

# Notice of Meeting

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# Executive

**Thursday 21 December 2017 at 5.00pm**

**in the Council Chamber Council Offices  
Market Street Newbury**

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Date of despatch of Agenda: Wednesday 13 December 2017

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services Team on (01635) 519462

e-mail: [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**WestBerkshire**  
C O U N C I L

To:	Councillors Dominic Boeck, Graham Bridgman, Anthony Chadley, Jeanette Clifford, Hilary Cole, Lynne Doherty, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones
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# Agenda

## Part I

Pages

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 7 - 12  
To approve as a correct record the Minutes of the meeting of the Committee held on 23 November 2017.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Public Questions**  
Members of the Executive to answer questions submitted by members of the public in accordance with the Executive Procedure Rules contained in the Council's Constitution.
  - (a) **Question submitted by Mrs Moz Bulbeck Reynolds to the Leader of the Council**  
*"What is the Council's response to the Social Mobility Commission's findings that this district is one of the worst performing council areas for Social Mobility, i.e. it's a terrible place to grow up poor?"*

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  - (b) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Leisure**  
*"With the rise in homelessness and need for volunteer led services in Newbury such as the food bank, the soup kitchen and west Berkshire homeless, what is West Berkshire Council doing to reduce the number of homeless and offer them shelter especially in times of extreme weather?"*

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  - (c) **Question submitted by Mr Thomas Tunney to the Portfolio Holder for Planning, Housing and Leisure**  
*"Is the Council meeting its goals in terms of preventing homelessness?"*



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(d) **Question submitted by Mr Mark Knight to the Portfolio Holder for Finance and Transformation, Economic Development**

*“What steps are being taken to ensure that Central and Local Government apply the same criteria to the income streams of West Berkshire’s Town and Parish level councils so that the present strict financial constraints imposed on West Berkshire Council also apply evenly across the other tiers of local government in the district?”*

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5. **Petitions**

Councillors or Members of the public may present any petition which they have received. These will normally be referred to the appropriate Committee without discussion.

**Items as timetabled in the Forward Plan**

	<b>Pages</b>
6. <b>OSMC Response to the Executive - Performance Investigation (EX3407)</b> (CSP: P&S, MEC, SLE1, P&S1, MEC1) Purpose: To consider the Overview and Scrutiny Management Commission's response to the Executive following the requests to investigate areas of poor performance in the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports.	13 - 28
7. <b>Key Accountable Performance 2017/18: Quarter Two (EX3247)</b> (CSP: BEC, SLE, P&S, HQL, MEC, BEC1, BEC2, SLE1, SLE2, P&S1, HQL1, MEC1) Purpose: To report quarter two outturns for the Key Accountable Measures which monitor performance against the 2017/18 Council Performance Framework; to provide assurance that the objectives set out in the Council Strategy and other areas of significant activity are being managed effectively; to present, by exception, those measures that are predicted to be ‘amber’ (behind schedule) or ‘red’ (not achievable) and provide information on any remedial action taken and the impact of that action; and to recommend changes to measures/targets, as requested by services.	29 - 80
8. <b>Transferring the freehold of children’s playgrounds and associated public space to Thatcham Town Council (EX3384)</b> (CSP: HQL & HQL1) Purpose: To consider Thatcham Town Council’s devolution proposal for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at Crowfield Drive, Dunstan Park and Kennet Heath.	81 - 98

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**Agenda - Executive to be held on Thursday, 21 December 2017 (continued)**

- |       |  |           |
|-------|--|-----------|
| 9.    | <b>Transfer of half share of the legal interest in the Waterside Centre (EX3393)</b><br>Purpose: To set out a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre, Waldegrave Place, Northbrook Street, Newbury and allow it to provide a universal offer to the young people of West Berkshire.   | 99 - 124  |
| <hr/> |  |           |
| 10.   | <b>Short Breaks Services Statement (EX3397)</b><br>Purpose: To seek the approval of Members to the updated Short Breaks Services Statement 2017. There is a statutory requirement to update and review the Statement annually. As part of the response to the Judicial Review of the decision to reduce the funding for short breaks in July 2016, the Council undertook to hold a public consultation and then to review and publish the Statement this year. | 125 - 168 |
| <hr/> |  |           |
| 11.   | <b>Business Rates Discretionary Rate Relief Policy Review Report (EX3403)</b><br>Purpose: To review the policy for discretionary rate relief which requires updating as some forms of rate relief no longer exist; to review and consider changes to the policy to ensure consistency and relevance; to agree the approach/criteria on how the new discretionary relief scheme introduced by Government in April 2017 is to be administered.                   | 169 - 188 |

**Items not timetabled in the Forward Plan**

- |       |   | <b>Pages</b> |
|-------|---|--------------|
| 12.   | <b>Amendments to the Adult Social Care Charging Policy (EX3402)</b><br>Purpose: To amend the current Adult Social Care Policy to reflect the Care and Support (Charging and Assessment of Resources) Regulations 2014.  | 189 - 238    |
| <hr/> |   |              |
| 13.   | <b>Members' Questions</b><br>Members of the Executive to answer questions submitted by Councillors in accordance with the Executive Procedure Rules contained in the Council's Constitution. <i>(Note: There were no questions submitted relating to items not included on this Agenda.)</i>  |              |
| 14.   | <b>Exclusion of Press and Public</b><br>RECOMMENDATION: That members of the press and public be excluded from the meeting during consideration of the following items as it is likely that there would be disclosure of exempt information of the description contained in the paragraphs of Schedule 12A of the Local Government Act 1972 specified in brackets in the heading of each item. <a href="#">Rule 8.10.4 of the Constitution refers.</a> |              |





## Part II

15. **Staffing implications associated with savings put forward to deliver the 2018/19 Revenue Budget: Approval to pay redundancy payments (EX3369)** 239 - 246

*(Paragraph 1 – information relating to an individual)*

*(Paragraph 2 – information identifying an individual)*

Purpose: To seek approval to make the redundancy payments set out in this report associated with savings to deliver the 2018/19 Revenue Budget.

