

Notice of Meeting

Overview and Scrutiny Management Commission

Tuesday, 20 May, 2014 at 6.30pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Monday, 12 May 2014

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Lowe / Charlene Myers / Elaine Walker on (01635) 519817 / 519695 / 5194

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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 20
May 2014 (continued)**

- To:** Councillors Jeff Beck, Brian Bedwell (Chairman), Jeff Brooks (Vice-Chairman), Sheila Ellison, Dave Goff, Mike Johnston, Alan Macro, Gwen Mason, Tim Metcalfe, Andrew Rowles, Garth Simpson, Tony Vickers, Virginia von Celsing, Quentin Webb, Emma Webster and Laszlo Zverko
- Substitutes:** Councillors Peter Argyle, Paul Bryant, Roger Hunneman, Carol Jackson-Doerge, David Rendel, Julian Swift-Hook and Keith Woodhams

Agenda

Part I	Page No.
1. Apologies for Absence To receive apologies for inability to attend the meeting (if any),	
2. Minutes To approve as a correct record the Minutes of the meeting of the Commission held on 8 th April 2014.	1 - 8
3. Declarations of Interest To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Actions from previous Minutes To receive an update on actions following the previous Commission meeting.	9 - 10
5. West Berkshire Forward Plan 1 May 2014 to 31 August 2014 To advise the Commission of items to be considered by West Berkshire Council from 01 May 2014 to 31 August 2014 and decide whether to review any of the proposed items prior to the meeting indicated in the Plan.	11 - 12
6. Overview and Scrutiny Management Commission Work Programme To receive new items and agree and prioritise the work programme of the Commission for 2014/2015.	13 - 24
7. Items Called-in following the Executive on 8th May 2014 To consider any items called-in by the requisite number of Members following the previous Executive meeting.	



**Agenda - Overview and Scrutiny Management Commission to be held on Tuesday, 20
May 2014 (continued)**

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|-----|---|-----------|
| 8. | Councillor Call for Action
To consider any items proposed for a Councillor Call for Action. | |
| 9. | Petitions
To consider any petitions requiring an Officer response. | |
| 10. | Fairer Contributions Policy
To assess the purpose, scope and impact of the Fairer Contributions policy. | 25 - 54 |
| 11. | Shaw House
To agree the recommendations proposed by the Shaw House task group. | To Follow |
| 12. | Benefits Reform
To agree recommendations for submission to the Executive. | 55 - 58 |
| 13. | Governance arrangements for Children's Services
To agree the Terms of Reference of a review into the governance arrangements for Children's Services. | 59 - 62 |

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact
Moira Fraser on telephone (01635) 519045.



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OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

MINUTES OF THE MEETING HELD ON TUESDAY, 8 APRIL 2014

Councillors Present: Jeff Beck, Brian Bedwell (Chairman), Sheila Ellison, Dave Goff, Mike Johnston, Alan Macro, Gwen Mason, Tim Metcalfe, Garth Simpson, Tony Vickers, Quentin Webb, Emma Webster and Laszlo Zverko

Also Present: Paul Anstey (Environmental Health & Licensing Manager), Andy Day (Head of Strategic Support), Adrian Slaughter (Building Energy Officer), Andy Walker (Head of Finance) and Rachael Wardell (Corporate Director - Communities), Councillor Dominic Boeck (Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision), Councillor Alan Law (Finance, Economic Development, Health & Safety, Human Resources, Pensions, Property), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Jeff Brooks, Councillor Andrew Rowles and Councillor Virginia von Celsing

PART I

1. Minutes

The Minutes of the meeting held on 25th February 2014 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

Councillor Emma Webster declared an interest in Agenda Item(10) Continuing Healthcare, but reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate.

3. Items called-in following the Executive on 27th March 2014

No items were called-in following the last Executive meeting.

4. Actions from previous Minutes

The Commission received a update on actions from the previous meeting and made the following comments:

2.4: David Lowe advised that the table represented the total number of individuals who had made Freedom of Information requests and highlighted that individuals could make numerous requests to the Council.

5. West Berkshire Forward Plan 26 March 2014 to 31 July 2014

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 26 March 2014 to 31 July 2014.

Resolved that the Forward Plan be noted.

6. Overview and Scrutiny Management Commission Work Programme

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Changes to the Overview and Scrutiny Management Commission work programme were discussed and agreed:

- Item OSMC /11/119 (Continuing Healthcare): Would return to the Commission for a progress report in August 2014.
- OSMC/14/152 (Severe Weather): A special meeting would be arranged in September 2014. The Council would first conduct a localised debrief alongside the Section 19 reports in order to provide the Commission with a report about the weather's effect and response of the Council.
- OSMC/13/150 (Homelessness – Young Families): Councillor Quentin Webb advised that the task group had invited witnesses to comment on their involvement with young families. The Commission heard that establishing the root cause was proving difficult.

Councillor Brian Bedwell called for the Commission to review items contained within the work programme and highlight priorities.

Councillor Law introduced the suggested topic for scrutiny, Self Insurance Fund. The request was made following the commitment to review the reserve fund at the Council meeting in March 2014. He requested that the Commission considered whether the appropriate level of funds had been reserved according to the perceived level of risk.

Councillor Law advised that the reserve fund covered emergency payments where costs increased above forecasted levels. The value of the reserve fund had been reviewed by external auditors in order to ascertain whether the fund was appropriate. It was stated that the reserve fund had not been used year on year.

Councillor Beck proposed that the item was added to the work programme, the proposal was seconded by Councillor Tony Vickers.

Councillor Tony Vickers introduced the suggested topic of Parkway affordable housing delays. Councillor Vickers asked members to consider the reasons behind the delayed provision of affordable housing, 18 months after the development was completed.

Members considered the benefit of conducting a review which could lead to a clearer understanding of how the Council could manage Section 106 agreements going forward. Councillor Paul Bryant questioned whether the Parkway development was an isolated case and therefore queried the value in conducting the review.

Councillor Macro stated that there were a further two developments planned in Newbury, from which Section 106 contributions might be required. It was suggested that any lessons which could be learnt from the Parkway development could prove useful.

Councillor Vickers confirmed that the suggested topic for scrutiny would not look at the economic impact of the delays, but rather the reasons behind the delayed provision of affordable housing.

Andy Day advised the Commission that the Commission could not consider regulatory matters such as planning and suggested that the topic could be considered by the Planning Policy Task Group.

Resolved that :

- The Self Insurance Fund would be added to the work programme.
- The Planning Policy Task Group would be asked to consider the Parkway Development, delays in delivering affordable housing.

7. Councillor Call for Action

There was no Councillor Calls for Action.

8. Petitions

There were no petitions to be received at the meeting.

9. Continuing Healthcare (CHC)

Rachael Wardell introduced the report to the Commission on behalf of Nick Carter. It was stated that the Council had worked in conjunction with the National Health Service (NHS) to address the concerns raised by the Commission during the meeting in November 2013.

Continuing Healthcare (CHC) was a package of continuing care arranged and funded by the NHS where an individual had a primary health need. The eligibility threshold for CHC in West Berkshire was set at critical. The national framework for NHS CHC outlined that an individual's primary care needs would be assessed as critical if they were unpredictable, complex and intense. If an individual met the eligibility criteria for CHC then the care provided would be covered by the NHS.

The CHC process consisted of five stages:

- Checklist: The referral stage by which an individual would be considered eligible for CHC and carried forward for assessment
- Decision Support Tool (DST): The collation of evidence in order to conduct an assessment of the individual's primary care needs.
- Multi Disciplinary Team (MDT): Evidence reviewed by the team in order to collate a recommendation/s based upon the eligibility criteria for CHC.
- Panel (Clinical Commissioning Group): Through which the final decision would be made regarding an individual's eligibility for care.
- A dispute resolution process was established in order that the final decision from the panel could be appealed.

Rachael Wardell explained that the staff involved with the CHC decision making process jointly received training in order to ensure consistency. The objective was to provide a clearer explanation to applicants regarding the decisions made throughout the process and ultimately their eligibility for CHC.

The Commission heard that when the issue was considered in January 2014, the total number of completed applications for CHC was 16, of which 3 were deemed eligible for care. 38 cases had been open, of which 29 were over 3 months old (76%).

The current figures were presented as; 38 completed cases of which 13 were deemed eligible. 26 cases remained open of which 18 were over 3 months old. A total of 10 new applications had been received since January 2014. Rachael Wardell stated that significant progress had been made since the meeting in January 2014.

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Cathy Winfield directed the Commission to a handout which provided a response to the questions raised in January 2014 regarding CHC budgets. The statistics suggested that the financial expenditure on CHC had risen by 18% year on year.

Historically the Berkshire West Primary Care Trust (PCT) had managed the commission of care services in West Berkshire. Since the changes to the health structure in April 2013 the area was covered by the Newbury District CCG (NDCCG) and the Reading West CCG (RWCCG). Cathy Winfield explained that arrangements between CCG's were well managed and statistics suggested that local residents were benefiting from the change.

The Commission heard that the budget for CHC in West Berkshire was determined by eligibility and level of demand/need for the service. It was stated that the total spend in NDCCG and RWCCG could differ and that it was likely to be due to the different demographic in each area.

Cathy Winfield directed the Commission through the presentation which explained the key points about the waiting list. It was stated that historically the management of MDT meetings was challenging due to the level of evidential detail required in order to make the decision and agreeing a date for the meeting to take place. Going forward the MDT dates had been set for 10 of the 18 cases over 3 months old and meetings would occur regularly so that the backlog could be managed. New checklists had been created in order to manage the quality of information being submitted.

Fortnightly meetings would take place between the Head of Adult Social Care and the Assistant Director for Berkshire NHS CHC during which case lists would be discussed in order to manage the MDT process. The Council's CHC specialist attended the majority of MDT meetings and provided generally positive feedback regarding the fairness of the decisions made.

The CCG had outsourced the work required in order to address the backlog of applications. The additional resource would remain in place until the backlog was clear and the ongoing workload could be managed.

The Commission heard that whilst good progress had been made over the past few months, there was still more to do: the Council needed to improve the identification of potential CHC cases at an earlier stage, the quality of submissions needed to be consistent and the CCG needed to ensure that appropriate resources were in place to prevent further backlogs occurring.

Rachael Wardell advised that staff received training in order to support consistency and a focus had been placed on the assessment of an individual's primary needs at the point of discharge from hospital. Earlier identification of the support required would enable an individual to be discharged from hospital quickly and with a full support package available. It was stated that since the relationship between the Council and CCG's had improved and the joint training had been delivered, it had become quicker and easier to arrange care packages in preparation for hospital discharge.

Councillor Tony Vickers asked whether every CHC assessment occurred at the point of discharge from hospital or whether there were alternative avenues through which the authorities could be notified about an individual's primary care needs. Rachael Wardell explained that it was likely that the majority of the assessment took place before discharging a patient from hospital due to the complexity and severity of an individual's

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needs at that point in time. The assessment considered whether the individual could rehabilitate or whether they required regular support for the longer term.

Councillor Quentin Webb was encouraged to hear of the progress jointly made by the Council and the CCG. As the former Chairman of the Health Scrutiny Panel he had been concerned about points raised at the meeting in March 2013 but felt that the improved relationship between the Council and the CCG would contribute significantly towards continued improvements.

Councillor Gwen Mason asked whether resources had been committed to the proposed introduction of discharging patients from hospital seven days a week. It was stated that the process would decrease the overall pressure on the service Monday to Friday. Rachael Wardell explained that only non-complex cases could be discharged at weekends due to the lack of support services available on Saturday and Sunday. Cathy Winfield advised that due to the level of need and complexity of cases, it was unlikely that an individual would be discharged over the weekend.

Councillor Alan Macro asked whether the CCGs which covered West Berkshire shared resources. Cathy Winfield stated that the staff supported each other in order to promote consistency in the allocation of budgets and interpretation of the assessment process.

Councillor Jeff Beck asked whether the CCG planned to maintain the additional support staff. Cathy Winfield advised that work had been outsourced to contracted Nurses who worked alongside permanent staff and it was intended to maintain the additional staff for the foreseeable future. It was stated that the staff would not be employed on a permanent basis due to the level of investment already committed by the CCG to recruit staff. The CCG had experienced some difficulty maintaining the same members of staff due to unforeseen changes, however, they were confident that the current assessment team had the skill set required.

