have considered co-producing the consultation with service users.
- They asked the Council to consider the long term impact of the proposed changes – i.e. if people feel they cannot afford services will they do without until they are in crisis and then need higher cost services such as residential care. This feels counter intuitive to prevention and health and well-being agenda.
- To take 100% Net Disposable Income was said to be a “draconian” measure. Although this leaves the individual with 25% over government

Appendix 4 NRC Charging Policy Review – Consultation response

minimum income levels it will impact on quality of life. The 25% above minimum income is used to meet expenditure most people would think is essential.

- They were concerned that the proposed increases in contribution for those attending Day Care will mean less people using these services and therefore remove low level preventative support.
- In terms of carers' services, it was said that there was a need for more clarity on when services will be charged for as part of package for cared for person and when they would be free to carers. Carers are not usually the direct recipients of services.
- They felt it should be noted that if carers are asked to do more the care arrangements are more likely to collapse, which will impact on health as well as social care services.
- It was also noted that ageing carers can rely on the income of the cared for person and may reduce service provision as a result of the proposed changes to the charging policy.

Solent Mind was unable to attend the Advocate Meeting. However, an example response from an earlier initial meeting proposed that:

- People with Mental Health problems, who will pay more under the new policy, will need to be given additional support to understand this and to help them get used to the new payments. Simply sending them a letter will not be enough or appropriate.

2e. People's Panel

A People's Panel (Citizen's Jury) is suggested in the Council Compact as a way of engaging service users and carers in a consultation process, so that a more meaningful and detailed examination of the proposed changes can be made by them.

The final response from the Panel is set-out in Table 1. Below are some example responses:

- The People's Panel recognised that the current Non-Residential Adult Social Care Charging Policy has inconsistencies that need addressing.
- The panel also recognised that people who can 'truly' afford to do so should contribute towards the cost of their care.
- However, the Panel believed that taking 100% of a service user's Net Disposable Income (NDI) is unfair when applied to people with severe learning disabilities or other severe long term conditions (including people

in these groups in their later years/pensioners). This is because people needing social care, but who are able to work, can top-up their income giving them an opportunity to save towards purchasing items they need to improve their quality of life. People with severe learning disabilities and severe long term conditions often cannot do this, yet they are treated in the same way. The Panel believed this to be an inequality of opportunity. If the proposal goes through without this proviso then it will mean that 'the greater a service user's needs the less money they will have because of those needs'.

- The Panel also proposed that the Council's new policy recognises Disability Living Allowance and Attendance Allowance as funds needed to support quality of life for the people in these groups.
- Following on from this, the Panel recognised that the Government sets a protected income guarantee of 25% above minimum income rates. The 25% is meant to support any extra living costs over the amount the service user needs to cover their daily living costs. However, people with severe disabilities often have higher daily living costs. This means that the 25% is often used to pay for these higher costs leaving no 'additional' funds as would be the case for some other service user groups. The Panel believe that this was recognised in the past by the City Council and that is why the Council did not take 100% NDI. This was also seen as a reason for why a special allowance (badged as rent allowance) was given to some service users with severe learning disabilities. This meant that if the service user is living at home the 'rent allowance' was used to help pay towards these higher costs. The Panel proposes that this needs to be seen as another disability related inequality and that the Council should automatically take higher living costs for these groups into account as part of disability related expenses.

2f. Extra Care Meetings

Meetings took place in the three Extra Care Facilities in the City.

The main comments from Extra Care service users were from users' families. Two key findings arose:

- The proposed cut-off point of £23,250 after which users have to commission their own care is too low, but also needs to be sensitively handled.
- In Extra Care, there was concern that long-term residents may be charged for overnight cover, when they have been living there for some years, or where the need for overnight care may not yet be an issue.

2g. Day Care Meetings and DVD

Day Care providers were contacted in November 2012 and asked to engage with their customers specifically on the proposed Day Care changes. To aid engagement in the consultation a simple DVD was produced, specifically focusing on the day care changes. Over a two week period the DVD was shown to 333 people in Southampton Care Association day care provision across the city, including to people with dementia and has been shown to approximately 80 to 100 in Age Concern services.

At a meeting set up with Day Care providers to brief them on the DVD there was strong representation made that to increase maximum contributions in 1 year would result in significant numbers of individuals leaving these services. This would not only destabilise care and increase carer strain but would jeopardise the viability of services.

The feedback to the City Council demonstrated one key finding:

- The day care staff engaged users, but it was clear that those who expressed any ideas were of the belief that they did not fall into the group of people who are likely to be charged more. Those users did not make any further comment.

2h. Rent Allowance Meetings

A meeting took place in the Council Chamber on the 21st November 2012 to which all those who were receiving a specific additional allowance for rent were invited. Findings from this meeting are in Table 1. Examples of these findings are set out below:

- Taking 100% NDI was thought “grossly unfair” and people felt “cheated”. People with Learning Disabilities often have higher living costs. Therefore the protected income guarantee of minimum income rate plus 25% is often not enough to pay for these additional costs or leave enough disposable income to save. That is why there is a ‘rent allowance’ to help pay for these additional costs.
- There was a need for clearer information about what can be counted as a Disability Related Expense and on the protocol guiding the Financial Assessment of Benefits Team when they conduct financial assessments.
- There is not enough information about which advocacy organisations to go to for independent financial advice and support.
- There was support for the Council’s proposal to top-up Independent Living Fund payments.

2i. Individuals with a Learning Disability DVD and meeting

Appendix 4 NRC Charging Policy Review – Consultation response

A DVD was produced to explain the changes to individuals with a Learning Disability. This was used by Mencap, who hosted 2 meetings involving approximately 67 individuals with learning disability and their carers. The findings and queries from these meetings are in Table 1. Examples of these findings are set out below:

- Carers are generally confused by exactly which benefits will be taken into account, which elements of DLA are counted, and how disposable income will be calculated in order to be assessed for a contribution to care.
- Concerns were raised about the stoppage of the £40 rent allowance. It is difficult for clients with a learning disability to understand that there is now a need for them to contribute to costs for the home.
- The Mencap Carers meeting felt the proposed changes are a forgone conclusion and that they will happen regardless of the fact that it's a 'consultation'
- Concerns were expressed about the quality of life for clients with LD whose disposable income will no longer exist as a result of their assessed contributions.

2j. Learning Disability Partnership Board

An officer attended the Learning Disability Partnership Board on 10th December 2012 for information only. This Board has representation from service users, carers and services supporting individuals with Learning Disabilities.

TABLE 1: FINDINGS FROM THE CONSULTATION AND THE OFFICER RESPONSE

Consultation Respondent Findings	City Council Officer Comment
Telephone Helpline	
<p>6 callers told the helpline that they or a relative already paid enough for care. 1 caller thought it “unfair [as] is already paying a lot for care”.</p> <p>Another caller wasn't happy that “anything is changing as her mother has already been charged a lot.”</p> <p>Another said they were “Worried about paying for care because they have limited amount of money. “Has to save in a jar.”</p>	<ul style="list-style-type: none"> • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual’s income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • No one will ever be refused a service due to inability to contribute towards the costs. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>4 callers thought that the letters were too complex leaving them feeling “confused” or concerned that a family member had received them: “mother has dementia and...it's completely wrong to send it to her because she won't understand.”</p>	<p>It is acknowledged that the changes are complex. For this reason a number of approaches were taken;</p> <ul style="list-style-type: none"> • When it was known that a financial appointee was acting for the individual or a carer had been nominated as the contact point letters were sent to them. • A helpline was set up to allow individuals to be given more information about the proposed changes. • Meetings were held with some groups who were specifically affected. • DVDs were produced targeted on older people in day services and

Appendix 4 NRC Charging Policy Review – Consultation response

	individuals with a learning disability.
E-Mails and Letters	
2 respondents to the consultation wrote that the letters and fact sheet were complex and not in plain English.	Lessons will be learnt from this and the implementation plan will address this. However, the letters met the purpose of informing individuals that a consultation was taking place, the subject and reason for that consultation and how to engage with the Council about this and to find out more.
<p>3 respondents thought that charging for care made things difficult for those wanting to have a viable Individual Budget, a particular issue being people with Mental Health problems.</p> <p>1 respondent wrote that: "...it is vital to ensure that the Individual Budget process is managed in such a way that persons who have significant mental disabilities, or who are for other reasons unable to manage their own care are properly supported."</p>	The proposed changes to the policy will not change the approach to social care assessment and support planning.
<p>The consultation proposes changing the charging policy so that where a user has capital of more than £23,250 they will need to organise their own care.</p> <p>3 respondents disagreed with this change.</p> <p>This proposal was said by one respondent as "regressive", and should only be implemented if the council can set up a system whereby persons who are privately funding their care are regularly reassessed by the council to see if they now meet the test for financial support. Otherwise it was felt that "...many persons who may not be fully aware of the financial support thresholds may expend money on care when the council has an obligation in part to be supporting them."</p> <p>Another respondent was concerned that people with dementia will not be able to do this and therefore the task of organising care, etc, will fall to family members, some of whom may not live locally and will not be able to provide "day-to-day</p>	<ul style="list-style-type: none"> • The current process whereby individuals with over £23,250 who are entering residential care are given clear information about capital depletion and how to inform the Council of this will be extended to those managing their own non residential care if the proposals are accepted. • The Council will continue to have a duty to undertake an assessment of anyone who may have social care needs and to offer support in planning care to meet these needs. The change will be that the individual will commission the services directly. • Individuals who do not have capacity to manage their own arrangements and do not have family carers will continue to be supported in setting up their care by the Council. • The Council is setting up services to support individuals to be able to manage their own care

Appendix 4 NRC Charging Policy Review – Consultation response

<p>supervision” in the same way as a Southampton City Council care manager. For example, the respondent writes: “[how do I deal] with the situation where a day centre is closed at short notice due to snow or staff sickness. I am not aware that such supervisory services are available at affordable cost in Southampton and, even if they become available as a result of this change, the impact on the quality of life of a vulnerable person during the transition is likely to be significant.” The respondent writes: “you therefore seem to be putting additional burdens on to those having power of attorney.”</p>	<p>arrangements (e.g. Care with Confidence website) and this will be available to those who have capital over the proposed limits.</p> <ul style="list-style-type: none"> • All care plans should detail how emergencies should be dealt with e.g. in the case of day care it is often the day care provider who arranges the alternative support in emergency. • Work will be undertaken throughout 2013/2014 to set up new arrangements with those individuals who would be affected who currently receive services.
<p>3 respondents disagreed with the proposal to move to 100% Net Disposable Income.</p> <p>To take 100% of a user's net disposable income was thought to be “harsh and regressive”, with the current policy on this being “severe enough”.</p> <p>1 respondent proposed that the “...council should consider the proportion of adult health and social care users who are 'young adult disabled' and consider the life of penury that they are condemning these people to by not allowing them any disposable income which is not removed to pay for care costs.”</p> <p>Another respondent wrote: “I hope the level of disposable income will be set at a reasonable level so that both people on direct payments and those whose budgets are managed by the council are not thrown into a poverty trap.</p> <p>Another wrote: “...I do not believe it should be any lower than 50% above the minimum income levels as it fails to take account of all disability related costs.”</p> <p>Another wrote: “I believe that care costs (like health costs) should be free at the point of delivery for everyone, and covered by increasing taxes...I think the proposed changes are using ‘fairness and equity’ as a smokescreen for cost-cutting, which will place vulnerable people at risk.</p>	<ul style="list-style-type: none"> • The proposal increases the contribution from the net disposable income from 95% to 100%. The average increase as calculated in August 2012 was around £2.00 per week. • The proposal is in line with national guidance and leaves everyone with 25% over national minimum income levels. This was set in recognition of the fact that individuals in receipt of social care are likely to have additional expenditure related to their needs. • To treat specific customer groups differently would be inequitable, would not meet national guidance and could lead to judicial challenge. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • National guidance allows disability related benefits to be taken into account and the majority of Councils do so, given these benefits are awarded to meet the