Andy Day

Head of Strategic Support

### West Berkshire Council Strategy Aims and Priorities

#### Council Strategy Aims:

- BEC** – Better educated communities
- SLE** – A stronger local economy
- P&S** – Protect and support those who need it
- HQL** – Maintain a high quality of life within our communities
- MEC** – Become an even more effective Council

#### Council Strategy Priorities:

- BEC1** – Improve educational attainment
- BEC2** – Close the educational attainment gap
- SLE1** – Enable the completion of more affordable housing
- SLE2** – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy
- P&S1** – Good at safeguarding children and vulnerable adults
- HQL1** – Support communities to do more to help themselves
- MEC1** – Become an even more effective Council

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## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### EXECUTIVE

## MINUTES OF THE MEETING HELD ON THURSDAY, 23 NOVEMBER 2017

**Councillors Present:** Dominic Boeck, Anthony Chadley, Keith Chopping, Jeanette Clifford, Hilary Cole, Marcus Franks, James Fredrickson, Graham Jones and Rick Jones

**Also Present:** John Ashworth (Corporate Director - Environment), Iain Bell (Revenues and Benefits Manager), Nick Carter (Chief Executive), Melanie Ellis (Chief Accountant), Paul James (Culture Manager), Peta Stoddart-Crompton (Public Relations Officer), Rachael Wardell (Corporate Director - Communities), Councillor Graham Bridgman, Stephen Chard (Principal Policy Officer), Councillor Lee Dillon, Councillor Alan Macro and Gabrielle Mancini (Group Executive - Conservatives)

**Apologies for inability to attend the meeting:** Councillor Lynne Doherty

### PART I

#### 45. Minutes

Councillor Graham Jones introduced the meeting by reflecting on the sad loss of two of West Berkshire Council's former Councillors.

Former Councillor and Honorary Alderman Geoff Findlay passed away on 10 November 2017. Geoff had served as Ward Member for Cold Ash and as an Executive Member.

Former Councillor Kathleen French passed away on 17 November 2017, Kathleen had served as the Ward Member for Chieveley.

Councillor Graham Jones added that the service of these two former Councillors would be further recognised at the Council meeting on 7 December 2017.

A one minute silence was then observed.

The Minutes of the meeting held on 19 October 2017 and the special meeting also held on 19 October 2017 were approved as true and correct records and signed by the Leader.

#### 46. Declarations of Interest

There were no declarations of interest received.

#### 47. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

(a) **Question submitted by Mr Peter Logan to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Peter Logan on the subject of the number of families who could be affected by the roll-out of Universal Credit in December 2017 was answered by the Portfolio Holder for Corporate Services.

## EXECUTIVE - 23 NOVEMBER 2017 - MINUTES

### (b) **Question submitted by Mrs Martha Vickers to the Portfolio Holder for Community Resilience and Partnerships**

A question standing in the name of Mrs Martha Vickers seeking an assurance that the Council was not planning further cuts to its grant to the Citizen's Advice Bureau, particularly in view of the forthcoming introduction of Universal Credit, was answered by the Portfolio Holder for Community Resilience and Partnerships.

### (c) **Question submitted by Mr Andy Moore to the Portfolio Holder for Corporate Services**

A question standing in the name of Mr Andy Moore on the subject of what allowances the Council was preparing to make if Universal Credit recipients were unable to make payments (e.g. of Council Tax) on time was answered by the Portfolio Holder for Corporate Services.

## 48. **Petitions**

There were no petitions presented to the Executive.

## 49. **Financial Performance Report 2017/18 - Quarter Two (EX3304)**

The Executive considered a report (Agenda Item 6) which informed Members of the latest financial performance of the Council for 2017/18.

Councillor Anthony Chadley introduced the report. The Quarter Two revenue forecast was an overspend of £603k against a net revenue budget of £117.4m, which was 0.5% of the net budget. The main driver of the forecast overspend was a £603k overspend in Adult Social Care (ASC). This was a result of increased complexity in client needs and inflationary pressures.

It was proposed that, in order to help combat some of the inflationary pressures, £392k be released from the ASC Risk Reserve. Councillor Chadley explained that it was considered timely to take this action at this point in the financial year in order to minimise the in year impact.

Councillor Lee Dillon referred to paragraph 5.3 of the summary report, this stated that '£392k has been released from the ASC Risk Reserve'. Councillor Dillon therefore queried whether this decision had been pre-empted or whether the wording of the report was incorrect. He noted that in previous financial years, Risk Reserve funds had only been released at the end of the financial year once pressures were known in full and this was a changed tactic. Councillor Dillon noted that this proposal was to meet inflationary pressures, but he was of the view that these should have been forecast.

Councillor Alan Macro queried how much money would be left in the fund after the £392k was released.

Councillor Rick Jones explained that as previously reported, considerable pressures were being felt in Adult Social Care. Inflationary cost increases which were in excess of the level originally forecast, national living wage increases from providers and a greater level of complexity of clients' needs were particular pressures.

In terms of the ASC Risk Reserve, Councillor Rick Jones firstly explained that it was increased as part of the 2017/18 budget build. It was considered timely to release funds from the Risk Reserve to meet the inflationary pressures as the cost involved was not expected to change. This would also enable future financial reports to present the most clear and accurate financial position for the year.

Councillor Rick Jones added that approximately £700k of the Risk Reserve would remain, both post the proposed use of the £392k and if it was used to fund the entire

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forecast overspend. Therefore, clearly the current Quarter Two forecast overspend could still be met from this Risk Reserve if necessary.

Turning to Public Protection and Culture, Councillor Dillon noted that the service was forecasting an overspend of £128k due in part to a payment from Kennet School for Kennet Leisure Centre of £43k that was still in dispute. This had been the case for some years and Councillor Dillon queried what progress had been made.

Councillor Hilary Cole noted that Councillor Dillon had asked this question when the Quarter One report was discussed. As explained at that time, discussions on this matter had continued to be protracted and complex, and therefore remained unresolved to date.

Councillor Dillon referred to the point made in the report that 26.4% of the 2017/18 Capital Programme was committed as at the end of Quarter Two. He questioned why this was not higher at this stage of the financial year and whether there were any particular projects that were not expected to be funded within 2017/18.