Rachel Wardell directed the Commission to the report which illustrated the number of applications that had taken over 28 days to determine an outcome. It was stated that the number of cases had increased, and that this was due to the time in which it took the team to receive the application. It was felt that the rise in the figures were explained by and being managed by the points covered during the meeting.

Councillor Bedwell thanked Rachael Wardell and Cathy Winfield for their presentation. Special thanks were given to Balwinder Karr, Interim Head of Adult Social Care, who contributed towards the improvements.

Resolved that

- The CCG and Head of Adult Social Care should provide an update report in 4 months time.

10. Energy Saving

Councillor Dominic Beock, Adrian Slaughter and Paul Anstey introduced the report to the Commission.

The report explained that the Carbon Management Plan (CMP) was adopted by the Council in 2009. The document was produced as part of the Carbon Trusts 'Local Authority Carbon Management Programme' and involved liaising with external Carbon Trust approved Consultants to analyse the Council's carbon footprint. Potential energy efficiency/carbon saving projects were identified and if implemented would help to

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improve the Council's energy efficiency and reduce its carbon footprint. The progress report outlined the aims and objectives of the Energy Management Team who managed the process and detailed the energy efficiency projects implemented to date.

The Commission heard that the Energy Efficiency Programme was reviewed by the Resource Management Working Group in 2012 at which point it was agreed that the item would return for a progress report in 2014.

Adrian Slaughter highlighted that an amendment was required to table 3 in point 6.1; the number of ground source heat pumps should read as three.

Councillor Hunneman questioned why there was no reference to the biomass carbon savings in table three of point 6.1. Adrian Slaughter advised that the service was waiting for statistics from St. Batholomews School in order to report the accurate savings overall. It was stated that the Council could incur charges if the figure was incorrect.

Councillor Jeff Beck requested clarification on the responsibility that a Local Authority had to provide technical advice to academies. In response, the Commission heard that:

- It was the responsibility of the community to manage the performance of their carbon foot print, however, the Council provided incentives in order to encourage reductions.
- The incentive offered the applicant savings and funding arrangements in order to implement reduction measures.
- Applications would contain plans for the scheme of works and associated costs. The service would consider suitability of the proposal and if agreed the applicant would receive a loan in order to proceed.
- The loan would be provided by capital funds.

Councillor Emma Webster asked what work the service had conducted to promote the available funding. Paul Anstey advised that a mechanism had been established across the Thames Valley area to distribute leaflets and guidance packs to likely applicants. It was stated that the service was currently operational on a small scale, but it was expected that the provision would expand.

Councillor Gwen Mason asked whether a project team had been established in order to manage the applications received from schools. Adrian Slaughter advised that at this stage they had not identified a specific role to manage school applicants; these were managed on a case by case basis by the existing team.

Councillor Lazlo Zverko asked what pay back arrangements were in place and how the value of CO₂ savings was calculated. Adrian Slaughter explained that there were multiple measures which could be used to ascertain the potential reduced carbon footprint. Payback arrangements were agreed in advance of the loan being issued.

In response to a question from Councillor Mike Johnston, Adrian Slaughter advised that interest was not charged on loans.

Adrian Slaughter explained that in cases where the service might have to consider multiple applications, the method for prioritising would be via the review of the business case and where the most influence and control over the project was evident.

Paul Anstey advised that there was no evidence to suggest that the introduction of Timelord had reduced energy usage by the Council. The scheme was considered energy neutral.

Resolved that:

- The energy efficiency programme should consider suitable interest charges associated with a five year loan for a scheme of works.
- The Energy Efficiency Programme would return to the Commission for a progress update in 2016.

11. Revenue and capital budget reports

Andy Walker introduced the report to the Commission which provided the month ten revenue position. He advised that the Capital Report was produced quarterly only.

The Commission heard that the forecasted outturn position as of month 10 for the 2013-14 financial year was an overspend of £101k, an increase of £284k from month nine. The reason for the expenditure increase was the recent severe weather and the costs associated with incident response. Andy Walker explained that funds could be recovered through the Bellwin scheme. At this stage the Council was reviewing what could be recovered before submitting the final claim in May this year.

Councillor Webb asked for an explanation of the reasons for the overspend in the Looked After Children service area. Rachael Wardell explained that the service had received the highest number of Looked After Children cases for some time. The service was considering the means for reducing costs by creating a business case for the provision of alternative care arrangements.

The service was developing a model to increase the number of specialist foster carers for children with specialist needs, which would reduce the demand on current resources. Rachael Wardell explained to the Commission that the service was demand led and at this stage was considering the most effective means to deliver early preventative measures which would in turn reduce overall spend.

Resolved that the report be noted.

12. Performance Report for Level One Indicators

Andy Day introduced the report to the Commission. The report appraised the progress against 47 key accountable measures and activities aligned to the objectives set out in the Council Strategy. He advised that:

- Of the 47 key accountable measures, 40 were available for an update at quarter 3.
- 34 were reported as delivered/ achieved at year end.
- 3 were reported as behind schedule but expected to be delivered/ achieved by year end:
 - Proportion of children becoming subject of a child protection plan for a second or subsequent time (within two years of the previous plan end date)
 - Number of active foster carers
 - Number of days taken to make a full decision on new benefit claims
- 3 were reported as red:

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- Number of children accessing short breaks
- Proportion of older people still at home 91 days after discharge from hospital into re-ablement/ rehabilitation services
- Proportion of upheld planning appeals was less than the national average

In response to questions asked, David Lowe advised that requests for information to the Council could be considered, in most cases, as business as usual. A Freedom of Information request would cover something that would otherwise not be routinely provided by the service to which the request was made.

The Commission heard that the Freedom of Information request was frequently used by researchers, business and the media. It was acknowledged that the FOI Act provided an opportunity for information to be obtained and that the right was being used.

Councillor Alan Macro highlighted that on page 69 of the report it suggested that the number of clients accessing community based services had decreased, despite the belief that West Berkshire had an aging demographic. It was stated that the figures were not unusual compared to the national average.

Councillor Tony Vickers stated that the number of planning applications upheld was misleading as they appeared favourable against the national average, however, he highlighted that the number of cases locally was still very high.

Resolved that the report be noted.

13. Scrutiny Recommendations Update

Resolved that

- the report would be noted

(The meeting commenced at 6.30 pm and closed at 8.25 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.

Title of Report:	Actions from previous meetings
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To advise the Commission of the actions arising from previous meetings

Recommended Action: To note the report

Overview and Scrutiny Management Commission Chairman	
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Contact Officer Details	
Name:	Charlene Myers
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Tel. No.:	01635 519695
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1. Introduction

1.1 This report provides the Overview and Scrutiny Management Commission with an update on the actions arising from previous meetings.

2. Actions

2.1 **Resolution:** The Self Insurance Fund would be added to the work programme.

Action/ Response: completed

2.2 **Resolution:** The CCG and Head of Adult Social Care provided an update report in 4 months time.

Action/ Response: completed

2.3 **Resolution:** The Energy Efficiency Programme would return to the Commission for a progress update in 2016.

Action/ response: Completed

Appendices

None

Agenda Item 5.

Title of Report:	West Berkshire Forward Plan
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To advise the Overview and Scrutiny Management Commission of items to be considered by West Berkshire Council from 1 May 2014 to 31 August 2014 and decide whether to review any of the proposed items prior to the meeting indicated in the plan.

Recommended Action: That the Overview and Scrutiny Management Commission considers the West Berkshire Council Forward Plan and recommends further action as appropriate.

Overview and Scrutiny Management Commission Chairman	
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Supporting Information

1. Introduction

- 1.1 The Forward Plan attempts to cover all decisions, not just those made by the Executive, which the Authority intends to take over the next 4 months. The Forward Plan for the months of 1 May 2014 to 31 August 2014, also shows the decision path of each item including Council, Executive and Overview and Scrutiny Management Commission.
- 1.2 In order to hold the Executive to account, Overview and Scrutiny Management Commission Members are asked to identify any areas of forthcoming decisions which may be appropriate for future scrutiny.
- 1.3 The West Berkshire Council Forward Plan 1 May 2014 to 31 August 2014 is available at <http://www.westberks.gov.uk/index.aspx?articleid=1594> and will be displayed on screen during the meeting.

Appendices

There are no appendices to this report.

Agenda Item 6.

Title of Report:	Overview and Scrutiny Management Commission Work Programme
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To receive, agree and prioritise the Work Programme of the Commission.

Recommended Action:

- To consider the current items and any future areas for scrutiny.
- To consider and approve the suggested topic for scrutiny – Delayed transfers of care
- To consider and approve the suggested topic for scrutiny – Parkway Development

Overview and Scrutiny Management Commission Chairman	
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Supporting Information

1. Introduction

- 1.1 The work programme for the Overview and Scrutiny Management Commission is attached at Appendix A for the Commission's consideration. Members are also asked to consider any future areas for scrutiny.

Appendices

Appendix A – Overview and Scrutiny Management Commission Work Programme

Overview and Scrutiny Management Commission Work Programme - 2014/15

Reference	Subject	Purpose	Format	Methodology	Start Date	End Date	Lead Officer / Service Area	Portfolio Holder	Status	Comments
OSMC/14/152	Fairer Contributions policy	To assess the intent and scope of the Fairer Contributions policy.	In meeting		May 14	May-14	June Graves - 2733 Head of Care Comm, Housing, Safeguarding	Councillor Joe Mooney	To be scheduled	Suggested by Councillor Gwen Mason and added to the work programme at the meeting of 25 February 2014.
OSMC/12/144	Shaw House	To understand the utilisation and income generated	Task Group (Cllrs Brooks, Beck & Ellison)		Jun-13	May-14	Steve Broughton - 2837 Head of Culture & Environmental Protection	Councillor Hilary Cole	In Progress	Task Group to examine the Portfolio Holder's report following work undertaken by the Cultural Asset Working Group
OSMC/13/147	Benefits Reform	To examine the impact of the government's benefits changes	In meeting		Feb-14	May-14	Sean Anderson - 2149 Head of Customer Services	Councillor Alan Law	In progress	- Item incorporated at OSMC meeting of 16/04/13. Heard in Feb 2014 and review of recommendations in May 2014.
OSMC/14/152	Severe weather	To understand the effect of and response to severe weather experienced during the winter of 2013/14.	Special meeting		May-14	Jul-14	Carolyn Richardson - 2105 Civil Contingencies Manager	Councillor Pamela Bale	To be scheduled	Suggested by Councillor Alan Macro and added to the work programme at the meeting of 25 February 2014.
OSMC/12/135	Annual target setting	To examine the annual targets being set for 2014/15.	Task Group (Cllrs Webb, Webster & Vickers)	Task group working directly with PM officers	May-14	Jul-14	Jason Teal – 2102 Strategic Support	Councillor Roger Croft	Scheduled	Annual review. Task group meeting in June 2014 and output shared with the Commission at the meeting in July 2014.
OSMC/11/129	Housing Allocations policy	To conduct a review of the effectiveness of the Council's Housing Allocation Policy	In meeting		Sep-14	Sep-14	Mel Brain - 2403 Social Care Commissioning and Housing	Councillor Roger Croft	Scheduled	Review of the policy 12 months after its implementation.
OSMC/14/151	Children's Services governance arrangements	To assess the extent to which the internal and partnership bodies governing the activities of Children's Services collectively proved a framework that is necessary, comprehensive, efficient and effective.	Task Group		May-14	Sep-14	Mark Evans - 2735 Children's Services	Councillor Irene Neill	To be scheduled	Suggested by Rachael Wardell and added to the work programme at the meeting of 25 February 2014. Will possibly go ahead mid 2014.
OSMC/11/119	Continuing Healthcare (CHC)	To assess the effect of the CHC operations policy and procedures in practice	In meeting		Dec-13	Oct-14	Belwinder Kaur – 2736 Adult Social Care	Councillor Joe Mooney	Scheduled	Monitoring of the CHC independent review action plan. At the April OSMC meeting the CCGs were asked to return to the October meeting to provide further performance update.
OSMC/12/149	Newbury town centre parking	To ensure that the needs of Newbury residents, businesses and visitors are appropriately balanced.	Task Group		Sep-14	Jan-15	Mark Edwards–2208 Highways and Transport	Councillor Pamela Bale	To be scheduled	Suggested by Councillor Tony Vickers and added to the work programme at the meeting of 2 July. To be discussed following completion of the BID/WBC car parking review
OSMC/09/02	Performance Report for Level One Indicators	To monitor quarterly the performance levels across the Council and to consider, where appropriate, any remedial action. Quarterly Item	In meeting		Jan-14	Ongoing	Jason Teal – 2102 Policy & Communication	Councillor Roger Croft	Scheduled	Quarterly item. To be heard (Jan 14 for Q2, April for Q3, next meeting TBC but exec circle end date 24th July 2014)
OSMC/09/57	Revenue and capital budget reports	To receive the latest period revenue and capital budget reports	In meeting	Quarterly item.	Apr-14	Ongoing	Andy Walker – 2433 Finance	Councillor Alan Law	Scheduled	May lead to areas for in depth review.
OSMC/11/111	Risk Register	To scrutinise individual items on the Risk Register on an annual basis. Annual recurrence	In meeting		Apr-14	TBC	Ian Priestley	Councillor Roger Croft	Scheduled	Item postponed

Reference	Subject	Purpose	Format	Methodology	Start Date	End Date	Lead Officer / Service Area	Portfolio Holder	Status	Comments
OSMC/13/150	Homelessness - young families	To understand the reasons why West Berkshire appears to have a disproportionate amount of young families facing homelessness whose friends and extended family are unwilling or unable to provide them with temporary housing.	Task Group (Cllrs Bryant, Ellisson, Vickers & Webb)		Jan-14	TBC	Mel Brain-2403 Housing	Councillor Roger Croft	In progress	Arose from the 2012 review of homelessness (recommendation 12) Task Group established, first meeting to be held on 3 March 2014
OSMC/14/153	Self Insurance Fund	To determine the level at which the Self Insurance Fund should be set, balancing the level of risk with the size of the reserve.	Task Group		TBC		Andy Walker – 2433 Finance	Councillor Joe Mooney	To be scheduled	Suggested by Councillor Alan Law and added to the work programme at the meeting of 8 April 2014.