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>care needs of the individual.</p> <ul style="list-style-type: none"> • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>1 respondent wrote: “I also think that the disposable income assessment should disregard the amounts of disabled living allowance that is put aside to help people with severe mental health problems attend to their personal hygiene and organising food.”</p>	<ul style="list-style-type: none"> • Personal care and nutrition needs would be considered as eligible social care needs and a budget offered to meet these needs if they were considered to be “critical” or “substantial” as defined in the Fair Access to Care guidance. • National guidance allows disability related benefits to be taken into account and the majority of Councils do so, given these benefits are awarded to meet the care needs of the individual.
<p>1 respondent wrote that they were concerned that charging people in Extra Care Sheltered Housing for overnight care, 24 hour care, sleep in and waking night care would result in more “residential placements”.</p> <p>They continued by proposing that “...the council should develop a policy which selects persons for whom some element of subsidy is useful and necessary. So for example a young disabled person who is working but in need of sleep in or waking night care, could be rationally supported by the council with a subsidy since they are a) contributing to the GDP of the city, b) living relatively independently, and c) placing them in care would be cruel and regressive.”</p>	<ul style="list-style-type: none"> • The contributions individuals who are in residential care make are nationally set and are generally significantly higher than those made for sleeping night care and the proposed rate for Extra Care.. In addition the capital in the individual’s home is not taken into account in the non residential care policy but is taken into account in the national residential care charging policy. • Contributions towards the costs of 24 hour care or waking night care may be higher but it is likely that individuals would prefer to remain in their own homes. • To treat specific customer groups differently would be inequitable, would not meet national guidance and could lead to judicial challenge.
<p>3 respondents disagreed with paying the full amount for two carer packages. 1 respondent wrote that since “...transition to double up care may well occur in crisis situations, I consider that the council as a</p>	<ul style="list-style-type: none"> • At any point where there is a significant change in functioning service users are offered a free rehabilitation or reablement services to ensure their

Appendix 4 NRC Charging Policy Review – Consultation response

<p>minimum should subsidise the care for a short time, perhaps six weeks to six months to ensure that the service user has time to adjust their budgeting to account for the greatly increased cost of care.”</p> <p>However, another respondent wrote: “...your proposed change to charge the full cost of the second carer will seriously impact on our quality of life. In effect, I shall be forced to manage with one carer and do the second carer's role myself, which won't be easy at my age but will be necessary.”</p>	<p>independence is maximised prior to any revised care arrangements being set up.</p> <ul style="list-style-type: none"> • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and expenditure. • Carers needs are assessed as part of any social care assessment. Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>On charging the full cost for Day Care and Home Care, 2 respondents were concerned that this would mean people not accessing these services and ultimately leading to more people “being placed in residential care” leading to higher net costs for the Council. Therefore it was by one respondent that it is in the “...council's interests to subsidise this care heavily, and the correct move is for the council to rationalise the subsidy such that both those with Direct Payments / Individual Budgets also “...receive a subsidised care service”.</p>	<ul style="list-style-type: none"> • It was recognised during the consultation that this proposal is likely to have a significant impact on numbers attending day care and therefore on the viability of current care arrangements, increasing strain on carers and reducing the stability of services. • In addition the Joint Commissioning team will be reviewing day care contracts in the next year, to allow more personalised approaches. It is expected that this will change the models of provision and reduce costs. • A revised proposal is therefore suggested, increasing the costs over 2 years, with an increase to £22 in 2013/2014. This increases the maximum change by approximately 50% and to half to full current economic change for the service. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents

Appendix 4 NRC Charging Policy Review – Consultation response

	would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
1 respondent wrote: “I feel very strongly that disabled people and old age pensioners on a limited income should not be paying for care in the community. Compared to the cost of residential care, the Council are saving a great deal of money by having people looked after in the community. You should be looking after the vulnerable people in this City – they are the least able to object to your taking contributions for their care.	<ul style="list-style-type: none"> • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
1 respondent supported the City Council proposal to ensure carers support remains non-chargeable.	
<p>It was said that the proposed change to the policy to bring clarity to the charging of people with Direct Payments when it comes to paying for residential respite services they arrange for themselves, by charging them under the conditions set out in the non-residential charging policy, should not be to the detriment of service users.</p> <p>1 respondent wrote that they felt that if “... [people with Direct Payments] wish to negotiate with a care home more advantageous arrangements they should be permitted to do so.”</p>	<ul style="list-style-type: none"> • It was recognised during the consultation that for some individuals contributing under the non residential policy would be disadvantageous. It is therefore proposed to set up arrangements to inform the individual of the most advantageous approach at financial assessments. • Individuals with a Direct Payment can, as now, negotiate the rate for their service directly with the provider.
1 respondent felt that deep cleans should be non-chargeable.	<ul style="list-style-type: none"> • To have non chargeable services would impede the operation of Individual Budgets, given contributions in the future will be assessed on a sum of money not individual services.
On backdating charges to the date an individual’s income changes, 1 respondent wrote “I agree with the proviso that the council must make provision for such backdating to be applied in a tapered way to allow for persons to adjust their budgeting.”	<ul style="list-style-type: none"> • As at present the Council will enter into arrangements with individuals who have outstanding invoices to allow payment over a period of time.
2 respondents disagreed with the proposal about ensuring appropriate contributions	Noted. However this will require national consideration

Appendix 4 NRC Charging Policy Review – Consultation response

<p>from those who have been awarded compensation payments.</p> <p>1 respondent wrote that the Council should carry out further consultation and should account for both lump sum compensation, and payment of war pensions and their successor benefits (AFCS).</p> <p>They continued by writing that the “... guiding rule should in my view be whether the judicial or statutory body awarding the compensation anticipated that the compensation should be used for the funding of private or other care, and in the event that it did not the compensation should be disregarded at a 100% rate.”</p> <p>Another respondent wrote the following about his son’s compensation award: “I need to protect his capital to ensure that he has sufficient funds for his lifetime”.</p>	
<p>On developing clear pathways to debt management services and ending the practice of allowing debt to be taken into account in determining contributions, 1 respondent said that the “level of debt associated with an individual should be subtracted from their non-property assets and the residual assets used for assessment of charging purposes. In the event that there are no assets, the level of debt interest payments should be viewed as necessary expenditure.”</p>	<ul style="list-style-type: none"> • To treat some customers differently would be inequitable, would not meet national guidance and could lead to judicial challenge. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons.
<p>1 respondent put forward an alternative approach to those set-out in the consultation. The respondent wrote: “I do realise that you need to find more money from somewhere, but perhaps service users could be charged for the time they actually receive, as opposed to the time they are allocated. That would be a much fairer system. The carers phone into their call centre when they arrive and phone in again when they leave, so the time they spend with a service user is monitored. At the weekend, the carers are overstretched and on average, my husband receives only half of his allocated time. I understand the carers problem, so make allowances for them having to rush. My concern is this. If all weekend work is being charged to the council by time</p>	<ul style="list-style-type: none"> • Given care is only offered to meet needs assessed as critical or substantial no provider should reduce the package of care without agreement from the individual and the Care Manager. Any reductions in care should be reported to the individual’s Care Manager.

Appendix 4 NRC Charging Policy Review – Consultation response

<p>allocated as opposed to time received, who is getting the financial benefit? Not the service users, not the carers. I'm sure you would save an awful lot of money if you only paid the agencies for the time service users received.</p>	
<p>Advocate Meetings</p>	
<p>The advocates thought that the Council should have considered co-producing the consultation with service users.</p>	<p>This is noted.</p>
<p>It was suggested that a “key message” from the charging policy proposed changes seems to be ‘if you save you will be asked to pay more for services.’ This could be a disincentive to younger people.</p>	<p>It has always been the case that the individual as well as the state is responsible for their care and support. This message is being reinforced by government policy.</p>
<p>The advocates asked officers to consider the long term impact of the proposed changes – i.e. if people feel they cannot afford services will they do without till they are in crisis and then need higher cost services such as residential care. This feels counter intuitive to prevention and health and well-being agenda.</p>	<ul style="list-style-type: none"> • The Council as a whole is committed to addressing the prevention and health and well being agendas through all of its services. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual’s income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>Will these proposals be a disincentive to individuals using social care leading to more use of informal and unregulated care and higher risk of abuse.</p>	<ul style="list-style-type: none"> • As more people make their own arrangements the Council is developing services such as the Care with Confidence website to signpost people to good quality services. • The Safeguarding Board is working to ensure the wider

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>community is aware of safeguarding issues since “Safeguarding is Everybody’s Business” and the Council alone cannot ensure safety of vulnerable residents.</p> <ul style="list-style-type: none"> • The Safeguarding Board is also working to increase the ability of vulnerable individuals to keep themselves safe.
<p>This is hitting those with least. The Council should protect them and look for other ways to meet its financial challenges e.g. Council tax increases, take away single person’s allowance.</p>	<ul style="list-style-type: none"> • The Council is currently consulting on a range of cost cutting measures including changes to the Council Tax scheme which proposes the removal of the pensioners discount Despite this if the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>In terms of carers’ services, it was said that there was a need for more clarity on when services will be charged for as part of package for cared for person and when they would be free to carers. Carers are not usually the direct recipients of services.</p> <p>It was felt to be a breach of carers Human Rights not to provide free respite care.</p> <p>It should be noted that if carers are asked to do more the care arrangements are more likely to collapse, which will impact on health as well as social care services.</p> <p>Also ageing carers who are relying on the income of the cared for person and who may reduce service provision as a result of these changes.</p>	<ul style="list-style-type: none"> • This proposal ratifies current charging process and mirrors many Councils policies. • Charging will continue depend on who is the direct recipient of the service since service users are also benefitting from the service they receive. • Advice has been received from legal services that the proposals being put forward are compliant with the Human Rights Act. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual’s income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.</p>
<p>On pay for both carers in a two carer package, it was said that this would prove to be inequitable. It was stated that Hampshire County Council withdrew the policy on basis of equity.</p>	<p>Legal advice suggests that since the policy is based on ability to pay and individual circumstances can be taken into account in exceptional cases there is unlikely to be an equity issue.</p>
<p>To take 100% Net Disposable Income was said to be a “draconian” measure. Although this leaves the individual with 25% over government minimum income levels it will impact on quality of life. The 25% above minimum income is used to meet expenditure most people would think is essential. The Equality Impact Assessment should take account of this.</p>	<ul style="list-style-type: none"> • The proposal increases the contribution from the net disposable income from 95% to 100%. The average increase as calculated in August 2012 was around £2.20 per week. • The proposal is in line with national guidance and leaves everyone with 25% over national minimum income levels. This was set in recognition of the fact that individuals in receipt of social care are likely to have additional expenditure related to their needs. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual’s income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>The advocates agreed those most affected by the proposed changes to rent allowance should be involved in discussing this.</p>	<p>A separate meeting has been held for those affected.</p>