In response to this query, Councillor Chadley referred Members to section 11 of the report which provided an update on capital expenditure across the Council. He acknowledged that there was some slippage, but this was to be expected in some cases/for some projects. Councillor Chadley reported that no projects had been cancelled. Councillor Chadley added that updates would continue to be provided on an ongoing basis.

### **RESOLVED that:**

- The latest financial performance of the Council be noted.
- £392k be released from the Adult Social Care Risk Reserve to help the service combat some of the inflationary pressures it is facing.

**Other options considered:** n/a – factual report for information.

### **50. Transferring the freehold of the Corn Exchange premises to the Corn Exchange (Newbury) Trust (EX3372)**

The Executive considered a report (Agenda Item 7) concerning the proposed transfer of the freehold of the Corn Exchange premises to the Corn Exchange (Newbury) Trust (CET) in order to strengthen the sustainability of the CET in the long term.

Councillor Dominic Boeck introduced the report. The Corn Exchange, which was built in 1862, was a well loved building enjoyed by residents of Newbury and surrounding areas. In 1993 it opened as an arts centre and on 1 June 2000 the Council transferred the operation of the building to the CET who leased the building for 99 years. The CET paid no rent.

A five year Service Level Agreement (SLA) was in place with the CET and this was due to expire on 31 March 2019. By that date, the Council would have invested a total of £1.25m over the period of the SLA, despite the reductions to the grant paid in recent years as a result of the reducing Revenue Support Grant. However, no contributions were planned by the Council from April 2019.

Councillor Boeck had been involved in discussions between Officers and the CET to explore how best to enable the CET to continue to operate. The potential to transfer the freehold had been discussed and this had been formally requested by the CET, hence this report and its recommendations. Subject to the approval of the recommendations and a positive outcome from the six week period of public engagement, the freehold would be transferred. This would include the fabric of the building remaining with the Council, but the responsibility for building maintenance/repairs sitting with the CET.

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Councillor Boeck proposed acceptance of the recommendations. Approval of this approach would help to sustain the CET and the use of the Corn Exchange to the benefit of West Berkshire residents.

Councillor Hilary Cole seconded the proposal. This work commenced when she was the Portfolio Holder for Culture and she was pleased to see that the efforts of all involved had reached this proposed positive conclusion under the stewardship of Councillor Boeck. Councillor Cole continued by commenting that this constituted a win-win for the two parties, the CET would have greater control of the operation of the Corn Exchange and the Council's responsibilities and costs would be reduced.

Councillor Graham Jones added his endorsement to the proposed approach.

Councillor Keith Chopping explained that while the grants paid to the Corn Exchange had reduced in recent years as described, the Corn Exchange had been the recipient of substantial grants from the Council over a number of years. He too welcomed the recommendations and wished every success to the CET for the future.

Councillor James Fredrickson queried proposed changes to the governance arrangements for the Corn Exchange between the Council and the CET. Councillor Boeck explained that the transfer of the freehold was subject to a number of covenants. These included the inability for the CET to sell the building without the consent of the Council and continued use of the building for education and cultural purposes. The details of the transfer were still to be finalised, but the CET had indicated continued education/cultural use.

Councillor Alan Macro noted that public engagement of six weeks was planned over January and February 2018, but he queried what action would be taken if a particularly negative impact was highlighted from the consultation and whether the decision could be reversed if this proved to be the case. Councillor Macro felt that it would have been preferable to consult prior to proposing a way forward.

Councillor Boeck stated that the outcome of the consultation would be awaited and should a particularly negative response be forthcoming then plans could be reconsidered. He did however feel that any concerns in relation to the transfer of the freehold could be addressed within final plans.

In terms of the timing of the consultation, Councillor Boeck explained that this was influenced by time pressures. The CET was seeking an early resolution to enable them to proceed with obtaining Arts Council funds before the current deadline for this closed. The proposals were considered to represent the most expedient way forward.

Councillor Macro queried whether it was prudent to transfer the freehold of the building for a sum below its market value. He did however note from the report that this could be acceptable subject to certain conditions, including if the difference between the market value and the consideration did not exceed £2m. Councillor Macro also asked whether the building had been valued.

Councillor Boeck explained that a sum in the region of £2k to £3k would be spent to obtain a commercial valuation of the building. Councillor Macro queried if consent for the transfer for the sum indicated in the report would need to be obtained from the Secretary of State if the value was higher than anticipated. Councillor Boeck gave the view that this was unlikely to prove necessary.

### **RESOLVED that**

- The Head of Public Protection and Culture shall, in consultation with the Head of Finance and Property and Head of Legal Services, transfer the freehold of the Corn Exchange building to the CET for the sum of £5 subject to satisfaction of statutory

## EXECUTIVE - 23 NOVEMBER 2017 - MINUTES

provision in relation to disposal, and negotiation and completion of appropriate legal documentation.

- The Head of Public Protection and Culture agree with the CET a list of any outstanding minor works that it is necessary for the Council to carry out under the terms of the current lease with reference to the 2015 condition survey.
- A six week period of public engagement be conducted in January/February 2018 to assess whether the proposal has any negative impacts for the public and the arts in West Berkshire.

### **Other options considered:**

- Continue with the current 99 year lease with the CET under which the Council is responsible for major capital maintenance costs throughout the term of the lease.
- Disposal of the asset at a commercial value. This could only be achieved if there was no leaseholder in possession of the premises and change of use was to be granted.

## **51. Members' Questions**

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

### **(a) Question to be answered by the Portfolio Holder for Corporate Services submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of whether the Council had requested that the Department for Work and Pensions delay the roll out of Universal Credit for West Berkshire residents until after Christmas, when considering a reported six week delay in payments, was answered by the Portfolio Holder for Corporate Services.

### **(b) Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Lee Dillon**

A question standing in the name of Councillor Lee Dillon on the subject of whether the Council would receive any funds from the disposal of the Reading Prison site as part of the old Berkshire County Council arrangements, was answered by the Portfolio Holder for Culture and Environment.

### **(c) Question to be answered by the Portfolio Holder for Planning, Housing and Leisure submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of what effect the recent refusal of the planning applications for the Sandleford site would have on the Council's housing land supply targets, was answered by the Portfolio Holder for Planning, Housing and Leisure.