Suggest a topic for scrutiny

About you – contact details	
Title	Councillor
Firstname*	Roger
Surname*	Hunneman
House No./Name*	39
Address (Line 2)	Monks Lane
Address (Line 3)	
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Postcode*	RG14 7HE
Email Address	rhunneman@westberks.gov.uk
Telephone Area Code/Number*	01635 49131

* These details must be filled-in.

Your suggested topic(s)
Your suggested topic for scrutiny:
Delayed Transfers of Care (DTC)
Your reasons for requesting that this topic be considered: <i>(Please include your reasons for suggesting the topic and include details of any evidence you may have)</i>
<p>In 2012/13 West Berkshire Council was the worst performing authority in the country for DTC according to NHS England http://www.england.nhs.uk/statistics/statistical-work-areas/delayed-transfers-of-care/ , and 4th worst the year before.</p> <p>Delayed Transfers of Care is part of the Adult Social Care Outcomes Framework (ASCOF), which is a tool used to monitor the state of adult social care both locally and nationally. Nationally, ASCOF intends to give an indication of the strengths of social care, which will support the Government in reporting to the public and parliament, and influence policy development. Locally, ASCOF is intended to enable comparisons between different areas such as councils, and for outstanding performers to share learning and best practice.</p> <p>2013/14 figures for West Berksire do not appear to show much, if any, improvement. I would like to investigate the causes for this repeatedly poor performance and see what can be done to significantly improve it.</p> <p>Because this is a complex subject it is important that members fully understand what is going on especially as our officers are not confident that the statistics reflect the reality. I believe this can only be properly scrutinised by a task group.</p>

Topics suggested for scrutiny need to meet one of the following criteria. Please click the appropriate box(es):	
(1) The issue is an area of key public concern (e.g. as identified through Members surgeries, constituents' concerns, the Annual Satisfaction Survey, raised in the local media, etc).	<input checked="" type="checkbox"/>
(2) There is evidence of poor performance within the activity (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc).	<input checked="" type="checkbox"/>
(3) It is a budgetary area in need of examination to ensure value for money is being obtained.	<input checked="" type="checkbox"/>
(4) There has been a pattern of budgetary overspends within the area.	<input type="checkbox"/>
(5) It is a corporate priority for the Council as published within the Council Strategy.	<input checked="" type="checkbox"/>
(6) It has an external focus (e.g. scrutiny of the Council's partners, government agencies, utility providers, private sector companies, etc)	<input checked="" type="checkbox"/>
(7) It is a Central Government priority area.	<input checked="" type="checkbox"/>
(8) It is an area of new Government legislation that has significant implications for the Council or its partners.	<input type="checkbox"/>
The outcomes you hope scrutiny of this topic will achieve:	
To speed up the process of moving from hospital people requiring care	
If you have already raised this issue with a Member or Officer of West Berkshire Council, please provide details here:	
Rachel Wardell and Tandra Forster have suggested that the national figures may not accurately reflect the facts.	

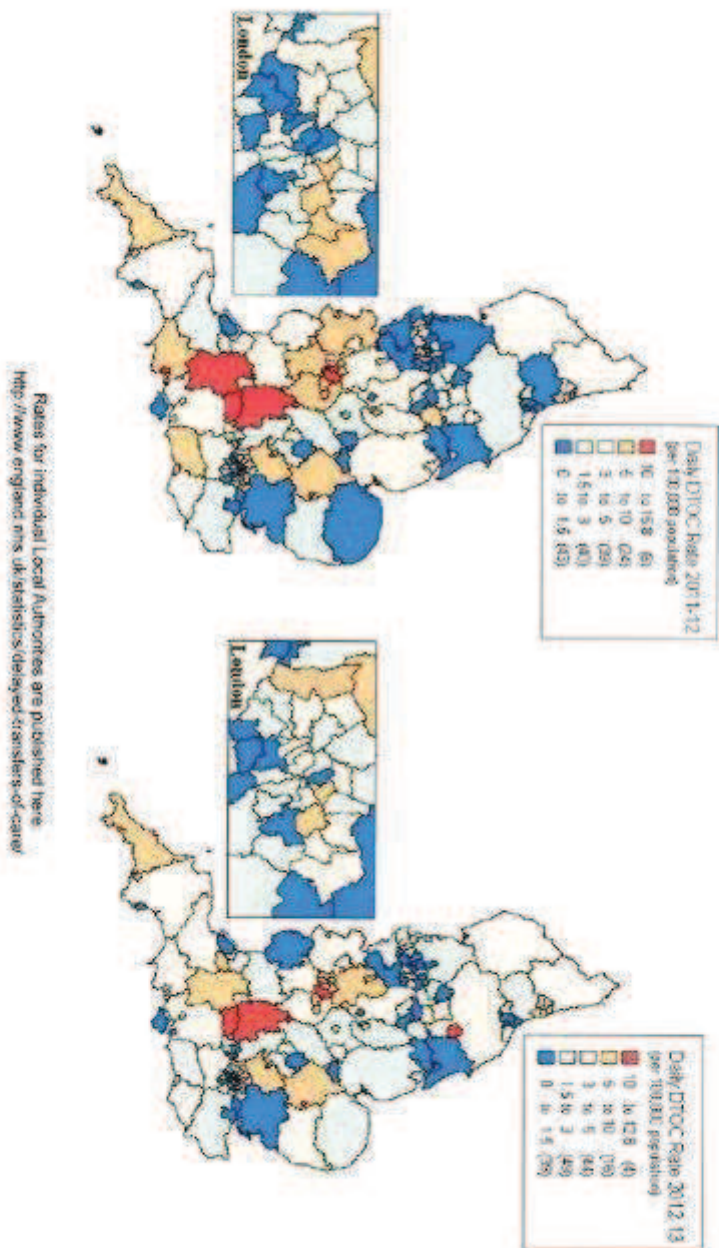
Thank you for taking the time to complete this form. Whilst we cannot guarantee that your suggestion for scrutiny topics will always result in a scrutiny project, every suggestion or comment will be carefully considered.

If you wish to post your form, please send to:
 Elaine Walker,
 Strategic Support
 West Berkshire Council
 Market Street
 Newbury RG14 5LD

or email to: ewalker@westberks.gov.uk

4.2.2 There is regional variation between Local Authorities in the daily rate of delayed transfers of care attributable to social care across England. On average, the performance of Local Authorities was better in 2012/13 than in 2011/12 (Chart 10).

Chart 10: Daily DTOC rate attributable to Social Care by Local Authority for 2011/12 and 2012/13



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Suggest a topic for scrutiny

About you – contact details	
Title	Cllr
Firstname*	Tony
Surname*	Vickers
House No./Name*	62
Address (Line 2)	Craven Road
Address (Line 3)	
Address (Town/City)	Newbury
Postcode*	RG14 5NJ
Email Address	tonyvickers@phonecoop.coop
Telephone Area Code/Number*	01635 230046

* These details must be filled-in.

Your suggested topic(s)	
Your suggested topic for scrutiny:	
The process for obtaining and delivering affordable housing within new developments, using Parkway as case study	
Your reasons for requesting that this topic be considered: <i>(Please include your reasons for suggesting the topic and include details of any evidence you may have)</i>	
see attached notes for further details	
Topics suggested for scrutiny need to meet one of the following criteria. Please click the appropriate box(es):	
(1) The issue is an area of key public concern (e.g. as identified through Members surgeries, constituents' concerns, the Annual Satisfaction Survey, raised in the local media, etc).	<input checked="" type="checkbox"/>
(2) There is evidence of poor performance within the activity (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc).	<input type="checkbox"/>
(3) It is a budgetary area in need of examination to ensure value for money is being obtained.	<input type="checkbox"/>
(4) There has been a pattern of budgetary overspends within the area.	<input type="checkbox"/>
(5) It is a corporate priority for the Council as published within the Council Strategy.	<input checked="" type="checkbox"/>
(6) It has an external focus (e.g. scrutiny of the Council's partners, government agencies, utility providers, private sector companies, etc)	<input type="checkbox"/>
(7) It is a Central Government priority area.	<input type="checkbox"/>

(8) It is an area of new Government legislation that has significant implications for the Council or its partners.	<input type="checkbox"/>
The outcomes you hope scrutiny of this topic will achieve:	
More expeditious delivery of affordable units from future major developments (esp. Sandford Park, Market Street & London Road Estate)	
If you have already raised this issue with a Member or Officer of West Berkshire Council, please provide details here:	
Raised at several meetings with Head of Housing, also at Full Council budget meeting this March, where Leader of Council expressed concern. EX1239 (April 2014) covers part of the policy area.	

Thank you for taking the time to complete this form. Whilst we cannot guarantee that your suggestion for scrutiny topics will always result in a scrutiny project, every suggestion or comment will be carefully considered.

If you wish to post your form, please send to:

Elaine Walker,
 Strategic Support
 West Berkshire Council
 Market Street
 Newbury RG14 5LD

or email to: ewalker@westberks.gov.uk

Notes on Scrutiny Request: The process for obtaining and delivering affordable housing within new developments, using Parkway as case study

1. The Parkway Development would not have included any affordable housing units (or would not have proceeded at all) had there not been a contribution of £900,000 of money given to the developers (SLI) in 2008 to make the project economically viable to them. This suggestion was originally made by Cllr Hunneman (then Opposition Housing Spokesman and Ward Member) and accepted by Western Area Planning Committee, who were not involved in working out the detail.

2. The 37 affordable units were substantially complete by October 2012, six months after the first apartments went on sale. However the Section 106 Agreement covering this matter did not oblige the developer to have any ready for occupation until 74 apartments were sold, which did not happen until early March 2014. The Agreement refers to affordable units being “capable of being used and occupied as such”, in addition to being **constructed**.

3. SLI chose not to close a deal with a Registered Provider (RP) until much later than the units were complete (March this year, we believe) and units cannot be offered for occupation through the Common Housing Register until the RP has agreed a tenancy policy with this Council. This seems to show that the S106 Agreement can interpret ‘delivery’ very differently to what most Members and the public would regard the word to mean.

4. The matters to be scrutinised include:-

- a. Member involvement (planning committee of Executive Members) with the detailed wording of the S106 Agreement.
- b. How the decision on timing of the handover of affordable units was made - and why it allowed over 18 months between their actual completion and the commencement of handover to a Housing Association.
- c. How other schemes elsewhere handle similar situations, e.g. can a S106 oblige the developer to make “capable of being used and occupied” tie more closely to the construction schedule.
- d. Whether this Council could have done anything once it was realised (in early 2013) that the delay would be so great.
- e. Whether (in the case of money from the Council’s “S106 Housing Pot”) the timing of cash transfer can be linked to the handover of units to the RP.
- e. What (if anything) can be done to prevent a similar situation arising in future.