Appendix 4 NRC Charging Policy Review – Consultation response

<p>The advocates were concerned that the proposed increases in contribution for those attending Day Care will mean less people using these services and therefore remove low level preventative support.</p>	<ul style="list-style-type: none"> • It was recognised during the consultation that this proposal is likely to have a significant impact on numbers attending day care and therefore on the viability of current care arrangements, increasing strain on carers and reducing the stability of services. • In addition the Joint Commissioning team will be reviewing day care contracts in the next year, to allow more personalised approaches. It is expected that this will change the models of provision and reduce costs. • A revised proposal is therefore suggested, increasing the costs over 2 years, with an increase to £22 in 2013/2014. This increases the maximum change by approximately 50% and to half to full current economic change for the service.
<p>The advocates wanted assurance that the Cumulative Impact of Benefit, Council Tax and Housing Benefit changes will be taken into account.</p> <p>They also wanted to know why there are two separate consultations on Council Tax and Charging when they could have a cumulative impact.</p>	<ul style="list-style-type: none"> • This is being considered and will inform final cumulative impact assessments and final proposals. • Consideration was given to one process but it was decided that the target groups were different and the information to be considered complex in both cases.
<p>The advocates wanted debt management support be offered external to Care Manager service.</p> <p>Southampton Centre for Independent Living (SCIL) have a proposal for debt management support service.</p>	<ul style="list-style-type: none"> • The Council financially supports a range of Advice and Information agencies including CAB and the in house Welfare Rights and Money Advice team. Work has already been undertaken to develop links between these services and the Financial Assessment and Benefits team. Care Managers sign post to advice services since they understand this is a specialist area of work. • The SCIL proposal will be fed into any future advice and information review.
<p>The advocates wanted clarity if Disability Related Expenses will remain.</p>	<p>These will remain as at present.</p>

Appendix 4 NRC Charging Policy Review – Consultation response

<p>Advocates were concerned that the Council limits choice to the types of provision available to people on Individual Budgets on the grounds of cost. This is against National guidance.</p>	<p>Recent legal cases have clarified that Councils have the right to consider their resources when meeting need. This involves setting “usual rates” (which will always be varied to meet individual circumstances if required) for the meeting of specific levels of need. This ensures equity and ensures the Council can manage demand.</p>
<p>People with Mental Health problems, who will pay more under the new policy, will need to be given additional support to understand this and to help them get used to the new payments. Simply sending them a letter will not be enough or appropriate.</p>	<p>This is noted and will be taken account of in the implementation plan if the proposals are accepted.</p>
<p>People with Mental Health problems are often blocked from receiving an Individual Budget by care managers. This is a cultural and training issue that the City Council needs to address.</p>	<p>All those with eligible social care needs are now offered an Individual Budget. This to be addressed separately.</p>
<p>People with Mental Health problems on average earn less and have less opportunity to earn higher wages. It might be equitable to consider different charging policies for different care groups.</p>	<ul style="list-style-type: none"> • To treat specific customer groups differently would be inequitable, would not meet national guidance and could lead to judicial challenge.
<p>People’s Panel</p>	
<p>The People's Panel recognised that the current Non-Residential Adult Social Care Charging Policy has inconsistencies that need addressing.</p>	
<p>The People’s Panel recognises that people who can 'truly' afford to do so should contribute towards the cost of their care</p>	
<p>However, the Panel believe that taking 100% of a service user's Net Disposable Income (NDI) is unfair when applied to people with severe learning disabilities or other severe long term conditions (including people in these groups in their later years/pensioners). This is because people needing social care, but who are able to work, can top-up their income giving them an opportunity to save towards purchasing items (such as</p>	<ul style="list-style-type: none"> • To treat specific customer groups differently would be inequitable, would not meet national guidance and could lead to judicial challenge. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the

Appendix 4 NRC Charging Policy Review – Consultation response

<p>specific disability related equipment) that they need to improve their quality of life. People with severe learning disabilities and severe long term conditions often cannot do this, yet they are treated in the same way. This means that they will be unable to save towards buying items that they need, and this may mean they go without or that a debt is incurred in purchasing these items. The Panel believes this to be an inequality of opportunity and that the City Council and their new contributions policy should take this into account. If the proposal goes through without this proviso then it will mean that 'the greater a service user's needs the less money they will have because of those needs'.</p>	<p>individual's income and expenditure.</p> <ul style="list-style-type: none"> • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • There is an ability to take disability related expenses into account in determining an individual's contribution.
<p>The Panel also proposes that the Council's new policy recognises Disability Living Allowance and Attendance Allowance as funds needed to support quality of life for the people in these groups</p>	<ul style="list-style-type: none"> • National guidance allows disability related benefits to be taken into account and the majority of Councils do so, given these benefits are awarded to meet the care needs of the individual.
<p>Following on from this, the Panel recognises that the Government sets a protected income guarantee of Income Support rate plus 25%. The 25% is meant to support any extra living costs over the amount the service user needs to cover their daily living costs. However, people with severe disabilities often have higher daily living costs. This means that the 25% is often used to pay for these higher costs leaving no 'additional' funds as would be the case for some other service user groups. The Panel believe that this was recognised in the past by the City Council and that is why the Council did not take 100% NDI. This was also seen as a reason for why a special allowance (badged as rent allowance) was given to some service users with severe learning disabilities. This meant that if the service user is living at home the 'rent allowance' was used to help pay towards these higher costs. The Panel proposes that this needs to be seen as another disability related inequality and that the Council should automatically take higher living costs for these groups into account as part</p>	<ul style="list-style-type: none"> • The proposal is in line with national guidance and leaves everyone with 25% over national minimum income levels. This was set in recognition of the fact that individuals in receipt of social care are likely to have additional expenditure related to their needs. • To treat specific customer groups differently by offering a rent allowance or assessing specific groups under different rules is inequitable, does not meet national guidance and could lead to judicial challenge. • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in

Appendix 4 NRC Charging Policy Review – Consultation response

<p>of disability related expenses.</p> <p>The Panel also suggests that the Council look at Herefordshire's policy, because their adult social care charging policy allows the rent allowance for this reason.</p>	<p>exceptional circumstances for welfare reasons.</p> <ul style="list-style-type: none"> • There is no rational to applying a £40 rent allowance. The current weekly allowance takes account of day to day living expenses/board and lodgings costs. In addition parents who are on a low income and qualify for Housing Benefit are given an allowance of £11.45 per week Housing Benefit when the service user lives at home. This is currently allowed for when calculating the service user's contribution. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>The Panel believes that service users are often unaware of what can be counted as a disability related expense. There needs to be better information for users and representatives and there needs to be better communication from care managers.</p>	<p>This will be addressed in the implementation plan should the proposals be accepted.</p>
<p>The Panel does not oppose the Council phasing in increases to day care contributions for those who can truly afford to pay more. Phasing in the increase is good, because bringing in additional contributions too quickly is likely to mean people deciding to go without day care and carers not getting the respite they need.</p> <p>However, the Panel understands that some people will be asked to pay much more than they are now. The Panel proposes that the Council should identify those people who are going to pay the highest amounts and think carefully about how these changes are going to impact on them.</p> <p>Then the Council should consider whether</p>	<ul style="list-style-type: none"> • It was recognised during the consultation that this proposal is likely to have a significant impact on numbers attending day care and therefore on the viability of current care arrangements, increasing strain on carers and reducing the stability of services. • In addition the Joint Commissioning team will be reviewing day care contracts in the next year, to allow more personalised approaches. It is expected that this will change the models of provision and reduce costs. • A revised proposal is therefore suggested, increasing the costs over 2 years, with an increase to £22 in 2013/2014. This increases

Appendix 4 NRC Charging Policy Review – Consultation response

<p>to phase increases over 3 years rather than 2 years. This will give these people the time they need to adjust.</p>	<p>the maximum change by approximately 50% and to half to full current economic change for the service.</p> <ul style="list-style-type: none"> • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • If the Council does not take forward these proposals in a reasonable timescale other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>The Council are also looking to maximise their income through charging more for home care. The Panel therefore suggest that the Council should consider phasing in charging where the cost of a care 'package' has significantly increased.</p>	<ul style="list-style-type: none"> • To set up a system which treats specific customer groups differently would be inequitable, would not meet national guidance and could lead to judicial challenge. • However individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons.
<p>The Panel also highlighted a problem with the assessment, advice and information infrastructure for adult social care in the City. For instance, the way the various departments work and communicate with each other - i.e. the Financial Assessment of Benefits Team, Finance at the Council and Care Managers - needs to improve. For the policy changes to run smoothly all of these departments need to have a true understanding of a service user's needs when making the decision about how much support a service user requires, including being able to identify 'hard-to-see' or hidden expenses and to ensure these are written into the care plan.</p> <p>There is also an urgent need to improve brokerage services for those people who self-manage their Individual Budgets and for those people who will be self-funding because of the new capital limit (£23,250)</p>	<ul style="list-style-type: none"> • The service recognises that there is a need to review the process for assessing care needs and financial circumstances and plans are in place to do so in the near future. • The Joint Commissioning Team are working to put in place the supports individuals need to manage their own care e.g. the Care with Confidence website is in place, services to support those

Appendix 4 NRC Charging Policy Review – Consultation response

<p>The Panel acknowledged the important role of advocate organisations in the City and propose that the Council work closely with them to better co-ordinate the advice and information resources that they provide.</p> <p>Also, by getting the infrastructure right, this will release more care management time to concentrate on the growing number of complex care cases in the City.</p>	<p>using Direct Payments are being retendered.</p> <ul style="list-style-type: none"> • The Council will continue to work with advocacy organisations in this area. • It is recognised that as more people manage their own support there will be a need to review the Care Management service.
<p>Letters about the consultation were sent to service users when they should have been sent to their representatives. The Panel would like the Council to learn from this and put a way of working in place that will ensure this does not happen again in future consultations.</p>	<p>Where it was known that an individual had a financial appointee or had nominated a family carer to receive letters on their behalf the information was sent to those individuals. It is recognised there is a need to update care records to ensure this information is clear.</p>
<p>Extra Care</p>	
<p>The proposed cut-off point of £23,250 (after which users have to resolve their own care needs) is too low, but also needs to be sensitively handled.</p>	<ul style="list-style-type: none"> • The limit was set using the limits in the national policy for residential care charging. It is felt to set a different limit would be inequitable and confusing for service users. • The current process whereby individuals with over £23,250 who are entering residential care are given clear information about capital depletion and how to inform the Council of this will be extended to those managing their own non residential care if the proposals are accepted. • The Council will continue to have a duty to undertake an assessment of anyone who may have social care needs and to offer support in planning care to meet these needs. The change will be that the individual will commission the services directly. • Individuals who do not have capacity to manage their own arrangements and do not have family carers will continue to be supported in setting up their care by the Council. • The Council is setting up services to support individuals to be able to manage their own care

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>arrangements (e.g. Care with Confidence website) and this will be available to those who have capital over the proposed limits.</p> <ul style="list-style-type: none"> • All care plans should detail how emergencies should be dealt with e.g. in the case of day care it is often the day care provider who arranges the alternative support in emergency. • Work will be undertaken throughout 2013/2014 to set up new arrangements with those individuals who would be affected who currently receive services.
<p>In Extra Care, there was concern that long-term residents may be charged for overnight cover, when they have been living there for some years, or where the need for overnight care may not yet be an issue.</p>	<ul style="list-style-type: none"> • Individuals usually make the decision to move to Extra Care to ensure they have help on hand should they need even if the need for care is not immediate. • It would be inequitable to charge only those who have a need for hands on overnight care when all tenants are benefitting from the service • To treat one group of customers who are receiving overnight support in extra care differently from those who receive the support in other tenancy types would be inequitable, would not meet national guidance and could lead to judicial challenge. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>Day Care</p>	
<p>The day care staff engaged users, but it was clear that those who expressed any ideas were of the belief that they did not fall into the group of people who are likely to be charged more. Therefore those users did not make any further comment.</p>	<ul style="list-style-type: none"> • It was recognised during the consultation that this proposal is likely to have a significant impact on numbers attending day care and therefore on the viability of current care arrangements, increasing strain on carers and