### **(d) Question to be answered by the Portfolio Holder for Culture and Environment submitted by Councillor Alan Macro**

A question standing in the name of Councillor Alan Macro on the subject of the amount of compost produced from recycled green waste that had been sold to commercial organisations over the last year and the level of income made from this source, was answered by the Portfolio Holder for Culture and Environment.

*(The meeting commenced at 5.00pm and closed at 5.32pm)*

**CHAIRMAN** .....

**Date of Signature** .....



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## OSMC Response to the Executive - Performance Investigation

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<b>Committee considering report:</b>	Executive on 21 December 2017
<b>OSMC Chairman:</b>	Councillor Emma Webster
<b>Date Member agreed report:</b>	Report provided to Councillor Webster on 23 November 2017
<b>Report Author:</b>	Stephen Chard
<b>Forward Plan Ref:</b>	EX3407

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### 1. Purpose of the Report

- 1.1 To consider the Overview and Scrutiny Management Commission's response to the Executive following the request to investigate areas of poor performance in the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports.

### 2. Recommendation

- 2.1 That the Executive consider the responses of the Overview and Scrutiny Management Commission.

### 3. Implications

- 3.1 **Financial:** n/a
- 3.2 **Policy:** n/a
- 3.3 **Personnel:** n/a
- 3.4 **Legal:** n/a
- 3.5 **Risk Management:** n/a
- 3.6 **Property:** n/a
- 3.7 **Other:** n/a

### 4. Other options considered

- 4.1 n/a

## Executive Summary

### 5. Introduction / Background

5.1 At the Executive meetings on 27 July 2017 and 7 September 2017 it was resolved that the Overview and Scrutiny Management Commission (OSMC) be tasked with identifying the reasons for areas of poor performance that were identified within the 2016/17 Q4 and 2017/18 Q1 Key Accountable Performance Reports. This was to ensure that appropriate actions were being taken to help mitigate and improve poor performance, where possible, and to potentially identify other actions which might improve performance.

5.2 On the 27 July 2017, the following areas were identified for further investigation:

- Council Tax and Business Rates Collection
- The timeliness of reviews for long term Adult Social Care clients
- Enable the completion of more affordable housing

5.3 On the 7 September 2017, the following areas were identified for further investigation:

- The timeliness of decisions on benefit claims
- The percentage of people presenting as homeless where the homelessness has been relieved or prevented

### 6. OSMC Debate

6.1 These items were all discussed by the OSMC at its meeting on 17 October 2017. The draft minutes from that meeting are attached as Appendix A and a summary of the debates is provided below:

#### ***Council Tax and Business Rates Collection***

6.2 Both of these performance indicators were reported 'red' at Q4 of 2016/17. The OSMC received a report which outlined the reasons for the 'red' performance, the mitigation measures taken and an update on progress with the collection of Council Tax and Business Rates. This report was presented at the meeting by Iain Bell, Revenues and Benefits Manager. It was explained to Members that there had been two key reasons for the decline in performance, these were associated with backdating the single resident discount and changes to the Council Tax Reduction Scheme.

6.3 In terms of Council Tax, Members were pleased to note that the 2016/17 collection rate was back on target at 99.01% against the 99% target (this was 98.4% at year end). 2017/18 performance was on target for a year end collection rate of 98.9%.

6.4 Members queried the practice of backdating charges, for example following the single resident discount review conducted in January 2017, as there was concern at the impact this could have on residents and their finances. Members were assured that this process was managed sensitively and residents received ample

notification. Consideration was given to different options for repayment to assist residents.

- 6.5 In response to the suggestion that the Council needed to make better use of internal systems to verify matters such as single person discount, the Revenues and Benefits Manager advised that the team was considering all options available to maximise efficiencies.
- 6.6 Turning to Business Rates, Members heard that as at 31 March 2017, two large companies owed a significant sum (a total of £700k+), with both companies disputing their liability to pay. Since that time, legal advice had been sought and a court order obtained in relation to one case which will assist the Council in enforcing payment. The second case was a landlord/tenant dispute which had been resolved and the balance paid by the landlord. In response to a Member query, the Revenues and Benefits Manager advised that it was not possible to predict whether further cases such as these would arise.
- 6.7 Members were also interested to hear that different technological solutions were being considered for both areas in order to streamline processes and deliver efficiencies.
- 6.8 It was agreed that the Head of Finance would be asked to confirm whether any surplus from backdated collections had been included in the 2017/18 budget.

***The timeliness of reviews for long term Adult Social Care clients***

- 6.9 This performance indicator was reported 'red' at Q4 of 2016/17 and 'amber' at Q1 of 2017/18. The target was 75% and Q1 performance was reported as 65.1%. The OSMC received a report which explained the statutory requirement to undertake annual reviews, the reasons for poor performance for long term clients (those in receipt of a service for over 12 months) and the mitigation measures taken to improve performance. The report was presented at the meeting by Ian Dawe, Adult Social Care Service Manager.
- 6.10 Members heard that a separate Review Team had been formed in Adult Social Care which now had the sole responsibility for conducting planned reviews. This was part of a restructure in May 2016.
- 6.11 Members were then informed of the analysis undertaken of those cases that were overdue a review in 2016/17. A high proportion of these cases (43% or 88 people) were for clients whose primary support reason was Learning Disability or Mental Health and the care reviews for these individuals tended to be more complex and took longer to complete.
- 6.12 In order to alleviate these pressures, two new members of staff had been recruited into the team with the necessary expertise in learning disabilities and mental health. It was noted from the Officer's report that provisional Q2 performance had improved to 73%.
- 6.13 In addition, it was also possible to use a range of methods to complete reviews, i.e. over the telephone.
- 6.14 Members sought to understand the total waiting time for people who had not been reviewed within the required 12 months. The Service Manager explained that in

some cases, reviews were delayed for clients who were in hospital and/or had been assigned to a care team. In these instances, the review team would wait for a more suitable time to conduct a meaningful review. The Service Manager was not able to confirm at the meeting the number of these clients or the number of clients whose review had been delayed for different reasons.