5. The subject was referred to Planning Policy Task Group at OSMC meeting on 8 April. However subsequent discussion with Head of Planning & Planning Portfolio Holder (and her Shadow) indicate that all believe this to be more relevant for Housing and Legal Services to comment on.

6. It is hoped that the Chief Executive, Head of Legal Services, Head of Housing and the Planning Department can assist by giving evidence in a meeting of the Commission.

Cllr Dr Tony Vickers, Lib Dem Housing Spokesman and Planning Policy Task Group Vice Chair
30th April 2014

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Agenda Item 10.

Title of Report:	Fairer Contributions Policy
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To introduce for scrutiny the Fairer Contributions Policy

Recommended Action: To note the contents of the report and carry out scrutiny as appropriate

Overview and Scrutiny Management Commission Chairman	
Name & Telephone No.:	Councillor Brian Bedwell (0118 942 0196)
E-mail Address:	bbedwell@westberks.gov.uk

Contact Officer Details	
Name:	Jo England
Job Title:	Service Manager – Client Financial Services
Tel. No.:	01635 519006
E-mail Address:	jengland@westberks.gov.uk

Executive Report

1. Introduction

- 1.1 At its meeting of 25 February 2014 the Overview and Scrutiny Management Commission agreed to scrutinise the operation of the Council's Fairer Contributions Policy (the Policy).
- 1.2 This report sets out the concerns covered by the request for the topic to be scrutinised and provides background on the rationale for the Policy, the legal context within which it sits, the consultation carried out during its development, the operation of the Policy during assessments, its effect and likely future review.

2. Request for scrutiny

- 2.1 The Policy was proposed as a topic for scrutiny by Councillor Gwen Mason after hearing of concerns that had been raised by the Disability External Scrutiny (DES) Board.
- 2.2 Councillor Mason requested that a scrutiny review be undertaken to understand the intent of the policy and specifically
 - Its scope
 - The eligibility and qualification criteria
 - The arrangements for conflict resolution
 - Its process for review, including consultation
- 2.3 There was also an express concern about the policy's clarity.

3. Purpose

- 3.1 In place since 30 April 2012, the Policy's purpose is to provide a mechanism to establish how much an individual receiving an adult social care service will be required to contribute towards the cost of their care.
- 3.2 The Policy is shown at Appendix A.

4. Legislative Context

- 4.1 Where residential care is provided, contributions are made within the framework of the National Assistance (Assessment of Resources) Regulations 1992 and the current Charging for Residential Accommodation Guide (CRAG) issued by the Department of Health (DH). The Council has to apply these rules for individuals in permanent residential care.
- 4.2 Councils are also entitled to ask for a contribution towards the cost of non-residential adult social care services provided under Section 17 of the Health and Social Services and Social Security Adjudication Act (1983). Under Section 17 (3) of this Act, users of these services can request a review of their assessed contribution at any stage.

- 4.3 In November 2001, the Department of Health issued statutory guidance to Councils on charges for non-residential social care entitled Fairer Charging Policy for Home Care and other non-residential Social Services - Guidance for Councils with Social Services Responsibilities. This guidance required that Councils implement a 'Fairer Charging' Policy.
- 4.4 In January 2008, the Department of Health issued a circular on the transformation of Adult Social Care. This required a personalised approach to Adult Social Care which will eventually allow all eligible individuals to have a personal budget to enable them to make their own choices around how their support should be provided.
- 4.5 In July 2009 The Department of Health issued a best practice 'Fairer Contributions Guidance' for use when calculating an individual's contribution to their personal budget. This supplements their current Fairer Charging Guidance.

5. Implementation and adoption within West Berkshire Council

- 5.1 On 21 July 2003 West Berkshire Council introduced its Fairer Charging Policy which was broadly in line with the Department of Health's 2001 guidance.
- 5.2 As the previous policy had only charged individuals 50% of any Attendance Allowance or care component of Disability Living Allowance in payment, the new policy dramatically increased the amount that individuals would pay.
- 5.3 To alleviate the financial impact additional elements of expenditure were also included in the 2003 policy that were over and above the DH guidance. These included the inclusion of water rates, an element for building maintenance for owner occupiers and not charging for a second carer. A decision to only charge an individual 90% of their chargeable income was also made to alleviate the financial impact.
- 5.4 The Policy was reviewed on an annual basis to take account on new DH capital thresholds and benefit rates. The next major change in the Policy was on 7 April 2008 when the Policy was amended to charge individuals 100% of their chargeable income in line with the DH guidance.
- 5.5 In 2011 in response to budget reduction proposals for 2012/13 the Policy was reviewed and following wide consultation a decision was made to remove the concessions included in the 2003 Policy. This included charging for second carers and to removing expenditure items from the policy that should be covered by general living expenses ie water rates and building maintenance.
- 5.6 At this time disability related expenditure that is allowable as part of the financial assessment was also reviewed to bring it in line with the DH guidance and neighbouring authorities.

6. Consultation on the 2011 proposed changes

- 6.1 In October 2011 a programme of consultation was embarked on that involved the following
- Letters were sent to 2500 to services users

- Individual letters were sent to the approximately 1200 service users who would be impacted by the changes to advise them of how the changes would impact on them as individuals. A sample letter is shown at Appendix B.
- Support from West Berkshire Independent Living Network (WBILN) to facilitate parts of the consultation process
- An open meeting led by WBLIN
- Views were sort from the “It’s my life” group a Learning Disability forum run by service users for service users
- A meeting was held with the Disability Equality Scrutiny (DES) Board

6.2 Through November 2011 to January 2012 specific meetings were also set up with the following stakeholder groups

- West Berkshire LINK (Local Involvement Network)
- Parent Carers for adults with Learning Disabilities
- Learning Disability Partnership Board
- West Berkshire Neurological Alliance

6.3 During the consultation process the following responses were received

- 127 telephone calls to the Welfare Benefit Team
- 34 completed consultation feedback forms
- 26 written responses
- Group responses from West Berkshire Disability Alliance, West Berkshire Neurological Alliance and West Berkshire Local Involvement Network

6.4 Following the consultation there were some amendments to the new policy that involved a more robust review and appeals process and consideration to financial hardship

7. Financial Assessment Process

7.1 In accordance with the DH guidance a full financial assessment is undertaken for each individual who receives services for which a contribution can be made, including those who are in receipt of a personal budget. The majority of financial assessments are done in person with the individual and/or their financial representative, in order to establish an individual’s ability to contribute towards the total cost of their chargeable services. In some circumstances the assessment is not done in person this is mainly where there individual’s financial representative lives out of the area.

7.2 The financial assessment ensures that individuals:

- Have sufficient money to meet their basic housing costs and disability related expenditure
- Retain their basic ‘Protected Income’ as defined by the DH guidance

7.3 The assessment calculation is summarised as:

Assessable Income	-	Protected Income	-	Housing Costs	-	Disability Related Expenditure	-	Other Allowable Expenses	=	Maximum Assessed Contribution
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8. Impact of the Policy change

- 8.1 Following the implementation of the new policy on 30 April 2012 there was an increase in requests for reviews and appeals.
- 8.2 Following a financial assessment the Individual can request a review of their assessed contribution. Reviews are undertaken by the Welfare Benefit Team Manager to ensure that the assessment is correct. Following the review if an individual is still unhappy with the financial assessment they can request an appeal panel hearing.
- 8.3 The appeal panel is made up of a Service Manger from Adult Social Care, the relevant long term Team Manager in Adult Social Care and the Service Manager for Client Financial Services. Representation can be in writing or in person.
- 8.4 In the few years preceding the new policy we had a maximum of one appeal per year but in 2012/13 we had 15 appeals and in 2013/14 we had 3 appeals.

Year	Revised assessment	No change
2012/13	7	8
2013/14	1	2

- 8.5 There have also been three Local Government Ombudsman (LGO) investigations and one legal challenge. The three LGO investigations found in our favour and the Legal challenge resulted in some amendment to the wording of the policy.

9. Going forward

- 9.1 Individuals' financial assessments continue to be reviewed on an annual basis.
- 9.2 The policy is reviewed annually in line with annual guidance from the DH and changes in benefit rates.
- 9.3 April 2016 will see the introduction of a new charging regime as the Care & Support Bill is implemented.

10. Recommendation

- 10.1 It is recommended that the Overview and Scrutiny Management Commission scrutinises the Fairer Contributions Policy and makes recommendations for its improvement as necessary.

Appendices

- Appendix A Current Fairer Contribution Policy.
Appendix B Sample letter sent regarding individual impact

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Fairer Contributions Policy for Non-Residential Care Services

Document Control

Document Ref:		Date Created:	April 2012
Version:	5	Date Modified:	April 2014
Revision due	April 2015		
Author:	Jo England	Sign & Date:	1/4/14
Owning Service			
Equality Impact Assessment: (EIA)	Date undertaken:	March 2012	
	Issues (if any):		

Chief Executive	Sign & Date:	
Corporate Director (Community Services)	Sign & Date:	
Councillor Joe Mooney Portfolio holder for Community Care		Initial Policy signed off by Special Executive 12 April 2012 Version 3 signed off by Joe Mooney 25.10.12

Change History

Version	Date	Description	Change ID
1	12 April 2012	New Policy	1
2	23 May 2012	Fuel rates amended to 12/13 figures	2
3	25 October 2012	Following Legal advice	3
4	3 April 2013	Review for new rates	4
5	1 April 2014	Review for new rates	5

Contents

1. Introduction

2. Legislative Context

3. Residential Accommodation and CRAG

4. Contribution Principles

5. Types of Non-Residential Services

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5.2 Services Requiring an Assessed Contribution

5.3 Services Outside of the 'Fairer Contribution Policy'

6. Assessing the Financial Contribution

6.1 Overview

6.2 Assessable Income

6.3 Protected Income

6.4 Housing Costs

6.5 Disability Related Expenditure

6.6 Exclusions to a DRE

6.7 Special Equipment

6.8 Other factors that affect the assessment

7. The Contribution Period, Contributions Payable and Method of Payment

7.1 Personal Budgets

7.2 Other Services

7.3 Charging Week

8. Decline to provide Financial Details

9. Delays in completing the Financial Assessment

10. Debt Recovery

11. Review of Financial Circumstances

12. Annual Review

13. Contribution Issues

13.1 Waivers

13.2 Reviews, Appeals and Complaints

14. Independent Living Fund

15. Privacy

16. Equality Impact

Appendices

Appendix 1 Example Contribution Calculations

Appendix 2 West Berkshire District Council Rates

Appendix 3 Home Reversion Scheme

Appendix 4 Disability Related Expenditure – guide amounts

Appendix 5 Glossary of Terms

1. Introduction

The purpose of this policy is to establish how West Berkshire District Council will ask people for a contribution towards the cost of the adult social care support they receive. This document covers the following areas:

Sections 2 to 4 explain the national framework which relates to making contributions to Adult Social Care, the main legal requirements, and how the Council's policies for residential and non residential services operate,

Section 5 identifies which Adult Social Care services funded by the Council people may be asked to make a contribution towards,

Section 6 explains how a financial assessment is carried out,

Section 7 explains how peoples contribution is calculated and once that is done, how people can make the contribution, and

The final sections, 8 to 17, explain what happens if people cannot afford to pay or want to make a complaint as well as containing other relevant miscellaneous information.

Adult Social Care is going through a period of significant change, moving from "traditional" services arranged by the Council following a care assessment towards personal budgets. In both cases the Council may require the individual receiving support to make a financial contribution and this policy covers both circumstances.

The Council is committed to ensuring it uses a consistent and fair approach to assessing and collecting contributions from individuals. This approach will promote affordable, sustainable services for people who require Adult Social Care Services.

2. Legislative Context

The following is a brief outline of the legal framework relating to the contributions individuals can be asked to make towards the cost of their support.

Where residential care is provided contributions are made within the framework of the *National Assistance (Assessment of Resources) Regulations 1992* and the current Charging for Residential Accommodation Guide (CRAG) issued by the Department of Health. The Council has to apply these rules for individuals in permanent residential care.

Councils are also entitled to ask for a contribution towards the cost of non-residential adult social care services provided under Section 17 of the *Health and Social Services and Social Security Adjudication Act (1983)*. Under Section 17 (3) of this Act, users of these services can request a review of their assessed contribution at any stage.