Appendix 4 NRC Charging Policy Review – Consultation response

<p>Day Care Providers expressed the opinion that to increase costs in a single year would lead to significant levels of withdrawal from services</p>	<p>reducing the stability of services.</p> <ul style="list-style-type: none"> • In addition the Joint Commissioning team will be reviewing day care contracts in the next year, to allow more personalised approaches. It is expected that this will change the models of provision and reduce costs. • A revised proposal is therefore suggested, increasing the costs over 2 years, with an increase to £22 in 2013/2014. This increases the maximum change by approximately 50% and to half to full current economic change for the service. • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>Learning Disabilities</p>	
<p>There was a concern expressed by attendees of the rent allowance meeting that the proposed Charging Policy changes were a “foregone conclusion” and that the consultation was a tick-box exercise.</p>	<ul style="list-style-type: none"> • This is a political decision. The consultation responses will be fully reported to Cabinet to ensure they are taken account of in decision making.
<p>Taking 100% NDI was thought “grossly unfair” and people felt “cheated”. People with Learning Disabilities often have higher living costs. Therefore the protected income guarantee of Income Support rate plus 25% is often not enough to pay for these additional costs or leave enough disposable income to save. That is why there is a ‘rent allowance’ to help pay for these additional costs. This might warrant a legal challenge.</p> <p>These higher costs should also therefore be seen as Disability Related Expenditure and discounted from Net Disposable Income when calculating how much this person should pay.</p>	<ul style="list-style-type: none"> • The proposal is in line with national guidance and leaves everyone with 25% over national minimum income levels. This was set in recognition of the fact that individuals in receipt of social care are likely to have additional expenditure related to their needs. • To treat specific customer groups differently by offering a rent allowance or assessing specific groups under different rules would be inequitable, would not meet national guidance and could lead to judicial challenge. • There is no rationale to applying a £40 rent allowance. The current

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>weekly allowance takes account of day to day living expenses. In addition parents who are on a low income and qualify for Housing Benefit are given an allowance of £11.45 per week Housing Benefit when the service user lives at home. This is currently allowed for when calculating the service user's contribution.</p> <ul style="list-style-type: none"> • If the Council does not take forward these proposals other service reductions which are likely to have an impact on residents would need to be considered or the Council would need to consider restricting social care services to those with the highest level of need.
<p>The point was made the any NHS funding available does not cover the costs of a person with Learning Disabilities additional daily living expenses.</p>	
<p>There was a need for clearer information about what can be counted as a Disability Related Expense and on the protocol guiding the Financial Assessment of Benefits Team when they conduct financial assessments. Also there is not enough information about which advocacy organisations to go to for independent financial advice and support.</p>	<p>These issues will be addressed in the implementation plan should the proposals be accepted.</p>
<p>It was said that compensation awards should only be counted as chargeable income if the award was specifically to fund the provision of social care.</p>	<p>Noted.</p>
<p>There was support for the Council's proposal to top-up Independent Living Fund payments.</p>	
<p>There was a concern that changing the way respite care is charged for could create a new administrative burden.</p>	<p>The proposal will reduce the administrative burden as individuals will not require a financial reassessment each time they go into residential respite care.</p>
<p>There was a concern that key benefits designed to support wider quality of life are taken into account when deciding how much Net Disposable Income a person has. These benefits are therefore only spent on care provision.</p>	<p>National guidance allows disability benefits to be taken into account and the majority of Councils do so, given these benefits are awarded to meet the care needs of the individual.</p>
<p>They wanted the Council to confirm that if</p>	<p>Financial assessments take account of the</p>

Appendix 4 NRC Charging Policy Review – Consultation response

<p>other benefit decrease will this mean that those people affected would have their care costs decrease accordingly.</p>	<p>individual's income and if this changes a further assessment would be undertaken.</p>
<p>They welcomed that the Council were able to present the proposed changes to the Charging Policy in a meeting, with a presentation and supported by expert speakers. It was felt that the letter and factsheet were overly complex and inadequate on their own – i.e. sensitivity is called for. Some of these letters were also sent to the users directly rather than to their representatives.</p>	<p>It is acknowledged that the changes are complex. For this reason a number of approaches were taken;</p> <ul style="list-style-type: none"> • When it was known that a financial appointee was acting for the individual or a carer had been nominated as the contact point letters were sent to them. • A helpline was set up to allow individuals to be given more information about the proposed changes. • Meetings were held with some groups who were specifically affected. • DVDs were produced targeted an older people in day services and individuals with a learning disability. • Where it was known that an individual had a financial appointee or had nominated a family carer to receive letters on their behalf the information was sent to those individuals. It is recognised there is a need to update care records to ensure this information is clear.
<p>Carers Meeting at Southampton Mencap</p>	
<p>Carers are concerned that their relative will have no spare income after charges are made – this will impact on leisure activities, holidays, etc. which are important for people's health and well-being.</p>	<p>The proposals leave individuals with income of 25% above government set minimum income levels.</p>
<p>Carers would like the opportunity to challenge decisions and would like support to do so</p>	<p>Anyone can ask that their financial assessment is reviewed if they do not feel it is fair. Carers can ask for support from Advice and Information or from Advocacy services which the Council funds.</p>
<p>Carers are concerned that their relatives will have to pay a significant amount of money if he/she is receiving a service for 5 days a week; transport/mileage will be an additional cost.</p>	<ul style="list-style-type: none"> • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and

Appendix 4 NRC Charging Policy Review – Consultation response

	<p>expenditure.</p> <ul style="list-style-type: none"> • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • There is an ability to take disability related expenses into account in determining an individual's contribution. • If the individual has disability benefits related to transport then it is expected this will be used to meet appropriate travel costs.
<p>How will the amount of money calculated for day services allow people to have more choice and control as to what they do during the day? This will restrict choice as it is not comparable to the market rate for private providers.</p>	<ul style="list-style-type: none"> • In recent court cases it has been shown that the Council can take its resources into account when meeting need .This involves setting a “usual rate” to meet specific levels of need (which will always be varied to meet individual circumstances if required).This ensures equity and ensures the Council can manage demand. As would happen in managing a household there is a need to budget and if more expensive services are to be used that the individual will either accept that they may have less hours in a service or find a way to reduce costs in other parts of their care plan.
<p>Unclear what the ‘cut off’ amount is before charging is imposed?</p>	<p>There is no specific cut off but the individual must have 25% over minimum income levels (which are different for different age groups) before they start to contribute towards the cost of their care.</p>
<p>Cost of living is increasing but income isn't and the charging is a concern.</p>	<p>Individuals will only ever contribute what they are assessed as being able to afford.</p>
<p>How will Carers Assessments help with this? Carers' needs should be considered especially when respite is needed for the carer. What forms part of the package to the cared for person and when are services free to carers as carers are not usually the direct recipients of services.</p>	<p>All carers have a right to a social care assessment. Any service directly provided to a carer would be free of charge. Any service directly provided to the service user would be chargeable since the service user also benefits from the service.</p>
<p>Carer questioned what the admin charge, referred to in the presentation, would be for?</p>	<p>This is for billing customers for their contribution and paying providers of care. However recent national guidance has</p>

Appendix 4 NRC Charging Policy Review – Consultation response

	indicated the Council cannot take this into account when setting their charges.
The impact of charging for the client and their families will not be known immediately so how will this be monitored to ensure people do not fall into the poverty trap; will debt advice be available to people with a learning disability?	<ul style="list-style-type: none"> • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • There is an ability to take disability related expenses into account in determining an individual's contribution. • One of the proposals is to ensure those requiring it to debt advice are offered it. The Council funds a number of agencies who provide this.
Many, including aging, carers rely more on the income of their relative and may reduce the service provision for their relative as a result of additional charges; support needed to help people in this situation.	If the individual is living in the same home as their carer then the allowance which is taken into account in the financial assessment allows for the board and lodging that would be expected to be paid.
Carers Lunch at Southampton Mencap	
Query on how a client's situation is reviewed in a case where they are originally assessed as being over the threshold for payment of services (£23,250) and in time this falls below the threshold?	Clear advice is given at the time of the assessment about when and how to alert the Council to the fact savings are depleting.
The introduction of PIP is likely to lead to a reduction in certain benefits and concerns were expressed as to how this will be reviewed so that agreed contributions are reduced.	The financial assessment is based on the actual income the individual receives so if this reduces another assessment will be required and it may be that the contribution towards care costs also reduces.
Some people are already paying for their day care without realising that a new financial assessment should take place when circumstances change, resulting in someone paying less.	Individuals can request a further financial assessment at any time.

Appendix 4 NRC Charging Policy Review – Consultation response

<p>Carers are generally confused by exactly which benefits will be taken into account, which elements of Disability Living Allowance (DLA) are counted, and how disposable income will be calculated in order to be assessed for a contribution to care.</p>	<p>There is a leaflet which gives full information on this. The Care Component of DLA is taken into account in the financial assessment (as it is given to meet care needs) but the mobility component is not.</p>
<p>There is an issue about proposed changes to council tax which will also impact on people with a learning disability. For some this will mean a double whammy for some people.</p>	<p>There has been a review of the potential impact of the Council Tax changes and the Proposals for Charging Policy changes and processes set up which can take account of hardship if the individual is doubly affected.</p>
<p>The current process requires that people in receipt of services should receive an annual assessment, the result of which could affect their current contributions, concerns that this isn't happening regularly.</p>	<p>There is a financial reassessment each year in April as at this time benefits and costs of care change. This is a paper exercise in most case individuals receive a letter in March letting them know of the revised assessment and how to contact the Council if they do not agree with it.</p>
<p>Concerns were raised about the stoppage of the £40 rent allowance. It is difficult for clients with a learning disability to understand that there is now a need for them to contribute to costs for the home.</p>	<p>If the individual is living in the same home as their carer then the allowance which is taken into account in the financial assessment allows for the board and lodging that would be expected to be paid. The £40 allowance was only offered to a small number of individuals and there was no rationale for this since board and lodgings are allowed for in the financial assessment and if an individual is paying rent this is allowed for at the actual amount.</p>
<p>Clarification is needed on what Disability Related Expenses (DRE) could be considered, to offset against disposable income.</p>	<p>There is an outline about DRE on the website. However this can only be a general guide since the point of DRE is to take individual circumstances into account whilst also continuing to ensure equity in the operation of the policy.</p>
<p>Concern about the level of support available to both the carers and clients once they are advised of their assessed contribution.</p>	<p>The implementation plan will involve meeting with customer groups who may need support to understand the changes.</p>
<p>Query on whether clients who receive funding for social and emotional support will be assessed as being required to pay a contribution.</p>	<p>This group of individuals should be contributing towards their costs now since the help they receive is really day care or domiciliary care. This will be addressed in the next year but is not part of the consultation on changes to the policy as</p>

Appendix 4 NRC Charging Policy Review – Consultation response

	the requirement to contribute for these services is already in place.
Concerns were expressed about the quality of life for clients with LD whose disposable income will no longer exist as a result of their assessed contributions.	<ul style="list-style-type: none"> • No one will ever be asked to pay more than they are assessed as being able to contribute. Contributions are be individually assessed and based on the individual's income and expenditure. • Individual circumstances can be taken into account and the Council can waive or reduce charges in exceptional circumstances for welfare reasons. • There is an ability to take disability related expenses into account in determining an individual's contribution. • The proposals leave individuals with 25% above government set minimum income levels.
How will individuals be able to afford to access leisure opportunities? It will be these non-essential 'fun' activities which people enjoy in their free time that they will be forced to sacrifice when they have less money available.	As is the case in the wider community the individual will have to consider how they use the remaining disposable income they have after they pay their assessed contribution. Social Care customers are left with more disposable income than others on benefits.
How will assessment amounts be applied; this is confusing at the moment as some areas of finance for clients are worked out on a 4 weekly basis and some are calendar monthly.	It is unfortunately the case the Direct Payments and customer contributions are worked out in different ways due to differing IT systems.