- 6.15 An assurance was sought that telephone based reviews were sufficiently robust in comparison to face to face reviews. It was explained that face to face reviews were undertaken for more complex cases or those where changes were likely to be required however, in some cases, telephone based reviews were a more appropriate and efficient way of managing these cases.

***Enable the completion of more affordable housing***

- 6.16 The completion of more affordable housing was a Council Strategy Priority for Improvement and was reported 'red' at the end of the 2016/17 financial year. This trend had continued into 2017/18 and completions data will next be available at Q2 of 2017/18. Gary Lugg (Head of Development Planning), Bryan Lyttle (Planning and Transport Policy Manager) and Councillor Hilary Cole (Portfolio Holder for Planning, Housing and Leisure) were in attendance for this item. Members were provided with a definition of housing that could be considered as affordable.
- 6.17 The target set within the Council Strategy was to deliver 1000 affordable housing units between 2015 and 2020 which was recognised as an ambitious target. 241 units had been delivered during the course of 2015/16 and 2016/17, creating a shortfall of 759 units against the target.
- 6.18 Local authorities were required to demonstrate a five year land supply for housing development and the forecasted delivery for the next three years was for 444 units, leaving a shortfall against the target of 315. These 444 units related to sites which had already received planning permission or were identified within the Housing Site Allocations Development Plan Document (HSA DPD).
- 6.19 Members were informed that this could increase over the forthcoming years from windfall sites or should a development for 300 affordable housing units at Newbury Racecourse, which had received planning permission, be completed ahead of schedule.
- 6.20 Challenges being faced included viability concerns being raised by developers who were challenging the number of affordable units they needed to provide. Members were advised that Central Government was considering a national approach to the issue. Members queried the potential affordable housing units lost as a result of viability challenges argued successfully by developers and it was agreed that this information would be forwarded to the OSMC for 2016/17. Updated figures will also be available in December 2017.
- 6.21 Beyond viability, Members were advised that the economic downturn had impacted the building sector significantly, the costs of raw materials had increased and there was a shortage of appropriately skilled workers in and around the local area.
- 6.22 It was explained that regular liaison is conducted with developers to help to understand when sites would be developed.

- 6.23 In response to a Member query on the scope to reduce from three years to two years the deadline for approved developments to commence, the Head of Development and Planning advised that while delayed commencement was not a particular issue in West Berkshire, he would seek feedback from the Developers Industry Forum on whether this deadline should be reduced.
- 6.24 Officers also agreed, in response to a suggestion from Members, to update the affordable housing statistics to reflect the areas in which affordable housing units had been allocated.
- 6.25 The Portfolio Holder praised the efforts of Officers in seeking to overcome obstacles and deliver much needed housing provision for residents.

***The timeliness of decisions on benefit claims***

- 6.26 The following performance indicators were reported 'red' at Q4 of 2016/17 and 'amber' at Q1 of 2017/18:
- Average number of days taken to make a full decision on new benefit claims.
  - Average number of days taken to make a full decision on changes in a benefit claimants circumstances.
- 6.27 The OSMC received a report which outlined the reasons behind the performance difficulties in this area, the mitigation measures taken and an update on progress. The report was presented at the meeting by Iain Bell, Revenues and Benefits Manager.
- 6.28 It was noted that the Council's average time for processing a new benefit claim at the end of 2016/17 finished 0.75 of a day below the national average. Data/software issues had now been overcome by the installation of a new server in March 2017 resulting in improvements to general response and processing times; and two vacant posts had recently been filled.
- 6.29 In response to a Member question on future challenges, Iain Bell explained that the full roll out of Universal Credit (UC) in December 2017 would require the team to support new claimants in making applications as well as assisting the DWP Assessment Centre in the assessment of new claimants. This would result in an increase in activity which attracted some additional funding (the Council would receive funding for the first 2 hours spent assisting each claimant with their application – a national grant provided at a flat rate). The impact of this would be closely monitored as currently the volume of claimants and the degree of impact was unknown.
- 6.30 Members queried the actual support available to residents. Iain Bell explained that staff would undergo specific training in advance in order to provide a dedicated resource to assist applicants with the process. Training was available to Council staff beyond Revenues and Benefits, Registered Social Landlords and for Citizens Advice Bureau staff.
- 6.31 A frequently asked questions sheet was requested for all Members to help them respond to residents' questions and concerns about Universal Credit. It was further requested that this information be made available to Parish Councils so they could help disseminate key messages and advice to residents. Iain Bell agreed to develop

a FAQ sheet for Members around the process of UC, this would be provided in advance of the roll out of UC in December 2017.

- 6.32 Finally, Iain Bell confirmed that there would be opportunities within the UC application process to identify those who did not quality for UC but who might still be entitled to Housing Benefit.

***The percentage of people presenting as homeless where the homelessness has been relieved or prevented***

- 6.33 The OSMC was informed by the Head of Development and Planning that the figures provided in the Q1 Exception Report had been finalised post production of the report. The reported 'red' performance of 50% against the 75% target had been updated and was confirmed as 64% improving performance to 'amber' at Q1. Members requested that future performance reports be clear on whether figures were estimated or confirmed.

- 6.34 The staffing situation had improved with two members of staff returning from long term sickness absence. An additional Housing Officer had also been recruited and a new Team Manager had recently been appointed.

- 6.35 Members questioned the impact that would be caused by the implementation of the Homelessness Reduction Act (from April 2018). It was explained that the new burdens funding allocation for West Berkshire Council was expected to be £37k and would not be sufficient to deliver the required preventative measures. Councillor Hilary Cole explained that she would lobby local MPs to seek to address this underfunding. Gary Lugg added that this would be the subject of a report to the Executive in due course.

- 6.36 In response to a Member question on the reasons why people presented as homeless and whether there was a pattern, Gary Lugg advised that this was often associated with the high cost of private renting and changes to the circumstances of individuals, i.e. their employment.