In November 2001, the Department of Health issued statutory guidance to Councils on charges for non-residential social care entitled *Fairer Charging Policy for Home Care and other non-residential Social Services - Guidance for Councils with Social Services Responsibilities*. This guidance required that Councils implement a 'Fairer Charging' Policy.

In January 2008 The Department of Health issued a circular on the transformation of Adult Social Care. This required a personalised approach to Adult Social Care which will eventually allow all eligible individuals to have a personal budget to enable them to make their own choices around how their support should be provided.

In July 2009 The Department of Health issued a best practice 'Fairer Contributions Guidance' for use when calculating an individual's contribution to their personal budget. This supplements their current Fairer Charging Guidance.

The Council's *Fairer Contribution Policy* will ensure that with effect from 30 April 2012:

- Individuals in receipt of non-residential and short term respite care services contribute to the cost of their services subject to a financial assessment
- As part of their financial assessment, the Council offer to undertake a welfare benefits assessment for individuals to ensure they can claim all entitled benefits, thereby minimising their own contribution to support costs.

The services covered within this framework include both those chosen by an individual when planning how to spend their personal budget and those provided as a result of a community care assessment by a social worker or care manager.

3. Permanent Residential Accommodation and CRAG

Adult Social Care will seek contributions for residential accommodation in line with the current CRAG. Charges for permanent residential accommodation are not therefore covered further in this policy. This does not include short term placements of less than 56 consecutive nights as well as residential respite care. Any individual who would like information on CRAG can obtain it from the Department of Health. The link to the website being shown below:
<http://www.dh.gov.uk/en/Publicationsandstatistics/index.htm>

Whilst this *Fairer Contributions* policy is separate from CRAG, there are a number of times where it uses the same rules or limits as that contained within CRAG and these are referred to throughout the policy.

4. Contribution Principles

The Council adopts the following over-arching principles to ensure fair contributions from individuals:

- In order to act reasonably throughout the process of obtaining contributions the Council will, in all cases, consider the circumstances of each individual on the merits of each case,
- Contributions from individuals will be fair and reasonable, and calculated with their input through an individual financial assessment,
- To ensure that people contribute only what they can reasonably afford. Those individual whose capital is below the upper capital threshold will retain a sum for their basic living expenses which is equivalent to Income Support or Pension Credit Guarantee level + 25% as **Protected Income** (see 6.3), before they are asked to make any contributions,
- Whether the individual receives a service after a community care assessment by a social worker or care manager, or receives a personal budget, the financial assessment will be calculated in the same way,
- In most cases contributions will be applied to the total cost of the service funded by the Council e.g. live in carer but in some cases the contribution will be applied to the average cost e.g. home care and not the actual cost to the Council,
- Contributions will not exceed either the cost of the service or a person's individual budget (if they receive one),
- Contributions will not be required for the cost of the assessment or administration processes for the service provided, except that where an external brokerage service is provided this will be included as part of the personal budget,
- Benefits advice will be available to individuals through the assessment process to try and ensure that they have access to their full benefits and entitlements,

- If an individual does not pay their assessed contribution, or lodges an appeal against the assessed contribution, the Council will not refuse or withdraw services which meet a person's assessed needs.
- Where an individual does not pay their assessed contribution debt recovery will be pursued for all outstanding verified contributions and court proceedings will be initiated if invoices are not paid.

5. Types of Non-residential Services

The Council funds a wide range of adult social care services. The following describes what are provided without charge and what might incur a contribution:

5.1 Services Provided Free of Contributions

The Council can not apply any contribution towards:

- Community equipment services, including assistive technology, costing less than £1,000 (supplied as a result of an assessment) as defined in the Community Care (Delayed Discharges etc.) Act 2003. Examples of these include commodes, stair rails and grab rails.
- Intermediate Care services. If these are in addition to an established (albeit in some cases interrupted) package of support, contributions will continue against the established package. The individual's assessment will identify those services provided under Intermediate Care arrangements.
- Assessment and care planning services – such as supported self assessment, needs assessment, support planning and care management

5.2 Services where a contribution will be sought

People will be assessed to make a contribution for most other adult social care services, including those taken by way of a direct payment. This includes:

- Home Care (including the cost of two carers where these are necessary)
- Community Support,
- Day Care and Out reach support,
- Transport,
- Employment Support
- Respite care in a residential/nursing home (not exceeding 56 consecutive nights)
- All services arranged within a Personal Budget, including the cost of brokerage services provided outside the Council

This list is not exhaustive and other services which are not the 'non traditional' community care services listed above will require an assessed contribution (except where there is statutory guidance or a Council policy already in place on contributions for such services).

5.3 Services Outside of the 'Fairer Contribution' Policy

Adult Social Care provides a number of other services which are not community care services. These are subject to separate legislation over contributions and are not covered in this policy:

- Meals at a Resource Centre. These will be subject to a flat rate charge and although this charge will be added to any weekly assessed contribution it will not be subject to the financial assessment process.
- After-care services under the Mental Health Act (Section 117).
- Advice and assessment.
- Care for sufferers of CJD.
- Any services funded by the NHS (e.g. Continuing Health Care).
- Occupational Therapy/Equipment.
- Reablement Care Services
- Issue of Blue Badges

6. Assessing a Financial Contribution

6.1 Overview of the financial assessment process

A full financial assessment will be undertaken for individuals who receive services for which a contribution can be made, including those who are in receipt of a personal budget. This is in order to establish an individual's ability to contribute towards the total cost of their chargeable services.

The financial assessment will ensure that individuals:

- Have sufficient money to meet their basic housing costs and some disability related expenditure
- Retain their basic 'Protected Income', so this is not included in the assessment calculations, where their capital is below the upper threshold

The assessment calculation is summarised as:

Assessable Income (see 6.2)

Less: Protected Income (see 6.3)

Less: Housing Costs (see 6.4)

Less: Disability Related Expenditure (see 6.5 to 6.7)

Less: Other Allowable Expenses

Equals: Assessed Contribution



Where individuals have capital this may affect the assessed contribution. If an individual's capital exceeds the limits specified in CRAG (see Appendix 2), they will be required to pay the full contribution for services supplied. Property (and income from property) will be treated in accordance with CRAG except that the value of the main home is not included in the calculation. If the capital is below this limit there may be an assumed income called *tariff income* that is included in the calculation. This is explained in section 6.8.

Where an individual is co-habiting as part of a couple, it is the Council's policy to assess the contribution in the way which is more beneficial to the individual. This will only apply if the individual has not already been assessed as liable to pay the full cost due to their own capital and 50% of any jointly owned capital. This process is explained in more detail in section 6.8.

The Council has currently set a minimum contribution, currently £1.25 per week (see Appendix 2). If an individual's assessed contribution is less than this minimum, no charge will be made as it is not viable to collect a contribution below this level.

Examples of calculated contribution are provided at Appendix 1.

As part of the financial assessment process, advice will be provided to individuals regarding benefit entitlement. Assistance will be available to complete benefit applications should a potential entitlement be identified.

Where assistance is provided in applying for a benefit, the individual will be notified of the effect of the new benefit on their assessed contribution, which will be backdated to the date of award.

6.2 Assessable Income

The assessment process will look at the total income an individual has available to make a contribution. In line with legislation or national guidance certain sources of income will be treated differently in the calculation, as explained below.

The income below will **not** be included in the assessment:

- Earnings (as per DOH guidance)
- Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance
- Mobility component of Disability Living Allowance
- Night time element of the care component of Disability Living Allowance and Attendance Allowance unless night time care/support is provided by Adult Social Care
- Any Charitable Income
- Savings Credit element of Pension Credit
- Working Tax and Child Tax Credit
- War widows' supplementary pension
- A partner's disability related benefits
- Winter fuel and Cold Weather payments
- Social Fund Payments
- Maintenance payments specifically relating to a child
- Child benefit.
- War Disablement Pension or Armed Forces compensation Scheme: Guaranteed Income Payment and War Widows Pension or Armed Forces Compensation Scheme

The sources of income below will only partially be included in the assessment:

- Survivors Guaranteed Income Payment (The first £10 per week has to be disregarded, but anything above this is included)
- Sub tenants – Treatment of any income from sub tenants will be in accordance with the current CRAG (Presently the first £20 per week has to be disregarded, but anything above this is included)
- Boarders - Treatment of any income from boarders will be in accordance with the current CRAG (Presently the first £20 per week plus half of any income over £20 per week has to be disregarded, but anything above this is included).

Individuals whose capital and savings are less than the maximum limit as set out in CRAG but above the CRAG lower limit (shown in *Appendix 2*) will have a tariff income assumed. This will be calculated in accordance with the rules specified in CRAG. Unless stated otherwise in this policy, the treatment of all other income will follow CRAG.

If individuals have released funds using Equity Release Schemes the income may be included in the financial assessment process. Refer to *Appendix 3* for further information.

6.3 Protected Income

Individuals whose capital is below the upper capital threshold will retain income equivalent to either basic Income Support or Pension Credit Guarantee level plus 25% as 'Protected Income', which is not included in the assessment calculation. This amount will depend on the individual age and benefit entitlement as per DOH guidance.

6.4 Housing Costs

The following household expenditure may be allowed in the contribution calculation depending on the individual's circumstances:

- Rent (net of housing benefits)
- Mortgage (net of income support or pension credit assistance)
- Board and lodgings (as defined and managed in CRAG)
- Council Tax (net of Council Tax Support)
- Building insurance (not including contents)
- Essential service charges and ground rent (net of assistance funding)

6.5 Disability Related Expenditure

The Department of Health defines Disability Related Expenditure (DRE) as any reasonable additional cost that the individual incurs to meet their specific needs due to a disability or condition. To ensure that the individual retains appropriate funding to meet these costs, an allowance for DRE is included in the assessment process where applicable.

NB: Disability related expenditure is not restricted/related to West Berkshire Council's eligibility criteria under Fair Access to Care. DRE is related to any presenting need identified in the community care assessment which is not met by WBC under its Eligibility criteria.

Therefore, DRE will be considered when:

- The extra cost is needed to meet an individual's specific need due to a condition or disability as identified in the individual's community care assessment; and
- The cost is reasonable and can be verified (Receipts will be requested); and
- It is not reasonable for a lower cost alternative item or service to be used; and
- The expenditure is required to meet the individual's presenting care needs.

The Council has a schedule of reasonable DRE costs (see *Appendix 4*). These costs will be reviewed each year.

6.6 Exclusions to a DRE

All decisions on whether expenditure is DRE will be made with reference to individual circumstances. However, DRE allowance will not usually be made for the following :-

- General items or services required for daily living, which would be used by the general population and not specific to a condition or disability i.e. food and utility bills
- Structural or landscaping work (e.g. tree surgery, path laying or re-laying) in gardens or house;
- Window cleaning
- Amounts paid in relation to private care arrangements that falls outside of an individual's assessed care needs
- Any item or service met by a payment from a Community Care Grant or where another funding source has been provided
- Cleaning that falls outside of an individual's assessed care needs
- Gardening that falls outside of an individual's assessed care needs
- Laundry that falls outside of an individual's assessed care needs
- Cost of someone going to do the individual's shopping
- Enrichment activities
- Social activities
- Dental Treatment (including dentures)
- Optical Treatment (including glasses)
- Hearing aids (including batteries and insurance)
- Massage
- Hydrotherapy
- Physiotherapy
- Toiletries
- Broadband and telephone charges
- Alternative therapies/medicines
- Personal assistant that falls outside of an individual's assessed care needs
- Mobile phone charges
- Household cleaning products
- Dog walking
- Sky or other Media packages
- The difference between the actual cost and the lower cost alternative where it is reasonable for the individual to use a lower cost alternative and the lower cost alternative is available

Where a particular item of expenditure combines more than one item or service, instead of disallowing all of the expenditure, the elements that meet the individual's specific need due to their disability or condition can be allowed. For example hair washing is allowed if the individual could not

do this task themselves. However, hair cutting would not be allowed as this is a service used by the general population and is not a disability related expense.

The individual will be requested to provide receipts for expenses claimed. If previous receipts have not been kept, the individual will be asked to provide receipts of future expenses. Receipts or evidence is required for common expenses, i.e. utilities. The amounts in *Appendix 4* show an average expenditure for various household types. This will be used to calculate the extra costs due to the individual's condition or disability. These amounts will be reviewed annually. If the individual does not provide receipts, despite requests to do so, the Council will decide that the expense should not be allowed.