Non Residential Care Charging Policy - Consideration of cumulative impact of benefit changes and Non Residential Care Charging Policy

Support for Mortgage Interest

Temporary changes to the Support for Mortgage Interest Scheme which were due to come to an end in January 2012 have been extended until March 2015.

These include a reduced waiting period of 13 weeks and an increase in the eligible mortgage capital limit to £200,000 (£100,000 for those receiving Pension Credit).

Possible impact on social care users

- This could affect any individual receiving social care but numbers likely to be low.
- No impact on Non Residential Care (NRC) income.

Proposed Charging Policy Changes – Mitigating Action Required

- Mortgage rescue scheme in place. Financial Assessment and Benefits Team to promote this as required.
- No further action required. Actual costs of mortgage are taken into account in NRC financial assessment.

Local Housing Allowance (LHA)

LHA rates will be frozen for one year as part of the preparation for increasing these in line with the Consumer Price Index in April 2013.

Possible impact on social care users

- This could affect any individual receiving social care but it is not felt to be likely. Landlords are likely to keep rents in line with LHA.
- No impact on NRC income.

Proposed Charging Policy Changes – Mitigating Action Required

- No further action required. Actual rent payments are taken into account in the financial assessment.

Local Housing Allowance - Non Dependant Deductions

Non-dependant deductions are increasing. The table below shows the increase in non-dependant deductions from April 2012. Further increases in these deductions will be made in April 2013.

Age 18 - 65 and in remunerative work	Weekly deduction	Weekly deduction
Weekly gross income	HB	CTB
£316 - £393.99	£67.25	£8.25
£394 and over	£73.85	£9.90
£238 - £315.99	£59.05	£6.55
£183 - £237.99	£36.10	£6.55
£124 - £182.99	£26.25	£3.30
Less than £124	£11.45	£3.30
Age 25 and over, and: In receipt of Income Support or income based-Jobseekers Allowance or aged 18-65 and not in remunerative work	£11.45	£3.30

Possible impact on social care users

- This is likely to affect only a small number of social care users.
- However the NRC charging policy proposes to remove a rent allowance for a small group of individual living in family homes.
- Unlikely to impact on NRC income.

Proposed Charging Policy Changes – Mitigating Action Required

- No further action required. If the dependant is the service user and the tenant is the LHA claimant the non dependant deduction will apply but this is allowed for as a rent allowance in the social care financial assessment.
- If the social care service user is a tenant and a clamant of LHA there will not be a non dependant deduction if the individual is registered blind or in receipt of specific disability benefits.

Benefit Cap

There has been a recent announcement that this proposal has been delayed pending the outcome of pilot sites.

The cap will be set at £350 a week for single adults with no children and at £500 a week for couples (with or without children) and lone parents with dependent children.

Because this figure includes Housing Benefit this is most likely to affect those in higher rented properties / more expensive areas, as well as those with large families.

Some households who receive the following benefits will be exempt from the cap:

- Working Tax Credit.
- Disability Living Allowance (Personal Independence Payments from April 2013).
- Attendance Allowance.
- The support component of Employment & Support Allowance.
- Constant Attendance Allowance.
- Industrial Injuries Disablement Benefit.
- War Widows & War Widowers pension.

The cap will apply to the combined income from:

- The main income replacement benefits (Jobseeker's Allowance, Income Support, Employment & Support Allowance – unless in the support group).
- Housing Benefit.
- Child Benefit and Child Tax Credit.
- Carer's Allowance.
- Universal Credit (from April 2013).

The cap will initially be administered jointly by the DWP and local authorities and will reduce Housing Benefit until Universal Credit is in payment.

Possible impact on social care users

- Unlikely to affect many service users as most will receive disability benefits if under pension age.
- Unlikely to impact on NRC income.

Proposed Charging Policy Changes – Mitigating Action Required

No further action required. Actual income taken account of in financial assessment.

Direct Payment demonstration projects

A number of local authority and Housing Association partnerships are trialling changes to the way that Housing Benefit is paid in the social rented sector.

The project runs until June 2013 and will trial how tenants can manage Housing Benefit monthly payments to help prepare for the introduction of Universal Credit.

The projects will include:

- Payments to tenants as the default.
- Adopting the payment frequency envisaged under Universal Credit (monthly Payments in arrears).
- Safeguards to pay the landlord directly where a specified level of arrears accumulate.

Possible impact on social care users

- Could affect ability of some groups to access housing and could increase homelessness due to non payment of rent depending on definition of “vulnerability” clause which allows payment directly to landlord.
- Possible increased intentional homelessness in groups with social care needs which could increase numbers of cases where the service is required to meet emergency housing needs and costs.

Proposed Charging Policy Changes – Mitigating Action Required

No further action required.

Child Benefit

Child Benefit will be withdrawn gradually when one person in a household earns over £50,000.

The rate of withdrawal is 1 per cent of Child Benefit for every £100 earned over £50,000, resulting in total withdrawal when one person’s income exceeds £60,000.

Possible impact on social care users

- Unlikely to affect many service users.
- No impact on NRC income.

Proposed Charging Policy Changes – Mitigating Action Required

- No further action required. Child Benefit not included in NRC financial assessment and this proposal will only affect higher earning families.

Medical test to claim Disability Living Allowance

The Government is proposing to replace Disability Living Allowance (DLA) with a new benefit with stricter criteria and a new medical assessment.

The new benefit will be called the Personal Independence Payment (PIP) and will replace working age DLA from 2013-14.

The reform of DLA includes the following proposals:

- The Care Component is to be renamed the Daily Living Component and reduced from 3 rates to two rates.
- Claimants will need to satisfy the daily living and/or mobility activities test for 3 months prior to claiming and be likely to continue to satisfy this test for a period of at least 9 months after claiming.
- The medical assessment will take into account use of equipment.
- The Personal Independence Payment will not be paid to anyone living in a residential care home.

It is proposed that all claimants, existing and new will undergo a medical and that the award of the benefit will rely on points based scoring, similar to that used by Employment & Support Allowance.

Many claimants (Disability Alliance estimate 650,000 claimants nationally) will have reduced benefits or be removed from disability benefits which is likely to mean a significant reduction in income as associated increases in other benefits are also lost i.e. Pension Credit and Housing & Council Tax Benefit.

Possible impact on social care users

- Unknown but likely to affect a significant number of service users.
- May impact on NRC income.

Proposed Charging Policy Changes - Mitigating Action Required

- No further action at this time. Actual income taken account of in NRC assessment.
- Further assessment of income loss as assessments are commenced in the City.

Council Tax Benefit

The current Council Tax Benefits (CTB) system will end in April and will be replaced by a reduction scheme decided by the local authority.

The Council will consider 2 proposed schemes related to working age adults on 16th January. The first would result in a 25% reduction in CTB, the second an average 11.5% reduction.

10% Pensioner Council Tax Discount is currently awarded to all residents aged over 65 who are not in receipt of CTB.

Budget proposals include the removal of the 10% Pensioner Discount for pensioners who are not in receipt of CTB. The proposals would increase costs

to individuals by the amounts detailed below. For those in receipt of the Single Person Discount the increase in costs is less

Council Tax Band	Value of current 10% discount per annum	Value of 10% discount for those receiving single person discount
A	99.46	72.34
B	112.53	88.40
C	128.61	96.46
D	144.68	108.51
E	176.84	132.63
F	208.99	156.74
G	241.14	180.96
H	289.37	217.03

The cost increase will be mitigated for those with the lowest incomes since they will be able to claim Council Tax Benefit.

Possible impact on Social Care Users

- The numbers of social care users who are affected by the first proposed change and also receive social care are shown below. It should be noted that not all of these households may not be subject to an increase in their contributions towards the costs of their social care services and that in modelling the impact some households will feature in more than 1 group.
 - 83 households in receipt of Disability Premium. The average increase for all households receiving Disability Premium is £4.08 per week.
 - 198 households in receipt of Severe Disability Premium. The average increase for all households receiving Severe Disability Premium is £3.62 per week.
 - 13 households in receipt of Family Premium. The average increase for all households receiving Family Premium is £3.61 per week.
 - 3 households in paid employment. The average increase for all households receiving paid employment is £2.64 per week.
 - 72 households do not fall into a specific category. The average increase for these households is £3.71 per week.

In relation to those receiving Pensioner Discount.

A total of 1,375 individuals over 65 are currently contributing towards the costs of their NRC services. Assuming a need to offer an adjustment to contributions for all of these individuals the level of income loss would be in the range of £99,000 to £398,000. On the assumption that that half of the group would require charges to be reduced for welfare reasons and payment of Council Tax in the mid range band a loss of income of £150,000 has been allowed in the proposals.

Proposed Changes to Charging Policy – Mitigating Action Required

- In relation to those of working age where CTB will be reduced and social care costs increased it is proposed that the Discretionary Fund is used to support those in extreme hardship. This fund totals £200000 and would be accessed via a means tested approach which takes income and expenditure into account.
- In relation to those of pension age where pensioner discount is removed and social care costs are increased: Those on the lowest incomes are likely to qualify for CTB at the removal of the discount. In other situations it is proposed that as part of the social care assessment case by case consideration is given and if required charges for social care services are waived or reduced on welfare grounds. This has been taken into account in existing income from the proposed changes.

Changes in the social rented sector

From April 2013, working age tenants in the social rented sector will have their Housing Benefit restricted where they occupy property that is larger than their household size and structure would warrant.

The proposed change does not apply to pension-age claimants who may be living in accommodation that is bigger than they need.

The size criteria in the social rented sector will restrict Housing Benefit to allow for one bedroom for each person or couple living as part of the household, with the following exceptions:

- Children under 16 of same gender expected to share
- Children under 10 expected to share regardless of gender
- Disabled tenant or partner who needs non resident overnight carer will be allowed an extra bedroom.

All claimants who are deemed to have at least one spare bedroom will be affected. This includes:

- Separated parents who share the care of their children and who may have been allocated an extra bedroom to reflect this. Benefit rules mean that there must be a designated 'main carer' for children (who receives the extra benefit).
- Couples who use their 'spare' bedroom when recovering from an illness or operation.
- Foster carers because foster children are not counted as part of the household for benefit purposes.
- Parents whose children visit but are not part of the household
- Families with disabled children.
- Disabled people including people living in adapted or specially designed properties.

The cut will be a fixed percentage of the Housing Benefit eligible rent. This will be set at 14% for one extra bedroom and 25% for two or more extra bedrooms.

Possible impact on social care users

- This is unlikely to affect high numbers of social care users individuals.
- Unlikely to impact on NRC income.
- This could be a disincentive to applications to become Shared lives carers.
- Disabled people who live in adapted properties which are bigger than they need may be affected unless they can demonstrate they need the additional space to meet their needs.
- Potential increase in moves from adapted properties. This would increase OT assessments and increased demand on DFG and Social Housing adaptations budgets.

Proposed Charging Policy Change – Mitigating Action Required

- No further action. Charging Policy allows actual costs of rent.

Social Fund

Community Care Grants and Crisis Loans for general living expenses will be abolished from April 2013 and replaced with 'local welfare assistance'. These payments will be available to vulnerable people in need which will be administered by local authorities.