- 6.37 Members queried how frequently bed and breakfast (B&B) facilities had to be utilised in order to provide emergency accommodation. Members were informed (post the meeting, of 79 instances in 2016 and 36 to date in 2017. In addition, it was explained that the need for B&B to be used as emergency housing would hopefully reduce as the Council had recently become a Registered Provider. It was noted that avoiding the need to use out of authority B&B was positive for any children involved as they could continue to attend their school providing them with greater stability. It also reduced the need for the Council to fund school transport.

## **7. Conclusion**

- 7.1 The OSMC was pleased to note that improvements had been made, in particular with the collection of Council Tax and Business Rates, and in increasing instances where homelessness had been relieved or prevented. Improvements had been achieved in a number of different ways which included staff recruitment/restructures, new ways of working and technological improvements.

- 7.2 Members were assured with the support that will be given to residents, i.e. with backdated Council Tax collections and in claiming UC.



- 7.3 Additional information will be provided to the OSMC and/or in future performance reports on how the funding obtained from backdated Council Tax and Business Rate collections would be budgeted, the affordable housing units lost due to viability challenges and the geographical areas where affordable housing had been allocated.
- 7.4 Members would await the publication of a report at the Executive on the implementation of the Homelessness Reduction Act.
- 7.5 New actions were also identified by the OSMC. They included the potential to reduce the deadline for commencing developments to two years and this would be explored by the Head of Development and Planning. A FAQ sheet would be produced to help Members and parishes respond to residents' questions and concerns.

## 8. Appendices

- 8.1 Appendix A – Extract of the draft OSMC Minutes – 17 October 2017

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**Background Papers:** Reports provided to the OSMC for its meeting on 17 October 2017.

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**Subject to Call-In:**

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

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**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aims:

- P&S – Protect and support those who need it**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- SLE1 – Enable the completion of more affordable housing**
- P&S1 – Good at safeguarding children and vulnerable adults**
- MEC1 – Become an even more effective Council**

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# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION

### EXTRACT OF THE DRAFT MINUTES OF THE MEETING HELD ON TUESDAY, 17 OCTOBER 2017

**Councillors Present:** Jason Collis, Lee Dillon, Marigold Jaques, Tim Metcalfe, Ian Morrin, Richard Somner (Vice-Chairman), Emma Webster (Chairman) and Laszlo Zverko

**Also Present:** Iain Bell (Revenues and Benefits Manager), Catalin Bogos (Performance Research Consultation Manager), Nick Carter (Chief Executive), Ian Dawe (Interim Service Manager, WBC), Andy Day (Head of Strategic Support), Melanie Ellis (Chief Accountant), Gary Lugg (Head of Development & Planning), Bryan Lyttle (Planning & Transport Policy Manager), Rachael Wardell (Corporate Director - Communities), Stephen Chard (Principal Policy Officer), Councillor Hilary Cole (Deputy Leader and Portfolio Holder for Planning, Housing and Leisure), Charlene Hurd (Democratic Services Officer) and Councillor Quentin Webb (Chairman DTOC Task and Finish Group)

**Apologies for inability to attend the meeting:** Councillor Mike Johnston and Councillor Rick Jones (Portfolio Holder for Adult Social Care)

**Councillors Absent:** Councillor Steve Ardagh-Walter, Councillor Gordon Lundie and Councillor James Podger

## PART I

### 20. Enable more affordable housing completions

Gary Lugg advised that a target had been set to deliver 1000 affordable housing units between 2015 and 2020 – a key priority set by the Conservative Group notwithstanding the fact that this was recognised as an ambitious target.

Members were provided with an additional paper at the meeting which outlined the most up-to-date position against the affordable housing target. Members considered the following table:

Year	Net housing completions	Of which affordable
2016/17	485	83
2015/16	625	158
2014/15	496	-15
2013/14	457	146
2012/13	552	182
Total	2215	554

Members heard that the negative figure reported in 2014/2015 related to the demolition of a housing scheme and reflected the fact that replacement units did make up the full number lost. Bryan Lyttle explained that the target focused on delivery from 2015 to 2020 only and that in this period there had been 241 units introduced in West Berkshire - a shortfall of 759 units against the overall target of 1000.

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

Local authorities were required to demonstrate that they had a 5 year land supply for housing development in accordance with paragraph 47 of the National Planning Policy Framework (NPPF). However, there was a specific focus on the 3 year availability in respect of this target deadline. The forecasted delivery of affordable housing in the 3 year period was 444 units which resulted in an overall shortfall of 315 units against the target. However, there was a possibility that some of the 5 year forecasted units could be delivered sooner – noting that the Racecourse had outstanding permission to deliver a further 300 affordable housing units which they might choose to deliver sooner than currently planned.

Members were advised that windfall sites become available for development unexpectedly and were therefore not included as allocated land in a Council's development plan. However, where there were plans to deliver 5+ units then there would be opportunities to discuss affordable housing provision.

Gary Lugg advised that influencing the rate of delivery was challenging and that the service continued to liaise with developers to move work forward which, in turn, helped towards addressing the issue of 'land banking'.

Planning Officers had encountered issues around viability assessments which challenged the number of affordable housing units delivered in a scheme. Gary Lugg advised Members that Central Government was considering a national approach to the issue.

Councillor Ian Morrin asked whether there were other obstacles affecting the delivery of affordable housing units. Gary Lugg advised that the economic downturn had impacted the building sector significantly. Similarly, the costs of raw materials had increased combined with a shortage of skilled workers in/around the local area (due to financial incentives elsewhere). There were also concerns regarding the outturn from BREXIT negotiations.

Councillor Morrin asked whether the Planning Service made enquiries with developers to understand anticipated delivery. Bryan Lyttle advised that the service reviewed this information regularly and that the Community Infrastructure Levy (CIL) meant that they were notified when work commenced on site.

In response to questions asked by the Commission, Gary Lugg advised that he would not expect the forecasted number of units to change (due to viability challenges for example) down the line. He stated that the report referred to units on Greenfield land which did not present the same issue around viability compared to Brownfield land. Bryan Lyttle added that affordable housing numbers for the next 3 years related to sites which had already received planning permission or were identified as part of the Housing Site Allocations Development Plan Document (HSA DPD).