6.7 Special Equipment

Costs for purchasing special equipment (e.g. stair lifts) will be allowed if they meet the individual's specific need due to a disability or condition. The amount allowed will be based on the life span of the equipment and the purchase price paid by the individual, where this is considered reasonable. This allowance will not apply if the purchase was funded by a Disabled Facilities Grant or any other source of external funding.

Maintenance and repair costs for special equipment will also be allowed if that equipment meets the individual's specific need due to a disability or condition. The weekly amount allowed will be the annual cost divided by 52 weeks.

6.8 Other factors that affect the assessment

Shared costs

If more than one person lives in the individual's home the additional costs relating to a disability or condition will be shared between the occupants whose needs contribute to the additional costs.

Capital

The value of capital and assets is as defined in CRAG and the National Assistance (Assessment of Resources) Regulations (1992).

Individuals with capital above the CRAG upper limit (including property but excluding the value of their main home), are liable to pay the full contribution for services supplied (or towards the personal budget). When an individual moves out of a property that they own and becomes ordinarily resident in alternative accommodation, the owned property will no longer be deemed their main home and will be regarded as capital for the purposes of the contribution assessment.

Where individuals have capital value below the CRAG upper limit, but more than the CRAG lower limit, their ability to contribute will be assessed using standard processes and take into account an assumed weekly income from the capital. This is called *tariff income*.

The capital limits will be reviewed annually in accordance with CRAG. If an individual knowingly reduces their capital in order to reduce their contribution (for example by excessive spending or gifting), this will be taken into account in the assessment and the contribution may be calculated as if that person still holds the capital that has been disposed of.

Couples

Where an individual is co-habiting as part of a couple, the assessment process is summarised in the sections below. This only applies if the individual hasn't already been assessed as liable to pay full cost based on their own capital and 50% of any jointly owned capital.

For these purposes a couple is defined as follows:

- A legally married husband and wife
- Two individuals who have lived together as a married husband and wife for at least twelve months but who are not legally married

- Two individuals of the same sex who under the Civil Partnership Act 2004 have formed a civil partnership
- Two individuals of the same sex who have lived together as a couple for at least twelve months but who have not formed a formal civil partnership under the Civil Partnership Act 2004.

When assessing one member of a couple the Council's has the discretion to assess in the most beneficial way to the individual. All couples will be offered a joint assessment to identify the most beneficial outcome, whilst noting that a spouse or partner is not obliged to disclose their own resources, should they choose not to. However they will be required to identify any income or capital (such as a welfare benefit) that both members of a couple are entitled to jointly.

When assessing one member of a couple as a single person:

- 100% of solely owned and 50% of all jointly owned capital and savings will be taken into account (excluding the value of the main home);
- All assessable income appropriate to the individual will be considered;
- An allowance will be made for 50% of the couple's total joint basic household expenditure;
- The 'protected income' will be 50% of the couple's allowance
- An allowance will be made for the individual's Disability Related Expenditure

When assessing as a couple:

- The income and savings capital for the couple will be considered. If the spouse or partner is not willing to disclose this information, the individual will be assessed as a single person;
- An allowance will be made for 100% of the couple's basic household expenditure;
- The 'protected income' level will be that of a couple;
- The couple's assessed disposable income is then halved prior to considering any individual Attendance Allowance or Disability Living Allowance awarded;
- An allowance will be made for the individual's Disability Related Expenditure
- When both partners receive support which is chargeable, the standard CRAG capital limits will be doubled.

7. Contributions Payable, the Contribution Period and Methods of Payment

7.1 Personal Budgets

The following points relate to contributions payable where an individual is in receipt of a personal budget:

- The contribution payable will either be the amount of the gross personal budget or the individual's assessed contribution, whichever is lower;
- Where an individual (or a suitable person who receives a Direct Payment on behalf of an individual) receives a Direct Payment their contribution will be paid in full (this process may change in future);
- An individual will be invoiced for their contribution to the personal budget. An invoice will be raised to the individual every twenty eight days in arrears.
- Individuals will contribute from the date the personal budget commences.
- Personal Budgets will be audited on an annual basis and any unspent money will need to be repaid.

7.2 Other Services

The following points relate to contributions payable where an individual has their support needs met by services organised by the Council after an assessment of need:

- The contribution payable will either be the actual chargeable cost of services supplied during the period or the individual's assessed contribution, whichever is lower
- Where an individual (or a suitable person who receives a Direct Payment on behalf of an individual) receives a Direct Payment their contribution will be invoiced every 28 days in arrears
- Where a Direct Payment is not received an individual will be invoiced for their contribution towards costs. An invoice will be raised to the individual in arrears after every twenty eight day period.
- Where a service was supplied or was available but the individual does not receive it because they are absent – for example they are away from their home at the time they are due to receive home care, a contribution will still be required unless the absence has been pre-notified (at least 24 hours in advance to the Council) or is due to hospitalisation, illness or other circumstances beyond the individual's control. Where an individual believes they should not be required to contribute to a service they should contact their care manager in the first instance.
- Any overpayments will be reimbursed to the individual or credited towards the cost of future services. The individual will be notified accordingly; and
- Individuals will contribute from the date the service commences.

7.3 Charging Week

An individual's assessed contribution will apply to any services (including non-residential or respite care) provided in each charging week. A charging week starts on a Monday and ends on a Sunday. For example services that run from Wednesday to the following Tuesday will be charged across two charging weeks, except where an individual receives only respite care, when the contribution will be apportioned over the number of nights an individual is in respite.

8. Non disclosure of Financial Details

Individuals have the right to choose not to disclose their financial details. If this right is exercised they will be required to pay the full contribution applicable at the time the service was provided or personal budget was received.

9. Delays in completing the Financial Assessment

If an individual unreasonably delays completing the financial assessment they will be required to pay the full cost of services supplied (or value of the personal budget), until a financial assessment is completed. If a financial assessment results in a lower contribution than this, consideration will be given to refunding the difference depending on the circumstances of the case. Discretion in this matter will be held by the relevant budget holding manager within Adult Social Care.

'Unreasonable delay' will be determined on a case by case basis, however as a general rule the Council will expect the individual or their representative to be available for a visit within 2 weeks of contact from the Welfare Benefit team. Where the individual or representative prefers to complete the financial circumstances statement by post, then it is expected that this will be returned to the Council within 2 weeks. If further information is required for the financial assessment then it is expected that the individual will provide this within 2 weeks of the date it was requested.

If the individual co-operates with the assessment within 28 days of service commencement, any reduction in contribution will be reimbursed or credited against future service costs.

10. Debt Recovery

If the individual does not pay the contribution either in full or in part and the invoice remains unpaid, the Council's debt recovery procedures will be instigated. This may result in legal action and extra costs to the individual.

11. Review of Financial Circumstances

Individuals are required to inform the Welfare Benefit team as soon as their financial circumstances change, as this may affect their assessed contribution. This specifically includes receipt of a new benefit or if they believe that a change will result in a reduction to their financial assessment and want it to be applied immediately.

Following notification of a change or a review visit, a new financial assessment will be completed using the information provided. If the revised assessment results in an increase in the weekly contribution, the individual will be notified of the revised contribution and it will be backdated to when the individual's circumstances changed.

If the revised assessment results in a decrease in the weekly contribution, this will be backdated to one month before the date of the review or the date that the individual's circumstances changed, whichever is the later date.

The individual's financial circumstances and assessed contribution may be reviewed at any time. Occasions that may instigate a review are listed below.

- On request from the individual or his / her authorised representative
- Following an award or withdrawal of a benefit
- When new information is received as to the individual's income and expenditure
- When the Department of Work & Pensions increases benefits
- As a result of any changes during the budget setting process
- At the request of the appropriate Service Manager

12. Annual Review

In addition to the reviews described above, the financial assessment will be reviewed annually to take account of the annual increases in benefits and other incomes which take place each April. Where the individual is in receipt of benefits paid at standard rates, the revised amount will be substituted. Benefits paid at non standard rates will be increased by the same inflator used by the Department of Work and Pensions to increase benefits.

For other components of the financial assessment, such as occupational pensions, a percentage increase linked to Consumer Price Index (CPI) will be applied unless another amount is agreed in the Council's annual budget setting process. Disability related expenditure, rent and Council tax will not automatically be increased.

Changes resulting from the annual increases or the application of a revised protected income rate will apply from the date assigned to these changes. An explanation and full details of the revised assessment will be sent to the individual, who will be asked to check the figures and contact the Welfare Benefit team if they believe it is not an accurate representation of their circumstances.

13. Contribution Issues

West Berkshire District Council aims to ensure all assessed individuals' financial contributions for services are fair and reasonable. The Council acknowledges that at times, some individuals may experience difficulties or exceptional circumstances which should be considered on an individual basis, and treated with dignity and respect. To ensure these individuals are provided with an opportunity to have their own circumstances considered, the Council offers two ways they can formally request that their assessed contribution is reconsidered, through:

- Waivers; or
- Reviews & Appeals processes

13.1 Waivers

A waiver is a request to set aside the assessed contribution for a fixed period prior to any invoices being raised. A waiver will only be issued in exceptional circumstances, where to raise a contribution would have a detrimental impact on the individual or others. If a waiver may be appropriate this will be referred to the relevant budget holding manager.

If the relevant budget holding manager agrees that the contribution would have a detrimental impact on the individual, then the contribution will be suspended for up to three months and then reviewed. Examples of reasons to issue a waiver may include (this is not an exhaustive list):

- Vulnerable adults at risk of abuse, and where Adult Social Care are closely monitoring the situation;
- Individuals at risk of self-harm or neglect e.g. through drug or alcohol abuse or mental health problems;
- Where individuals are experiencing trauma (e.g. bereavement of a close relative or family breakdown and where their financial or other circumstances are temporarily unstable);
- Where an individual is in severe financial difficulty and to incur a further debt would have a detrimental impact on them.

Any requests for such waivers must be recorded on an Adult Social Care Waiver Form. Any waivers over £1,000 will require the approval of both the relevant budget holding manager and the Head of Adult Social Care. A copy of this form will be held by the Welfare Benefit Team Manager who maintains a record of all waivers so that they can be highlighted to the Council's Section 151 Officer on a quarterly basis.

13.2 Reviews and Appeals

The Council has a robust appeals process to ensure individuals can express their views, request a review or lodge an appeal against their assessed contribution. This process does not form part of the complaints process and this process should be followed before making a complaint. The Council welcomes feedback from individuals, and has dedicated officers to manage the review, appeals and complaints processes.

An individual can appeal if:

- If they are dissatisfied with their assessed contribution calculation,
- They believe that they have insufficient funds to pay the contribution, or
- They believe that the contribution is incorrect (i.e. incorrect cost of service have been charged)

In any of these circumstances they have the right to request a review under the non-residential contribution Review and Appeals procedure.

The individual or their authorised representative can start the review process at any time by contacting their social worker or the Welfare Benefit Team.

Review and Appeals Procedure

West Berkshire District Council's Review and Appeals procedure exists to protect the rights of all individuals by encouraging a fair and open resolution of any issues. This process provides a safeguard to those people who have been assessed to make a contribution, however cannot reasonably afford to pay the assessed contribution (or part of it), or feel that the contribution has been incorrectly assessed.

Under Section 17 (3) of the Health and Social Services and Social Security Adjudication Act (HASSASSA) 1983 individuals have the right to ask the Council to review their contribution at any time if they receive a service from the Council, for which they are being asked to contribute and they believe their contribution is too much.

The person can request a review, and if they can demonstrate to the Local Authority that their means are insufficient for them to reasonably pay the assessed contribution the Local Authority may reduce the amount of the contribution accordingly. In some case they may waive the contribution.

However, it is for the person, with help if necessary from an adviser, friend or advocate to demonstrate to the Local Authority that their means are insufficient to reasonably meet their assessed contribution.

The Review and Appeals Process

As with all contributions, the individual will have a comprehensive financial assessment and be notified of their assessed contribution towards their care.

Where an individual can provide supporting evidence to the Council to demonstrate that they have been unfairly assessed or are unable to afford the contribution, they can request a review of their contribution or lodge an appeal. If individuals are concerned about their contribution, they should contact the Welfare Benefit team as soon as possible to resolve the issue promptly.

The council will consider reviews or appeals within 3 months of the date of charge notification and only accept at its discretion those received outside this timescale.

