

Individual Executive Member Decision

Title of Report:	Fairer Contributions Policy
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	25 October 2012
Forward Plan Ref:	ID2550

Purpose of Report: To confirm the amendments to the wording of the current policy agreed as part of the Judicial Review challenge.

Recommended Action: Accept changes to the wording.

Reason for decision to be taken: Clarification following legal challenges.

Other options considered: None.

Key background documentation: Original Fairer Contributions Policy, revised Fairer Contributions Policy and legal documents.

Portfolio Member Details	
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Implications

Policy:	Minor changes to the wording on the existing Fairer Contributions Policy. These amendments have no impact on the actual policy and how it is currently implemented but provide clarity.
Financial:	None
Personnel:	None
Legal/Procurement:	The amendments to the policy have been agreed by way of a Consent Order - the terms of which are attached.
Environmental:	None
Property:	None
Risk Management:	None
Equalities Impact Assessment:	EIA for original policy decision on 12 April 2012 applies.

Consultation Responses

Members:

Leader of Council:	None
Overview & Scrutiny Management Commission Chairman:	None
Ward Members:	N/A
Opposition Spokesperson:	None
Local Stakeholders:	N/A
Officers Consulted:	Margaret Goldie, Jan Evans and Leigh Hogan
Trade Union:	Not applicable

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>
Report is to note only		<input type="checkbox"/>

Supporting Information

1. Background

- 1.1 The Fairer Contributions Policy was signed off by Special Executive on 12 April 2012.

2. Fairer Contributions Policy

- 2.1 After its introduction there was a legal challenge to the new charging policy which resulted in a claim for Judicial Review.
- 2.2 Following legal advice it was agreed to amend the wording in Section 6 of the policy to provide clarity that there was no link between allowable Disability Related Expenditure and the Council's current eligibility threshold under Fair Access to Care. Accordingly, an agreed Consent Order has been filed with the High Court and is attached together with the amended Policy.
- 2.3 In order to give authority to the amendment, an Individual Decision is required. Once made, the Fairer Contributions Policy will be re-published.

3. Equalities Impact Assessment Outcomes

- 3.1 A full EIA was attached to the papers on 12th April 2012. There is no need for a further Equality Impact Assessment.

4. Conclusion

- 4.1 That the Individual Decision is signed off to confirm the change in wording to the original policy.

Appendices

Appendix A – Agreed consent order and amended policy