Councillor Marigold Jaques asked whether the Council could do anything to overcome the challenges faced by viability challenges. Gary Lugg advised that the Government was considering policy changes but that the Planning Service allocated applications once viability had been confirmed. Councillor Tim Metcalfe asked how many, potential, affordable housing units had been lost as a result of viability challenges. Gary Lugg advised that he did not know the exact number but that these were recorded in the annual report for 2016/17 which he would circulate to the Commission. Updated figures would also be available in December 2017. Gary Lugg also made the point that there had been a recent reduction in the number of viability concerns being raised.

Councillor Richard Somner asked for the definition of 'affordable housing'. He was acutely aware that some properties, labelled as 'affordable housing', were unobtainable for many and he wanted to know what could be done to address the divide.

*(Bryan Lyttle provided the following definition after the meeting)*

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

*Affordable Housing is defined in the NPPF as:*

*Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.*

*Social rented housing is owned by local authorities and private registered providers (as defined in Section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.*

*Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).*

*Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.*

*Homes that do not meet the above definition of affordable housing, such as 'low cost market' housing may not be considered as affordable housing for planning purposes.*

*The Council uses the above definition of affordable housing and defines the term affordable as accommodation which is available at a price or rent which is not more than 30% of a household's net income.*

*Affordable housing is normally and preferably provided on-site and through Housing Associations (Registered Providers; RP). Affordable housing can sometimes be provided on sites owned by the Housing Associations, but more often the provision comes through obligations placed on developments by the planning system.*

Councillor Emma Webster highlighted that the Council allowed 3 years for developments to commence but she was aware that other local authorities had introduced a 2 year deadline. Gary Lugg advised that they reduced the deadline from 5 years to 3 years in line with Government advice but that the Planning Service had not reviewed the deadline since then. Gary Lugg advised that there could be some benefits in reviewing the deadline although delayed development was not a common issue in West Berkshire – these cases tended to be by exception only.

Councillor Lee Dillon requested that the affordable housing allocations statistics were listed according to the area across West Berkshire therefore, providing opportunities to identify gaps and need.

Councillor Hilary Cole concluded that the service was acutely aware of the ambitious target they had to meet but that they worked tirelessly to drive forward and overcome obstacles which threatened delivery of much needed housing provision for residents. In her opinion, the Council would be in a better position to meet the target if it had access to its own land supply – but this was a separate matter to consider.

### **Resolved that:**

- 1) Gary Lugg circulate the 2016 number of proposed Affordable Housing units which had not been delivered due to viability challenge. Updated figures would also be available in December 2017.

- 2) Gary Lugg to request feedback from the Developers Industry Forum in terms of amending the development commencement deadline from 3 to 2 years.
- 3) Bryan Lyttle update the affordable housing statistics to reflect the areas in which they had been allocated.

**21. Homelessness prevention/alleviation for people presenting as homeless**

Gary Lugg advised that the previous report used an estimated figure and resulted in a significant decrease to 50%, against a target of 75%. Members were informed that the 'actual' figures had been confirmed as 64% and gave a more accurate reflection of the performance level. This moved Q1 performance from 'red' to 'amber'.

Gary Lugg explained that the team had a 30% reduction in staffing due to long term sickness but that this situation had recently improved since the 2 members of staff returned to work.

Councillor Lee Dillon suggested asked that, where possible, the performance report should state whether figures were estimated or actual going forward. Catalin Bogos agreed to action this request going forward.

Councillor Emma Webster asked what impact the Homelessness Reduction Act 2017 (to be implemented from April 2018) might have on the service. Councillor Hilary Cole advised that the value of the 2018/2019 Homelessness Reduction Act (new burdens allocation for West Berkshire) was approximately £37K and that this would not be sufficient to deliver effective prevention measures in West Berkshire. Members were advised that Councillor Cole intended to lobby local MPs to address underfunding. Gary Lugg added that this would be the subject of a report to the Executive in due course.

In response to questions asked by the Commission, Councillor Cole advised that an additional Housing Officer had been successfully recruited to help alleviate pressures and process cases more efficiently. A new Team Manager had recently joined the team too – it was hoped that the Manager would bring an innovative approach to reviewing how the team operated.

Councillor Ian Morrin asked whether there was a pattern associated with the reasons why people presented as homeless. Gary Lugg advised that the reasons were often associated with affordability of private renting and changes in residents' personal circumstances (job/ family).

Councillor Webster asked how many times the Council used Bed and Breakfast facilities as a means to provide emergency accommodation. Gary Lugg stated that he did not have the figures available but he would confer with colleagues and report back to the Commission. Councillor Cole explained that the Council had recently become a Registered Provider and that this would reduce the need for Bed and Breakfast as emergency housing. Rachael Wardell stated that avoiding out of authority B&B placements was positive for the children involved because they could continue to attend their school which led to improved stability for them and, in turn, reduced the need for the Council to provide funding for transport to school.

Resolved that:

- (1) Future performance reports indicate whether the statistics were estimated or actual.
- (2) Gary Lugg to confirm the number of cases whereby Bed and Breakfast was used as a means for emergency accommodation.

*Response received after the meeting:*

- 2017 to date = 36
- 2016 = 79

## 22. **Timeliness of reviews for long term Adult Social Care clients**

The Committee considered a report (Agenda Item 7.c) concerning the decline in the timeliness and regularity of care plan reviews for vulnerable adults. Ian Dawe advised that the Care Act (2014) introduced a statutory requirement for all Councils in England and Wales to undertake annual reviews of adults in receipt of care and support. It applied to those individuals who had received a long term service for over 12 months.

In May 2016, Adult Social Care underwent a restructure as part of the implementation of the New Ways of Working. This involved establishing a number of new teams including a separate Review Team. The learning from piloting the new approach in Adult Social Care was that it provided the essential support required to ensure planned reviews were prioritised.

Ian Dawe explained that during Q1 of 2017/2018 the team conducted analysis of the cases that were overdue a review and identified that a high proportion (43% - 88 people) of those had a primary support reason of Learning Disabilities or Mental Health. Members heard that care reviews for these individuals tended to be more complex and took longer to complete. There was clearly a need to increase the size of the team in order to manage the volume and complexity of cases.