Stage 1 – Review of the assessment

Individuals can request a review by having a simple review form completed. This can be completed in by the individual, or with assistance from a family member, friend, Care Manager/ Social Worker, or advocate via the telephone, or email.

Once this completed form and information to support the review is received, the case will be reviewed within 10 working days.

The review will be considered by the Welfare Benefit Team Manager who will:

- Review information from the Financial Assessment, ensuring the information is accurate and complete;
- Establish whether the individual has additional factors or information which should be taken into consideration;
- Request the contribution to be re-calculated, if appropriate;
- Advise the individual of the review outcome and any changes to the contribution, effective date, and the individual's right to access the next stage of the process if they are still dissatisfied with the outcome and explanation provided.

This advice will be provided in writing and be ready for collection or delivery within 24 hours of Welfare Benefit Team Manager's decision.

The individual should request the review panel stage within 10 working days of the review outcome.

If the Welfare Benefit Team Manager requires clarification from the individual regarding their application for review, they will make contact with them within 10 working days. Where there is doubt regarding the stated expenditure, or expenses appear higher than typically expected, the Welfare Benefit Team Manager will request supporting evidence from the individual, as well as use their discretion in making decisions about the appropriate allowances to be awarded.

Where an individual does not co-operate with the review process, or refuses to provide satisfactory evidence, they will continue to contribute the assessed amount, or the actual cost of services supplied (if higher).

Non co-operation or objection to the principle of making a contribution will not qualify a user for a reduction in their contribution.

While a review is being undertaken, the individual will continue to pay the assessed contribution until the Welfare Benefit Team Manager decides to change or continue the assessed contribution.

The Welfare Benefit Team Manager has the discretion to backdate contribution reductions to the date of the request for an appeal, or in exceptional circumstances, to the date the charges commenced.

In cases where it appears that the individual can not reasonably be expected to pay the assessed contribution the Welfare Benefit Team Manager can defer contributions until the review is completed.

Stage 2 – Appeals Panel

If the individual is still dissatisfied at the end of the stage 1 review, they can appeal against the reviewed decision. Appeals will be considered by an Appeals Panel.

This panel consists of three people, the Client Financial Services Manager, a care Service Manager and a Team Manager or Assistant Team Manager. The Appeals Panel will be convened within 15 working days of the Council receiving the initial request for a review.

Both the Welfare Benefit Team and the individual can provide written submissions to that panel before the panel hearing.

In extraordinary circumstances if the panel members consider from the submissions that the appeal is “frivolous, vexatious, repetitive or out of jurisdiction” the panel can recommend to the Head of Adult Social Care that the appeal should not be heard. The decision of the Head of Adult Social Care as to whether to proceed is final.

The Review Panel will consider the issues and information presented at the stage 1 review and any new related information. The individual may make representations themselves or a nominated representative can make representations to the panel meeting.

The Panel will be able to hear from the individual and Welfare Benefit Team Manager and seek legal advice where appropriate.

The Chair of the Review Panel will advise the Head Adult Social Care and the individual of its findings and recommendations in writing, within 2 working days of the panel hearing.

The Head of Adult Social Care will respond in writing to the Review Panel's recommendations and identify any the action the Council will take within 3 days of receiving the Panel's recommendations.

The decision of the Adult Social Care Department prevails. Where the individual is still dissatisfied with the outcome they have the right to access the statutory complaint procedure. Timescales for the acceptance of complaints will be consistent with those used in the Statutory Complaints Procedure.

14. Independent Living Fund

The Independent Living Fund (ILF) is a national resource dedicated to the financial support of disabled people to enable them to choose to live in the community. This financial support was available to those who meet certain eligibility criteria, including being in receipt of support funded by Adult Social Care of more than £320 per week (excluding any contributions from individuals), aged between 16 and 65 and in receipt of the higher rate care allowance of the Disability Living Allowance.

Recipients of awards from ILF will continue to be financially assessed for their contribution towards adult social care. As part of their agreement with ILF they may be asked to make a contribution towards their ILF award. This contribution will be included in the financial assessment process.

The Independent Living Fund is closed to new applications and will be completely closed on 30 June 2015.

15. Privacy

Information will be collected to enable the calculation of contributions relating to services provided and assessment of welfare benefit entitlement. In accordance with the *Data Protection Act 1998*, this information will only be shared with other relevant people and agencies in accordance with the data protection principles or with the written consent of the individual or their legally appointed representative. An individual has the right to request to view their personal information held by the Council at any stage.

16. Equality Impact

An equality impact assessment has been undertaken for West Berkshire District Council's *Fairer Contribution Policy* to understand the likely impact of this policy on vulnerable people with the protective characteristics outlined in Equalities legislation.

Where there is an adverse impact on individuals, they may be considered under the transitional arrangements.

Appendices

Appendix 1 Example Contribution Calculations

In this Appendix, income means the total money an individual receives that is taken into account in the calculations and allowances mean the minimum total income an individual is allowed to keep before a contribution is required.

Examples use 201/15 Benefit rates

Example 1 Single person pensionable age no disability-related benefit

Income	
State Pension	£107.45
Pension Credit	£ 40.90

Total Income =	£148.35

Allowances	
Pension Credit Guarantee	£148.35
Plus 25% Buffer	£ 37.09

Total Allowances =	£185.44

As the income is less than allowances no contribution will be payable by the individual

Example 2 Single person aged between 18 and pensionable age + DRE of £30.00

Income	
Income Support	£104.25
Disability Living Allowance	£ 54.45

Total Income =	£158.70

Allowances	
Basic Income Support	£104.25
Plus 25% Buffer	£ 26.06
DRE	£ 30.00

Total Allowances =	£160.31

As the income is less than allowances no contribution will be payable by the individual

Example 3 Single person over pensionable age + DRE of £5.50

Income	
Retirement Pension	£135.00
Occupational Pension	£ 25.00
Attendance Allowance	£ 54.45
Tariff income (on Capital of £18,000)	£ 16.00

Total Income =	£230.45

Allowances	
Basic Pension Credit	£148.35

Plus 25% Buffer	£ 37.09
DRE	£ 5.50

Total Allowances =	£190.94

Assessed maximum contribution = **£39.51** per week (i.e. the difference between Total Income and Total Allowances)

Example 4 Single person over pensionable age, with Attendance Allowance + DRE of £32.20

Income	
Retirement Pension	£107.45
Pension Credit (Inc SDP)	£102.00
Attendance Allowance	£ 54.45

Total Income =	£263.90

Allowances	
Basic Pension Credit	£148.35
Plus 25% Buffer	£ 37.09
DRE	£ 32.20

Total Allowances =	£217.64

Assessed maximum contribution= **£46.26** per week (i.e. the difference between Total Income and Total Allowances)

Appendix 2 West Berkshire District Council Charge Rates (2014-15)

Rates for 2014-15

- Homecare - £18.95 per hour
- Community Support - £17.12 per hour
- Day Centre - £44.20 per day
- Transport - £7.95 per trip
- Outreach - £17.12 per hour

Other services will be charged at the actual cost of the service.

Minimum Assessed Contribution £1.25 per week

Capital Limits 2014-15

Maximum threshold	£23,250 (full contribution applies above this level irrespective of income)
£0 - £14,249	Disregarded
Lower threshold	£14,250
£14,250 – £23,249	Tariff Income applied at the rate of £1 for every complete £250, or part £250.

Protected Income - individuals who capital is below the upper capital threshold will retain a level of income equal to the *basic income support* (Explained above) plus a 25% buffer. This is the *Protected Income*.

Appendix 3 Equity Release Scheme

The most common form of Equity Release Scheme is a Home Reversion Scheme (HRS), where a home owner will transfer the ownership of all or part of their home to a commercial or 'not for profit' organisation. Depending on the terms of the HRS, the funds released may be paid to the home owner in full on the date of the transfer, or may be translated into an annuity, or a combination of these.

Where a HRS results in the home owner receiving an annuity or where payments are made by instalments be they for life or for a fixed period, then all such payments will be treated as income, unless any of the following provisions apply:

- Where certain detailed conditions set out in CRAG relating to annuities are met, then specified amounts comprised within the gross income from the annuity can be disregarded, namely, the component of the gross income which represents the weekly amount of interest on the loan (net or gross of income tax, where applicable);
- Where any part of the income or capital derived from a HRS plan is used to fund capital developments or disability related works to the property in question, the income so used may be disregarded from the charge calculation. The service user must produce evidence to this effect in order to claim such a disregard;
- Where the released funds are paid in instalments the total value of all the instalments outstanding will be added to the total value of all other savings held by the service user. If this total exceeds the current CRAG upper capital limit, the instalments will be treated as income and taken into account over a period equivalent to that which it represents, e.g. a payment due to be made calendar monthly is taken into account for a calendar month; and
- If this total is less than the current CRAG upper capital limit, each instalment will be treated as capital.

Other forms of equity release schemes will be considered on an individual basis. Additional information about equity release schemes can be obtained from the Access For All team on 01635 503050.

Appendix 4 Disability Related Expenditure – guide amounts

ITEM	AMOUNT	EVIDENCE
Heating Allowance	<p>Single Person – Flat / Terrace £1,157 per year Couple – Flat / Terrace £1,526 per year Single Person – Semi Detached £1,229 per year Couples – Semi Detached £1,619 per year Single Person – Detached £1,495 per year Couples – Detached £1,1970 per year Difference between actual and average (above) will be divided by 52 to obtain a weekly expenditure.</p> <p>NB Where an individual lives in shared accommodation the allowance appropriate to the size of property they require will be used e.g. where 3 individuals share a property their share of the bills will be considered against those of a single person</p>	Bills from Provider
Community Alarm System	Actual cost unless included in Housing Benefit or Supporting People Grant.	Bills from Provider
Privately arranged care	Actual cost if included in care assessment to meets critical need and can not be met by West Berkshire Council.	Signed receipts for at least 4 weeks using a proper receipt book
Dietary needs	Max £2.96 pw if more than £25.85 pw per person is spent on food and non-alcoholic drinks AND dietary needs are identified in care assessment	
ILF	Client contribution as assessed by ILF	ILF award letter
Wheelchair/Scooter	£3.71 pw manual wheelchair £9.03 pw powered wheelchair	Evidence of purchase. Care manager or OT to confirm that this is an essential requirement. No allowance if equipment is provided free of charge
Powered Bed	Actual cost divided by 500 (10 yr life) up to a maximum of £4.16 pw.	Care manager or OT to confirm that this is an essential requirement. Evidence of purchase.
Turning Bed Actual	cost divided by 500 up to a maximum of £7.20 pw.	Care manager or OT to confirm that this is an essential requirement. Evidence of purchase.

Powered reclining chair	Actual cost divided by 500 up to a maximum of £3.27 pw	Evidence of purchase.
Stair-lift	Actual cost divided by 500 up to a maximum of £5.82 pw	Evidence of purchase without DFG input
Hoist	Actual cost divided by 500 up to a maximum of £2.85 pw	Evidence of purchase without DFG input
Wear and tear on clothing	Max £5.00 pw if more than £5.00pw is spent on replacements and need is identified in care assessment	Receipts
Wear & tear on bedding	Max £2.50pw if need is identified in care assessment	Receipts
Incontinence Aids	Not allowed unless identified in the care assessment that NHS supplies cannot be used or are inadequate.	Receipts
Chiropodist	Actual cost if identified in Assessment and NHS chiropodist not available. Based on 6 weekly visits.	Receipts
Hair Washing	Actual cost of washing & drying allowed where service user is unable to wash their own hair, and hair wash is not part of the care package. Actual average weekly costs up to £7.50/week	Receipts
Medical and chemist items	Consider items that should be made available via prescription. Allow cost of annual pre paid prescription divided by 52 weeks or actual cost, whichever is lower.	Receipts. Request for future receipts to be kept if unavailable
Travel costs	Costs net of any DLA Mobility Component may be allowed if they are incurred solely or mainly due to disability and the critical need is identified in the care assessment.	Receipts
Adaptations to property	Cost net of any Disabled Facilities Grant will be considered if they are critical to the individuals assessed care need, will be taken into account where any capital uses does not have an affect on the assessment. If capital was below the lower threshold then the cost will be allowed over 5 years	Receipts
Other Costs	As identified in the care assessment to meet an individuals critical care needs that are not excluded DRE items	Receipts

Appendix 5 Glossary of Terms

Basic Income Support

This term refers to the basic level of Income Support **or** guarantee level of pension credit (for individuals over pensionable age). The amount considered 'basic' is annually determined by the Department of Work and Pensions.