Budgeting loans will be replaced by a system of advance payments while someone is waiting for their normal benefit to be paid.

Possible impact on social care users

- Those moving on from homelessness/moving into own accommodation from supported accommodation will not have funds to set up tenancies
- Council wide consideration is being given to this.

Proposed Charging Policy Changes - Mitigating Action Required

- No further action related to current proposals.

Benefit Cap

The total household benefits of working age claimants will be capped at the level of the average take-home pay.

The cap will be set at £350 a week for single adults with no children and at £500 a week for couples (with or without children) and lone parents with dependant children.

It will not apply to people of pension age but in a couple, the cap will apply if only one is working and the other is of pension age.

Because this figure includes Housing Benefit this is most likely to affect those in higher rented properties / more expensive areas, as well as those with large families.

Some households who receive the following benefits will be exempt from the cap:

- Working Tax Credit.
- Disability Living Allowance (Personal Independence Payments from April 2013).
- Attendance Allowance.
- The support component of Employment & Support Allowance.
- Constant Attendance Allowance.
- Industrial Injuries Disablement Benefit.
- War Widows & War Widowers pension.

The cap will apply to the combined income from:

- The main income replacement benefits (Jobseeker's Allowance, Income Support, Employment & Support Allowance – unless in the support group).
- Housing Benefit.
- Child Benefit and Child Tax Credit.
- Carer's Allowance.
- Universal Credit (from April 2013).

The cap will initially be administered jointly by the DWP and local authorities and will reduce Housing Benefit until Universal Credit is in payment.

Possible impact on social care users

- This is unlikely to affect high numbers of service users given it does not apply to pensioners or those on disability benefits.
- Unlikely to impact on NRC income.

Proposed Changes to Charging Policy - Mitigating Action Required

- Case by case consideration of waive or reduction of charges for welfare reasons.

Universal Credit

Introduction of Universal Credit for all new claims which will replace all working age benefits including Housing Benefit into a single benefit.

The amount people will receive will depend on their level of income and other family circumstances. There will be a basic personal amount (similar to the current Jobseeker's Allowance) with additional amounts for disability, caring responsibilities, children and housing costs.

No out of work family will receive more than around £500 per week in total benefits. Single adult non-workers will receive a maximum of £350 per week.

Because this figure includes Housing Benefit this is most likely to affect those in higher rented properties / more expensive areas, as well as those with large families.

Existing benefit and Tax Credit claimants will be transferred to the new Universal Credit by October 2017.

Possible impact on social care users

- Unknown but unlikely to affect high numbers of service users.
- Unlikely to impact on NRC income.

Proposed Changes to Charging Policy- Mitigating Action Required

- No further action required. Actual income taken account of in NRC assessment.

Changes for people over state pension age

In October 2014 individuals over state pension age will receive help with their rent through a new element of Pension Credit called Housing Credit rather than claiming Housing Benefit. Housing Credit will also replace existing support for mortgage interest.

From October 2014 new claimants will claim Pension Credit with Housing Credit.

Existing Housing Benefit claimants over Pension Credit age (with or without Pension Credit) will be transferred to modified Pension Credit including Housing Credit between October 2014 and October 2017.

Pension Credit claimants will be able to opt to have their Housing Credit paid directly to their landlord.

Possible impact on social care users

- Although high numbers of social care users may be affected this will not affect their income.
- No impact on NRC income.

Proposed Changes to Charging Policy- Mitigating Action Required

Appendix 5 NRC Charging Policy Review – Benefit Changes and Charging Policy –
Cumulative Impact

- No further action required. Actual income taken account in NRC assessment.

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Appendix 6 NRC Charging Policy Review - Estimated levels of income -Summary Table
Table 1. Levels of income estimated from the Charging policy proposals that have a key financial impact.

	Total additional income £'s	No. of clients affected	Of which are full cost	Of which are currently in receipt of a charge for care	Of which are not currently in receipt of a charge for care	Total chargeable clients in receipt of the care type
1 Net Disposable Income	96,200	798	0	798	0	2,109
2 Day Care full cost rate	120,700	203	74	129	0	527
3 Two Carer packages	132,000	24	18	6	0	105
4 Extra Care, Live In, Sleep In, Waking nights	63,700	18	7	11	0	117
5 Rent Allowances	150,800	92	0	31	61	108
Total income estimated prior to additional provisions required	563,400					

Less provisions and commitments

Additional provision for bad debt

Waiving charges for clients in hardship not mitigating in any other way

Amount required to meet 12/13 saving proposal

Prudence - 5% Margin for error

Total saving available for submission 2013/14

(100,000)
 (150,000)
 (150,000)
 (28,000)
135,400

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Agenda Item 8

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	PARKING BUDGET PROPOSALS AND THE RELATED POLICY REVIEW
DATE OF DECISION:	24 JANUARY 2013
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This report outlines the budget proposals currently being consulted on relating to parking, provides an update on the review of parking policy and indicative timescales for further work.

RECOMMENDATIONS:

- (i) That the Committee discuss the issues raised within the report and make recommendations as appropriate.

REASONS FOR REPORT RECOMMENDATIONS

1. In response to an email request from the Chair of Overview and Scrutiny Management Committee.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None

DETAIL (Including consultation carried out)

3. Parking Policy

Current parking policy in Southampton was adopted by Cabinet in March 2008, following a comprehensive study by Halcrow in 2007. Subsequently, other relevant policy framework documents have been revised and updated, including the Local Transport Plan (LTP) and City Development Plan Documents (DPD) and at a national level, the recently adopted National Planning Policy Framework was published earlier this year.

In 2011, the City Council adopted the Parking Standards Supplementary Planning Document (SPD), which provides parking standards for new developments in all parts of Southampton except the city centre. The City Centre Action Plan (CCAP), which will be formally submitted in 2013, will contain proposed parking standards for new development within the city centre.

4. Manifesto Commitments

To review car parking charges in the city centre. This means dropping some prices to encourage use, help business and help city centre residents with parking.

To increase the number of residential parking spaces by using marked bays on roads and creating small car parks on council owned land.

5. **Draft Budget Proposals 2013/14**

There is scope to reduce short stay on-street car parking charges in the city centre, although this is likely to have a negative impact on revenues. This could potentially be offset by other changes to charging across the city as a whole. The draft budget presented the following options for consideration which are now subject to consultation:

(i) Introduction of evening charges - £300K 13/14, £500K 14/15 ongoing

Currently there is no charge for on and off street evening parking in the City Centre with the exception of multi-storey car parks. This change would bring the council in line with competitors and other neighbouring authorities.

Private sector parking operators in Southampton City Centre either charge up to midnight or for 24 hour parking. A number of other cities in the South charge for evening parking.

Currently customers parking in the city during the day in effect subsidise the night time economy. Evening charges could be introduced as part of an overall review of charges in conjunction with item (iv) below.

(ii) Introduction of charges at District Centre car parks - £70K 13/14 ongoing

Currently in District Centre car parks parking is free for up to 5 hours with a single charge of £5 a day thereafter. The introduction of an hourly 50 pence rate would simplify enforcement and generate additional income.

The car parks affected would be Lances Hill (Bitterne), Angel Crescent (Bitterne), Whites Road (Bitterne), Westridge Road (Portswood), Oakbank Road (Woolston), Portsmouth Road (Woolston), Howards Grove (Shirley) and Marlborough Road North (Shirley).

The introduction of concessions for residents where a short stay permit is issued at a price to cover cost could retain the free parking for local residents whilst simplifying enforcement and providing more control over the use of the car parks. A common criticism from local businesses being that these car parks are used as a park and ride option reducing available parking for customers. A charging and permit scheme would also offer control over the number of spaces available for long stay.

(iii) Charge for first residents permit - £115K 13/14, £130K 14/15 ongoing

Currently the first resident permit issued for a property is free. Introduction of an annual charge of £30 is proposed. Currently where Southampton residents who do not live within residents permit schemes are subsidising those who live within such schemes. Charging for the first permit to cover the cost of issuing them would make the whole premise of permit parking much fairer.

(iv) Review of parking charges - £250K 13/14 ongoing

There has been no increase in charges since 2009. It is proposed that some charges will increase and some will decrease, but with a net 5% increase in overall income.

The usual 5 minutes grace has already been extended to 10 minutes to allow time for quick retail purchases to stimulate business in certain areas of the city.

**(v) Shared use of on-street parking bays for residents parking - £50K
14/15 ongoing**

Where capacity allows, annual residents parking permits could be offered to residents in the city centre. Further work to determine demand and cost of the permit would need to be carried out. It is likely that residential areas where there is a demand would need to be considered on a case by case basis to avoid a shortage in supply of general parking spaces. The Core Strategy and CCAP are proposing an additional 5,500 new homes in the city centre over the twenty year period to 2026. A more flexible approach on the provision of new residents' parking provision would be helpful to deliver these new homes.

The introduction of this change is in conflict with existing parking policy, which would need to be reviewed and changed in the light of this proposal. This will be part of a comprehensive review of the existing parking policy.

6. Progress to date

Work is progressing to develop the budget proposals detailed above to enable implementation as soon as approval has been obtained following consultation.

Feasibility work has been undertaken to consider increasing residential spaces by using marked bays on roads. This may be difficult to address in many areas, as formalising parking arrangements can often lead to a reduction in overall provision, due to the need to provide adequate visibility at side road junctions and provide adequate width to accommodate access by all vehicles, including emergency service vehicles. A TRO may need to be processed to make these changes.

7. Timescales

All of the budget proposals outlined above once approved will require the advertisement of a Traffic Regulation Order (TRO). In addition to this, as the provision of resident only parking within the city centre is contrary to current parking policy, Cabinet approval would also be required to amend the policy. Apart from Shared use of on-street parking bays for residents parking, which is not due for implementation until 2014, the other items are programmed for implementation in 2013 subject to TROs and any objections. Those schemes that are approved as part of the budget process will probably be introduced around September 2013.

Securing the necessary Cabinet approval to amend the existing parking policy to allow delivery of city centre resident permits would be possible in Summer 2013. Processing the necessary TRO would then take at least a further 6 months, meaning the scheme could be introduced towards the end of 2013.

There have been historical programmes to deliver small car parks on Council land. Feasibility work could be commissioned to identify locations where these could be implemented, for potential inclusion within the Environment and Transport Capital Programme. The feasibility work would identify the costs of these schemes and proposed sources of funding. Any schemes physically remote from the public highway would require planning consent. Providing funding is identified and feasibility work is commissioned quickly, it should be possible to identify a programme of works for the 2013/14 E&T Capital programme.

RESOURCE IMPLICATIONS

Capital/Revenue/Property/Other

8. Potential implications for revenue budgets to support necessary changes to Traffic Regulation Orders and for the 2013/14 E&T Capital programme as indicated above.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

9. As indicated in the report.

Other Legal Implications:

10. None.

POLICY IMPLICATIONS

11. Parking policy implications as indicated above.

AUTHOR:	Name:	Mitch Sanders	Tel:	02380833613
	E-mail:	Mitch.sanders@southampton.gov.uk		
KEY DECISION?	No			
WARDS/COMMUNITIES AFFECTED:	All			

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None
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Documents In Members' Rooms

	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out?	No
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Other Background Documents

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None
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DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	WELFARE REFORMS INQUIRY: SOCIAL FUND INTERIM RECOMMENDATIONS
DATE OF DECISION:	24 JANUARY 2013
REPORT OF:	CHAIR OF SCRUTINY PANEL A
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

At the August 2012 meeting of the Overview and Scrutiny Management Committee (OSMC) members agreed the terms of reference for the Welfare Reforms Inquiry to be undertaken by Scrutiny Panel A. OSMC also requested that the timetable for the Inquiry included early consideration of the changes to the Local Council Tax Support Scheme and the abolition of the discretionary elements of Social Fund (Crisis Loans and Community Care Grants) in April 2013. This was to enable the Panel to influence key decisions to be made by Cabinet on these matters early in 2013.