Charging for Residential Accommodation Guide (CRAG) Published by the Department of Health and available at:

www.dh.gov.uk/PublicationsAndStatistics/Publications/PublicationsPolicyAndGuidance

CRAG offers guidance to Local Government Authorities on financially assessing individuals for contributions to services.

Day Care Services are for the elderly and people with disabilities and offer a range of activities and college tutored courses.

Direct Payments are payments made to an individual to allow them to meet their own support needs rather than services being provided directly by the Council

Guarantee Credit (Pension Credit Guarantee) Replaced Income Support for people over pensionable age. If your income is below a certain level, the guarantee credit makes up the difference.

Home Care/ Home Support services can include:

- Intimate personal care
- Prompting of medication
- Preparation and cooking of food
- Specialised help for service users suffering from Dementia.

Income Support A benefit for people with a low income. It can be paid on its own if you have no other income, or it can top up other benefits or earnings to the basic amount the law states people need to live on.

Intermediate Care is a coordinated short term care arrangement of up to six weeks to enable people to maximise their level of independence in order for them to remain living in the community.

Personal Budgets are an allocation from the Council to an individual eligible for social care support based on an assessment of need. The individual can use this allocation in the most appropriate way to meet his support needs, either by deciding what services the Council should provide, or, if they would like to obtain the services themselves, by receiving a Direct Payment.

Protected income

The non residential financial assessment process will always ensure that individuals whose capital is below the upper capital threshold will retain a level of income equal to the *basic income support* (Explained above) plus a 25% buffer. This is the *Protected Income*.

Savings Credit (Pension Credit Savings)

For people aged 65 and over, this is intended to reward people who have made provisions for retirement above the basic state pension.

Tariff Income

Where individuals have capital of £14,250 or more, but less than £23,250 (based on the 2011 – 12 rates), an assumed level of income (£1 per week for every £250) will be included in the financial assessment. This is called *Tariff Income*.

Appendix B

7 December 2011

Adult Social Care

West Berkshire District Council
West Street House
West Street
Newbury
Berkshire RG14 1BZ

Our Ref: Proposed increases

Your Ref: Pxxxx

Please ask for: Jan Evans

Fax: 01635 503388

e-mail: jevans@westberks.gov.uk

Dear Mrs XXX

Re **Mr XXXX**

I am writing following on from my recent letter regarding the proposals that West Berkshire Council has published for 2012/13, which may impact on the services you receive and the way in which you contribute towards the cost of these services.

The reverse of this letter shows how your current financial assessment would be affected if all of the proposals are implemented.

Details of the nature of the proposals were published on Thursday 24th November through the West Berkshire Council website – see Consultation Finder at www.westberks.gov.uk/research. Alternatively contact Adult Social Care on 01635 519029, leaving your name and address on the dedicated answer phone and we will send out the proposals to you.

Any feedback you may have should be sent to me at the above address by Friday 20th January 2012. Information on the range of alternative ways available to comment on the proposals is also published on the Consultation Finder. We will also be writing to you again to confirm your contribution in March 2012.

We would like to assure you that the services you currently receive will not be affected at this point in time and you will be informed before any changes are made as a result of these proposals.

Yours sincerely,



Jan Evans
Head of Adult Social Care

Service Details

The details of your current care package are as follows:

Day Centre	x	5 Days (NonRes) every week	=	£209.00
Personal Budget Day Centre	x	1 Day every week	=	£41.80
Personal Budget Day Centre	x	2 Days every week	=	£83.60
Personal Budget Transport	x	2 Trips every week	=	£10.50
Personal Budget Transport	x	3 Trips every week	=	£15.75

Total cost of the care package you receive (per week): **£360.65**

Income

DLA Care Middle Rate	£49.30
DLA Mobility Low Rate (<i>value of 19.55 not included in calculation</i>)	£0.00
Income Support	£19.78
Severe Disablement Allowance - high rate	£76.75
Total Income per week:	£145.83

Expenditure

General living allowance £120.44

Disability Expenditure

Extra Laundry	(<i>value of 10.00 not included in calculation</i>)	£0.00
Other (1)	<i>Gateway Club + swimming (value of 7.20 not included in calculation)</i>	£0.00
Other (2)	<i>petrol for parents (value of 10.00 not included in calculation)</i>	£0.00
Total allowances per week:		£120.44

The proposed contribution from April 2012 towards non-residential care services (including respite care) is £25.39 a week. If you believe this proposed assessment will cause significant financial hardship please contact the Welfare Benefit Team on 01635 519004 for a revised assessment.

Agenda Item 12.

Title of Report:	The impact of welfare reform in West Berkshire
Report to be considered by:	Overview & Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To identify recommendations for consideration by the Executive.

Recommended Action: To agree further scrutiny activity and recommendations for onward consideration by the Executive.

Key background documentation: Minute 80 from the meeting of 25 February 2014.

Overview and Scrutiny Management Commission Chairman	
Name & Telephone No.:	Councillor Brian Bedwell – Tel (0118) 9420196
E-mail Address:	bbedwell@westberks.gov.uk

Contact Officer Details	
Name:	David Lowe
Job Title:	Scrutiny and Partnerships Manager
Tel. No.:	01635 519817
E-mail Address:	dlowe@westberks.gov.uk

Executive Report

1. Introduction

- 1.1 At its meeting of 25 February 2014 the Overview and Scrutiny Management Commission considered an item outlining the local impact of the government's changes to the welfare system.
- 1.2 The Commission resolved that the Chairman (Councillor Brian Bedwell) would work with Councillor Tony Vickers to identify recommendations for the Executive and future Scrutiny activity.
- 1.3 This report sets out a number of proposals for the Commission's consideration as activity within its own work programme or for onward recommendation to the Executive.

2. Proposals

- 2.1 The suggestions below are proposed for submission to the Executive.
 - (1) The Head of Finance should make arrangements for any monies allocated for Discretionary Housing Payments remaining unspent at year end to be carried forward to subsequent years.
 - (2) The Housing Strategy and Operations Manager should amend the Policy for Discretionary Housing Payments to allow the period for awards to extend past the existing annual 31 March cut off.
 - (3) The extent to which the Housing Strategy and Operations Manager has been able to encourage all Registered Social Landlords in West Berkshire to make full and effective use of the 'Homeswappers' website.
 - (4) The extent to which the Housing Strategy and Operations Manager has been able encourage Registered Social Landlords to advise, or remind, their tenants that it is permissible for their spare rooms to be sub-let.
 - (5) The Head of Finance should investigate the feasibility of Registered Social Landlords being able to leverage the Council's borrowing potential with the Public Works Loan Board to secure funding for the development of social housing.
 - (6) The Head of Customer Services should establish a working group to identify and implement actions that will mitigate the potentially negative effects of the welfare change programme on social housing tenants.

Membership of the group might include representation from Sovereign South+West, the Housing Strategy and Operations Manager, the Client Financial Services Manager and the Economic Development Officer.

Initiatives to be considered would include the provision of assistance in finding employment; help with the organisation and logistics of

downsizing; and support accessing online claims and other information associated with Universal Credit.

- (7) The Scrutiny and Partnerships Manager should request that the Department of Works and Pensions in its introduction of the Universal Credit:
 - (a) remove the obstacles to the sharing of personal data with local authorities and Registered Social Landlords
 - (b) ensure that the provision of advice and guidance for those affected is appropriately funded and supported.

2.2 In addition to the recommendations to the Executive, it is proposed that the local impact of the welfare changes be considered again by the Commission at its meeting of 16 September 2014 with a focus on

- (1) A report from the Head of Customer Services on any relational or causal link between
 - (a) rates of employment
 - (b) the number of summonses for non-payment of Council Tax
 - (c) the number claimants of Council Tax Support.
- (2) Performance information from the Department for Work and Pensions about the time taken to process new and amended benefit applications (Scrutiny and Partnerships Manager to obtain).
- (3) Performance monitoring data from Sovereign South + West on the number of evictions taking place in West Berkshire and, if held, any comparator data (Scrutiny and Partnerships Manager to obtain).

3. Recommendation

- 3.1 It is recommended that the Overview and Scrutiny Management Commission agrees the action to be taken following the consideration of the welfare changes item on 25 February 2014.

Appendices

There are no appendices to this report.

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Title of Report:	Review into the governance arrangements for Children's Services
Report to be considered by:	Overview and Scrutiny Management Commission
Date of Meeting:	20 May 2014

Purpose of Report: To outline to the Overview and Scrutiny Management Commission proposed Terms of Reference for a review into the governance arrangements for Children's Services.

Recommended Action: Amend, if necessary, and approve the Terms of Reference for the review.

Overview and Scrutiny Management Commission Chairman	
Name & Telephone No.:	Councillor Brian Bedwell – Tel (0118) 942 0196
E-mail Address:	bbedwell@westberks.gov.uk

Contact Officer Details	
Name:	David Lowe
Job Title:	Scrutiny and Partnerships Manager
Tel. No.:	01635 519817
E-mail Address:	dlowe@westberks.gov.uk

Executive Report

1. Introduction

- 1.1 At its meeting of 25 February 2014, the Overview and Scrutiny Management Commission agreed to conduct a review of the governance arrangements in place for the activities being carried out by Children's Services. The form containing the reasons for the subject's suggestion is shown at Appendix A.
- 1.2 This report sets out the proposed Terms of Reference for a task group review of the topic.

2. Proposed Terms of Reference and methodology

- 2.1 It is proposed that the review examines the extent to which the bodies that are in place to ensure that social care practise for children and young people is safe and effective, collectively provide a framework that is necessary, comprehensive, efficient and effective and in particular:
- The role of each of the component part of the governance framework
 - The effectiveness and efficiency of the framework, as whole and by its constituent parts
 - Identification of areas for improvement
 - Report to the OSMC thence the Executive with recommendations as appropriate.
- 2.2 The review will be carried out through the establishment of a time-limited task group, comprising 4 members (3 x Conservative members, 1 x Liberal Democrat).

3. Recommendation

- 3.1 It is recommended that Members of the Commission amend, if necessary, and approve the Terms of Reference for the review.

Appendices

Appendix A – Scrutiny suggestion form

Consultees

Local Stakeholders: None
Officers Consulted: Rachael Wardell
Trade Union: None

Appendix A – Scrutiny suggestion form

About you – contact details	
Firstname*	Rachael
Surname*	Wardell
Address	West Street House
Email Address	rwardell@westberks.gov.uk
Telephone Area Code/Number*	01635 519722

Your suggested topic(s)	
Your suggested topic for scrutiny:	
The governance arrangements in place for Children’s Services	
Your reasons for requesting that this topic be considered:	
<p>There are currently in place a number of governance bodies that aim to ensure that social care practise for children and young people is safe and effective. Each of these bodies focuses on specific aspects of social care and services for children in need and include:</p> <ul style="list-style-type: none"> • Local Safeguarding Children Board • Corporate Parenting Panel • R:VUE • Children and Young People Partnership • Health and Wellbeing Board • Quality Assurance Board • Munroe/Children’s Improvement Board <p>The aim of this review would be to assess the extent to which these bodies collectively provide a framework that is necessary, comprehensive, efficient and effective.</p>	
Topics suggested for scrutiny need to meet one of the following criteria. Please click the appropriate box(es):	
(1) The issue is an area of key public concern (e.g. as identified through Members surgeries, constituents’ concerns, the Annual Satisfaction Survey, raised in the local media, etc).	<input checked="" type="checkbox"/>
(2) There is evidence of poor performance within the activity (i.e. through performance indicator data, experience of Members, internal or external auditor findings, etc).	<input type="checkbox"/>
(3) It is a budgetary area in need of examination to ensure value for money is being obtained.	<input type="checkbox"/>
(4) There has been a pattern of budgetary overspends within the area.	<input type="checkbox"/>

(5)	It is a corporate priority for the Council as published within the Council Strategy.	<input checked="" type="checkbox"/>
(6)	It has an external focus (e.g. scrutiny of the Council's partners, government agencies, utility providers, private sector companies, etc)	<input type="checkbox"/>
(7)	It is a Central Government priority area.	<input type="checkbox"/>
(8)	It is an area of new Government legislation that has significant implications for the Council or its partners.	<input type="checkbox"/>
The outcomes you hope scrutiny of this topic will achieve:		
An assurance that the governance framework is fit for purpose or, if not, the identification of measures to make it so.		