At its meetings on 25th October 2012 and 10th January 2013, Scrutiny Panel A discussed the issue of the current use and future need of the Social Fund, the transition grant of £654,232 in 2013/14 and the indicative amount of £644,232 for 2014/15. The allocation will be in the form of a non-ringfenced grant from the Department for Work and Pensions (DWP) to Southampton City Council for local welfare provision.

The recommendations generated at the 10th January meeting of Scrutiny Panel A are attached in Appendix 1, with a view to influence the Council's budget setting process. The Overview and Scrutiny Management Committee is requested to consider and agree the final recommendations relating to Social Fund to be forwarded to Cabinet for the 5th February 2013 meeting and to Council for the 13th February 2013 meeting.

RECOMMENDATION:

- (i) To consider and approve the final recommendations relating to Social Fund following Scrutiny Panel A's Welfare Reforms Inquiry and forward them to the Cabinet and Council for consideration and further action.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable Scrutiny Panel A's work on Welfare Reforms to influence key budget decisions which will impact on the development of local welfare provision when discretionary elements of Social Fund (Community Care Grants and Crisis Loans) are abolished in April 2013.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. At the August 2012 meeting, OSMC agreed the terms of reference for the Welfare Reforms Inquiry to be undertaken by Scrutiny Panel A. At the meeting they also requested that the timetable for the Inquiry included early consideration of the changes to the Local Council Tax Support Scheme and the abolition of the discretionary elements of Social Fund. This was to

enable the Panel to influence key decisions to be made on these matters early in 2013.

4. To date the Scrutiny Panel has held two meetings of the Welfare Reforms Inquiry at which the issue of the abolition of the discretionary elements of Social Fund (Community Care Grants and Crisis Loans) was discussed. Members were provided with extensive background information to help inform the interim findings and recommendations. These were agreed at the Panel's meeting on 10th January 2013 and are attached as Appendix 1.
5. Background information and evidence which the Panel has considered in relation to Social Fund include:
 - An overview of the key changes within the Welfare Reforms Act (2012).
 - An overview of the Social Fund and profile of current use in the city.
 - A summary of proposed schemes in Core Cities to replace Social Fund.
 - Responses to the Welfare Reforms Inquiry 'Call for Evidence'.
 - Representatives from voluntary sector and council services providing crisis support and advice.
 - A discussion paper on the Social Fund and local welfare provision.
6. The Committee are requested to consider and approve the Welfare Reforms Inquiry: Social Fund interim recommendations and forward them to the Cabinet for consideration in advance of the budget setting meetings in February 2013.
7. The draft final recommendations and report of the Welfare Reforms Inquiry are due to be agreed by the Panel on 7th March 2013.

RESOURCE IMPLICATIONS

Capital/Revenue

8. Southampton City Council's funding for the transition of Social Fund to local welfare provision will be in the form of a non-ringfenced grant for 2 years. The allocation for 2013/14 is £654,232, and the indicative amount for 2014/15 is £644,232. Funding beyond this is subject to the next spending review.

Property/Other

9. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

10. The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007.

Other Legal Implications:

11. None.

POLICY FRAMEWORK IMPLICATIONS

12. None.

AUTHOR:	Name:	Dorota Goble	Tel:	023 8083 3317
	E-mail:	dorota.goble@southampton.gov.uk		

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	All
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Appendix 1: Scrutiny Panel A Draft Interim Recommendations of the Welfare Reforms Inquiry: Social Fund Appendix 2: Southampton Local Welfare Provision – A Tiered Approach
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Documents In Members' Rooms

	For full background information on the Social Fund transition see the Scrutiny Panel A Report Pack 10/1/2013, Item 6 sections 4-11 and Appendix 1. http://www.southampton.gov.uk/modernGov/documents/g2568/Public%20reports%20pack%2010th-Jan-2013%2016.00%20Scrutiny%20Panel%20A.pdf?T=10
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s) Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

	None	
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Scrutiny Panel A Draft Interim Recommendations of the Welfare Reforms **Inquiry: Social Fund**

Introduction

1. Discretionary elements of the Social Fund will be abolished by the Welfare Reform Act (2012) in April 2013. This was previously allocated to the Department for Work and Pensions (DWP) to support Crisis Loans and Community Care Grants. In future, the DWP will be signposting people who need emergency financial assistance to local authorities. The DWP will continue to manage payment in advance for first-time claimants where required.
2. Southampton City Council's funding for the Social Fund to local welfare provision will be in the form of a non-ringfenced grant for a 2 year transition period. The allocation for 2013/14 is £654,232, and the indicative amount for 2014/15 is £644,232. Funding beyond this is subject to the next spending review.

Background information on the Social Fund transition is detailed in the Scrutiny Panel A Report Pack 10/1/2013, Item 6 sections 4-11 and Appendix 1.

<http://www.southampton.gov.uk/modernGov/documents/g2568/Public%20reports%20pack%2010th-Jan-2013%2016.00%20Scrutiny%20Panel%20A.pdf?T=10>

Background

3. The Social Fund, centrally administrated by the DWP, provided a significant 'safety net' for people in crisis or under exceptional financial pressure. It has enabled residents to independently access timely support to prevent or deal with crisis and avoid increasing debt. Access to grants and loans to support people in and to avoid crisis have reduced the need for more costly and longer term intervention by local authorities.
4. Locally, the demand for help via the Social Fund has been high, with over 7,420 applications in 2011/12. Government has agreed to raise benefits by less than inflation and this, combined with increasing living costs for fuel, food and travel, means the need for financial support to people in an emergency is unlikely to diminish.
5. The abolition of the Social Fund takes place within the context of the introduction of a range of Welfare Reforms e.g. Localisation of Council Tax Support, Under-occupancy/Bedroom Tax, and from October, the introduction of the Benefit Cap. In addition, the roll out of Universal Credit in the next few years.
6. These Welfare Reforms will dramatically change the way benefits are administered for all claimants and are likely to reduce the amount of benefit paid to a large number of residents. Coupled with a challenging economic climate, they may put those people with limited capacity to increase their income or manage the changes to their benefits at risk of falling into debt, particularly in the transition period. If there is no alternative system in place, people experiencing financial crisis could make increased use of loan sharks / pay day loans or have to choose to heat or eat, resulting in situations where children may go to school hungry.
7. The Panel heard evidence from both voluntary services representatives providing crisis support and advice, and internal Council services including Families Matter, Adult Health and Social Care and Housing. They raised concerns that if mechanisms are not put in place to support those in financial crisis there will be an increased pressure for their services that they are unlikely to have the capacity to deal with.

8. It is essential that the Social Fund grant is fully utilised for its purpose to ensure that a sustainable approach to supporting people and encouraging them to be more self-reliant is developed whilst continuing to help people in a financial crisis.

Developing a Local Response:

9. A local response must be developed as from April 2013 the Government will be referring people who need emergency financial assistance to local authorities. There is no requirement to replicate the existing scheme, giving flexibility to design local welfare provision which meets local needs.
10. Although it is important to design a scheme which is based on actual demand, it is difficult to gauge the public response to the Welfare Reforms and the demand for financial crisis support before the local welfare provision is in place. It is also difficult to accurately project if and when the intended economic growth that supports 'making work pay' and increased employment opportunities will be realised. However, it is clear that the continued need for financial crisis support is likely to be in flux for some time, particularly during the 2 year transition period.
11. A sustainable response to the abolition of Social Fund needs to be set within the broader agenda of the Welfare Reforms to achieve the following outcomes:
 - Enable people to become more self-reliant at dealing with emergency situations
 - Maximise existing funding streams to develop holistic solutions
 - Ensure the local response is embedded in a strategic approach to the Welfare Reforms and their impact
12. Given the need for a flexible approach based on demand and the many internal services and external agencies that are involved in financial crisis support, it is essential that any scheme is coordinated centrally to ensure the delivery of a holistic approach.
13. Coordinated provision would enable a more strategic focus, bringing together key partners and other discretionary funds for a city-wide solution. It will ensure that the scheme can be monitored and developed centrally to adapt where necessary to meet changing demand. This should also enable longer term sustainable provision to encourage businesses to develop their corporate social responsibility. A coordinated approach would require development / administration funding to achieve these outcomes.
14. The Panel considered who is best placed to coordinate the provision for such a fundamentally important issue that affects a significant number of residents and services in the City. The scheme could be coordinated by the Council or by a third party such as Southampton Connect, Anti-Poverty Network or Southampton Voluntary Services.
15. The Panel agreed co-ordination should be with the City Council, with identified accountability for the local response delegated to a council officer. An overarching body will be established, involving members, and supported by recommendations from a multi-agency, advisory group.
16. The Panel identified a number of key principles that should underpin the Council's approach in designing a sustainable local welfare support scheme:

- a. **A mixed model of support with a combination of in-house and external provision** will ensure a citywide response, maximising support pathways for residents and utilise existing providers of anti-poverty services (See Appendix 2). As there will be increased demand on providers, a proportion of the funding should be set aside to develop capacity within key anti-poverty services.
 - b. **Support to be led by agency referral with mechanisms in place for direct access.** There should be clear pathways to support. Access via agencies is the agreed preferred route to ensure appropriate referral and engagement with additional support. However, it was recognised that there should be an element of self-referral within the scheme to enable claimants to be maintain control and avoid the potential stigma of seeking emergency support.
 - c. **In-kind support with limited cash provision in emergencies** reduces potential misuse and ensures the applicant receives additional support to meet their needs. It was recognised that there may be circumstances where cash support would be required; however, emergency cash provision should be considered in exceptional circumstances only and administered by the Council.
 - d. **Where small cash payments are provided this will usually be in the form of affordable loans.** Concerns were expressed about increased use of loan sharks and payday loan companies, once Crisis Loans are abolished. The Panel agreed that loan payments would encourage greater self-reliance and should normally be provided alongside money advice and debt management support to break the cycle of financial crisis.
 - e. **A contingency fund of £100k is set aside and used to respond to unpredicted gaps in provision.** It is difficult to predict the public response to the Welfare Reforms and future demand for financial crisis support. As need is likely to be in a state of flux for a few years whilst the reforms are implemented a contingency fund will allow flexibility in the system to adapt as needed. This fund would sit with the Council with decisions on any changes made by the overarching body, involving Members, following recommendations from made by a multi-agency advisory group.
 - f. **The delivery model should minimise central administration costs** to ensure the funding for local welfare provision is used to maximum effect to support individuals and develop services capacity to respond.
17. The Panel agreed a four-tiered approach to local welfare provision. This aims to provide sufficient crisis support in the early transition period of Welfare Reforms whilst building a long term sustainable scheme. The tiers would include:
- Tier 1 – Information and self-help guidance for the public
 - Tier 2 – Practitioners information / guidance to establish a referral process
 - Tier 3 – Crisis emergency support i.e. food vouchers for food banks
 - Tier 4 – Crisis prevention to increase self reliance and independent living i.e. household items, money management and removal costs etc.
- Appendix 2 outlines the key elements of a tiered local welfare support scheme.
18. The Panel agreed a phased approach to local welfare provision given that the DWP will be directing people in financial crisis to the Council from April 2013. As funding may be time-limited, there will need to be a balance between effective transition arrangements in the short term and achieving sustainability in the longer term. Provision would be phased into the following timescales:

- Short-term: Emergency provision established to respond to the Welfare Reforms from April – September 2013. This will need to be complemented by starting some capacity development where there is a gap in provision. During this period an approach would be developed based on demand, with a contingency fund to support changing needs.
- Transition Period (1-2 years): Expand the capacity development of the local voluntary sector provision, working to reduce the need for financial crisis support.
- Long-term Vision: A sustainable mixed model of local welfare provision with reduced demand for crisis support by encouraging self-reliance and personal money management.

The Role of the Voluntary Sector

19. The Council has a long history of working in partnership with voluntary organisations to reduce poverty in the City. The Panel heard evidence on the services provided by voluntary organisations that support the potential challenging impacts of the Welfare Reforms on poverty levels and turn around life chances for people and make work pay.
20. The Panel recognised that voluntary organisations have a key role to play in the success of the local welfare provision. However, when the Welfare Reforms are introduced from April 2013, including the abolition of Community Care Grants and Crisis Loans, these organisations expect to see a significant increase in demand for services, adding considerable pressure on their budgets and reducing their capacity to manage the changing need. This impact is likely to continue over the next few years whilst the reforms are rolled out and if the current challenging economic climate does not improve.
21. The Panel felt that voluntary organisations offering financial advice, guidance and signposting to further help are essential to prevent the most vulnerable residents from falling into debt. Given the plethora and complexity of changes in the Welfare Reforms, an increasing number of claimants will be at risk and are likely to seek increasing access to free and independent financial advice and support over the next two years.
22. The Panel also heard from voluntary organisations supporting people to prepare for employment, especially for those who have been on long-term benefits. There is no quick fix; these organisations are offering long-term support to the most vulnerable people to improve their life chances and 'make work pay'. Voluntary organisations giving people the confidence, skills and support needed to find and stay in work, where it is available, are crucial to ensure individuals are ready when a more stable economic climate returns to come off benefits and become more self-reliant.
23. The Panel agreed that priority should be given and additional funding sought to build capacity in voluntary organisations which provide advice and information and/or help people on long-term benefits to improve their chances of getting a job.
24. Additional funding for the next two years should lead to a more sustainable local welfare model, which is working to both manage and reduce the demand for future services by increasing capacity in the voluntary sector and help people to become more self-reliant.
25. This short term funding for the voluntary sector could also avoid future increased costs to the Council by reducing demand on key services such as homelessness, Families Matter and housing income.

26. To address the issues raised above the Panel agreed the following recommendations:

RECOMMENDATION 1:

That the amount transferred to the Council for the transition of the Social Fund for 2013/14 and 2014/15 is allocated solely for the use of developing local welfare provision.

And if Recommendation 1 is approved:

RECOMMENDATION 2:

- i) To delegate authority to the Senior Manager, Communities, Change and Partnership, following consultation with the Cabinet Member for Communities, the Cabinet Member for Resources and the Chair of Scrutiny Panel A, to develop and implement a sustainable and holistic mixed model approach to local welfare provision. The scheme should harness existing provision to enable residents vulnerable to financial crisis to become more self-reliant whilst building the capacity of the voluntary sector.
- ii) The local welfare scheme for Southampton should be a phased and tiered approach, co-ordinated by the city council, supported by a multi-agency, advisory group and include the following principles:
 - A mixed model of support will be established, with a combination of in-house and external provision.
 - Support to be led by agency referral with mechanisms in place for direct access.
 - In-kind support will be the main mechanism for help with limited cash provision in emergencies.
 - Where small cash payments are provided this will usually be in the form of affordable loans.
 - A contingency fund of £100k is set aside and used to respond to unpredicted gaps in provision.
 - The delivery model should minimise central administration costs.

RECOMMENDATION 3

That a Welfare Reforms overarching body, involving Members, is established for the 2 year transition period to:

- Monitor the impacts of the Welfare Reforms to ensure that the local welfare model continues to support those in financial crisis
- Consider and agree changes to the local welfare provision, including allocation of any contingency fund approved, following recommendations from a multi-agency advisory group

RECOMMENDATION 4

That Cabinet, in considering the Council's budget for 2013/14 give priority, at least for the next two years whilst the Welfare Reform changes are implemented and to allow time for the economic climate to improve, to provide additional funding to increase capacity in voluntary organisations offering:

- a) Financial advice, budgeting and support
- b) Vulnerable residents, especially those on long-term benefits, opportunities to improve their chances of getting a job

APPENDIX 2

Southampton Local Welfare Provision – A Tiered Approach

Support	Activities	Links
Tier 1: Information to the public		
Information to the public about where to get help, advice and information to deal with a crisis and emergency.	<ul style="list-style-type: none"> • Webpage with advice on crisis and emergency • Local printed Information eg Moneytree • Work to co-ordinate communicating change. 	Communication to be co-ordinated with local Welfare Reforms Communication Plan.
Tier 2: Information to agencies		
Information to frontline staff /practitioners on emergency / crisis support in the city and how to access it.	<ul style="list-style-type: none"> • Guidance / 'toolkit' developed to guide services to Local Welfare Provision • Development of referral and signposting networks. 	Updates via Southampton Anti-Poverty Network.
Tier 3 : Crisis Emergency Support (to replace Crisis Loans)		
Food		
Provision of food vouchers to those in exceptional hardship.	<ul style="list-style-type: none"> • Set up local Fareshare scheme • Increase food bank access / provision • Work with supermarkets / stakeholders to increase future provision • Ensure local food bank vouchers available to referral agencies • Introduce supermarket vouchers for emergency access to food/goods (when food bank closed). 	Southampton City Mission runs several food banks in the city.
Financial Support		
Increased access to affordable credit for vulnerable residents.	<ul style="list-style-type: none"> • Work with credit unions to be first step for financial crisis support (loan/grant scheme) • Provide for an element of cash provision alongside 'in-kind' support (for use for example for travel costs, electric/ gas). 	Work is underway with Solent Credit Union and USAL
Tier 4: Crisis Prevention (to replace Community Care Grants)		
Household Items		
Provision of furniture and white goods.	<ul style="list-style-type: none"> • Extend local furniture project to enable increased collection and distribution of furniture and household items • Develop a local white goods scheme. • Work with local businesses and services to increase future provision • Ensure services ready to refer for Furniture and Household Packages • Ensure services are able to access removals • Commission to enable access to items not available from local projects. 	SCRATCH currently run a furniture project and previously ran a white goods project.
Financial Support		
Increased access to affordable credit for vulnerable residents.	<ul style="list-style-type: none"> • Work with local credit unions to extend and increase membership to offer money management alongside financial crisis support • Support local advice services to provide welfare and benefit advice. 	
Development Costs		
	<ul style="list-style-type: none"> • Align with other discretionary support • Contingency budget • Administration costs. 	

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE
SUBJECT:	MONITORING SCRUTINY RECOMMENDATIONS TO THE EXECUTIVE
DATE OF DECISION:	24 JANUARY 2013
REPORT OF:	SENIOR MANAGER – COMMUNITIES, CHANGE AND PARTNERSHIP
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

This item enables the Overview and Scrutiny Management Committee to monitor and track progress on recommendations made to the Executive at previous meetings.

RECOMMENDATIONS:

- (i) That the Committee considers the responses from Cabinet Members to recommendations from previous meetings and provides feedback.

REASONS FOR REPORT RECOMMENDATIONS

1. To assist the Committee in assessing the impact and consequence of recommendations made at previous meetings.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. None.

DETAIL (Including consultation carried out)

3. Appendix 1 of the report sets out the recommendations made to Cabinet Members at previous meetings of the Overview and Scrutiny Management Committee. It also contains summaries of any action taken by Cabinet Members in response to the recommendations.
4. The progress status for each recommendation is indicated and if the Overview and Scrutiny Management Committee confirms acceptance of the items marked as completed they will be removed from the list. In cases where action on the recommendation is outstanding or the Committee does not accept the matter has been adequately completed, it will be kept on the list and reported back to the next meeting. It will remain on the list until such time as the Committee accepts the recommendation as completed. Rejected recommendations will only be removed from the list after being reported to the Overview and Scrutiny Management Committee.

RESOURCE IMPLICATIONS

Capital/Revenue

5. None

Property/Other

6. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

7. The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007.

Other Legal Implications:

8. None.

POLICY FRAMEWORK IMPLICATIONS

9. None.

AUTHOR:	Name:	Mark Pirnie	Tel:	023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk		

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report.
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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Monitoring Scrutiny Recommendations – 24 th January 2013
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Documents In Members' Rooms

	None
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Integrated Impact Assessment

Do the implications/subject of the report require an Integrated Impact Assessment (IIA) to be carried out.	No
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Other Background Documents

Integrated Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
None	

Overview and Scrutiny Management Committee: Holding the Executive to Account

Scrutiny Monitoring – 24th January 2013

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
12:07:12	Resources	Changes to existing revenue and capital budgets	<p>That the Cabinet Member requests details of the Capita Partnership's Senior Managers pay levels and circulates to OSMC</p> <p>Follow up 16th August: That the Cabinet Member requests details of the Capita Partnership's Senior Managers pay bands and the number of managers in each band and circulates to OSMC</p>	<p>This has not been requested at the current time. The Council is working positively with Capita to deliver savings, and this would only serve as a distraction.</p> <p>Officers have requested the information from Capita.</p>	
13:09:12	Efficiency & Improvement		<p>That relevant SCC departments collaborate to agree an approach to service planning such that all use the same set of data sources, analyse and interpret the information derived in a consistent way and share information in order to produce the most effective and efficient results</p>	<p>The Policy, Performance Management and Systems review completed in December 2011 recommended:</p> <ul style="list-style-type: none"> • The establishment of a data warehouse or a central point of access to information on policies, performance and systems including an agreed (reduced) list of policies, performance indicators and systems in use • Within this exercise, to identify the top high level strategies and policies and PIs that link to them (to form the core), setting out clearly the golden thread from strategy to practice and a council wide gateway process for reviewing and developing these in the future • Identify ways in which officers can shift resources and focus from scanning data to analysis and problem solving to improve the overall product and outcomes from data. <p>The implementation of the review is about to commence and will take on board this OSMC recommendation.</p>	

Date	Portfolio	Title	Action proposed	Action Taken	Progress Status
13:12:12	Resources	Community Right to Bid	That the Executive ensure that Ward Councillors are kept apprised of the process throughout any community bid.	<p>The following process to engage Ward Councillors is proposed:</p> <ol style="list-style-type: none"> 1. Ward Councillors to receive the list of Nominations applications for their Ward; this will be issued at the same time all Nominations are passed to Communities team. The list will be produced by Capita – Valuation & Estates Services. The list will be issued approximately at Week 4 in an 8 week process. The Decision will be taken by/during Week 8. 2. Any comments or feed back from the Ward Councillors regarding the nomination will need be made to the Communities and Improvement Manager, during that 4 week period before the decision is made. 3. The Communities and Improvement Manager to issue decisions to Capita via DDN. 4. Capita to include Ward Councillors on circulation list for any letters going to Council Service Asset Managers or 3rd party property owners advising of the Communities and Improvement Managers decision. 	
13:12:12	Children's Services	Children's Services – Budget Proposals	<ol style="list-style-type: none"> 1) That the Executive consider phasing the proposed cuts to Youth Services over a two year period to enable alternative options to maintain provision to be identified and developed. 2) That the Cabinet Member for Children's Services be requested to attend the Committee at a future date to set out the clear strategic objectives for the Portfolio. 	<p>Review of proposals with recommendations for phased implementation to be considered by Cabinet in February 2013.</p> <p>Proposal from the Cabinet Member to attend a future meeting – post May 2013.</p>	