Ian Dawe advised that, to address these pressures, two new staff members had been recruited into the team. In addition, the Care Act allowed the team to take a proportionate approach to prioritising reviews and allowed the use of a range of methods to complete them (e.g. telephone etc).

Councillor Dillon asked whether the team knew how long the remaining 25% (from the 75% target) had waited for their review to be completed. Ian Dawe explained that, in some cases, the 25% included clients in hospital and/ or those assigned to a care team. Therefore, the review team would wait for a suitable time to conduct a meaningful review. He was unable to provide exact numbers of those who did not fall within these examples but who still formed part of the 25% without an annual review. However, Ian Dawe stressed that the expectations for reviews had changed through the Care Act and that there was an acceptance around prioritisation of reviews and the use of alternative means to conduct them.

Councillor Ian Morrin asked whether statistics were available to show the prevalence of cases requiring alterations to their care plan through face to face reviews versus telephone reviews. Ian Dawe advised that the team conducted face to face reviews for more complex cases or those where changes were likely to be required.

Rachael Wardell concluded the discussion by providing a summary of the term – New Ways of Working which facilitated a balanced approach to addressing the needs of residents.

**Resolved that** the report be noted.

## 23. **Council Tax and Business Rates Collection**

The Commission considered a report (Agenda Item 7.d) concerning the recent decline in the collection rates of Council Tax and Business Rates. Iain Bell advised that there had been two key reasons for the decline in performance – associated with backdating single resident discount and the changes to the Council Tax Reduction Scheme (CTRS).



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Recent information that had been provided showed that 2016/17 Council Tax collection rates were back on target and it appeared that 2017/2018 collections were on target for around 98.9%.

Members heard that as at 31<sup>st</sup> March 2017 there were 2 large companies owing a significant sum of Business Rates (£700k+). Both companies were disputing their liability to pay. Since then legal advice had been sought and a Court Order obtained in relation to one case to help the Council enforce payment. The second case was a landlord/tenant dispute which had now been resolved and the balance paid by the landlord. Councillor Emma Webster asked whether the Council could expect to encounter this issue again. Iain Bell stated that the two cases had been resolved but it was not possible to predict whether new cases would arise.

Councillor Laszlo Zverko asked for an explanation relating to the proposal that the service was looking at different technological solutions to maximise efficiencies. Iain Bell stated that they were considering all options available with the aim of streamlining processes and delivering efficiencies.

Councillor Lee Dillon asked whether it was standard practice to backdate charges on accounts and whether consideration had been given to the effect this would have on residents' financial position/ budgeting. Iain Bell advised that the process was managed sensitively and the residents received ample notification. The team discussed options for repayment with residents to ensure the process was manageable. However, Iain Bell reminded Members that it was the responsibility of residents to inform the Council, at the earliest opportunity, if their situation changed.

Councillor Zverko asked whether the surplus from backdated collections was included in the 2017/18 budgets. Iain Bell advised that he would have to check this information with Andy Walker and report back to the Commission.

Councillor Dillon stressed his concern that the Council seemingly needed to make better use of internal systems to verify matters such as single person discount. Iain Bell advised that the team was considering all options available to maximise efficiencies.

### **Resolved that:**

- (1) Andy Walker confirm whether the budget surplus from backdated collections was included in the 2017/18 budget.
- (2) The report be noted.

## **24. The timeliness of decisions on benefit claims**

The Committee considered a report (Agenda Item 7.e) concerning the timeliness of decisions for persons making benefit claims. Iain Bell advised that, despite difficulties which included staffing and data/software issues, the Council's average processing time at the end of 2016/17 for assessing a new claim finished 0.75 of a day below the national average. The information was verified via performance figures published by the Department for Work and Pensions (DWP). Iain Bell also reported that data/software issues had been alleviated by the installation of a new server in March 2017. In terms of staffing, two vacant posts had recently been filled.

Councillor Ian Morrin asked whether there were any future challenges likely to affect the rate of processing. Iain Bell explained that the full roll out of Universal Credit, in December 2017, meant that the team would be required to support new claimants in

## OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION - 17 OCTOBER 2017 - MINUTES

making and maintaining applications as well as assisting the DWP Assessment Centre in the assessments of new claimants. This would result in an increase in activity which attracted additional funding but was not subject to these performance measures. Iain Bell stated that the impact would be closely monitored as these changes came into effect.

In response to questions asked by the Commission, Iain Bell advised that the team would be required to assist with completing applications and maintaining existing claims – there was no intention of monitoring the transfer of cases from the existing claim systems to Universal Credit claims. Therefore, the volume of claimants and the degree of impact was unknown.

Councillor Marigold Jaques asked what support would be available to residents wanting to make a claim. Iain Bell explained that staff would undergo training in advance and become a dedicated resource to assist applicants with the process. The Council would receive funding for the first 2 hours spent assisting each claimant with their application – a national grant provided at a flat rate.

Andy Day asked whether the training was available to staff in Libraries and Family Hubs also. Iain Bell advised that training was available to Council staff, Registered Social Landlords and staff working at the Citizens Advice Bureau.

Councillor Morrin requested a 'frequently asked questions' sheet for all Members in order that they could respond to their residents questions about the Universal Credit process. Councillor Richard Somner suggested that the information could be made available to Parish Councils also – in order that they could support the distribution of key messages and advice.

In response to questions asked by the Commission, Iain Bell advised that there would be opportunities within the Universal Credit application process to identify those who did not qualify for Universal Credit but who might still be entitled to Housing Benefit – these would be dealt with according to existing processes.

### **Resolved that:**

- (1) Iain Bell develop a 'frequently asked questions' sheet for Members around the process of Universal Credits. This needed to be provided in advance of the full roll out of Universal Credit in December 2017.
- (2) The report be noted.

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## Key Accountable Performance 2017/18: Quarter Two

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	21 December 2017
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	7 December 2017
<b>Report Author:</b>	Catalin Bogos
<b>Forward Plan Ref:</b>	EX3247

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### 1. Purpose of the Report

- 1.1 To report quarter two outturns, for the Key Accountable Measures which monitor performance against the 2017/18 Council Performance Framework.
- 1.2 To provide assurance that the objectives set out in the Council Strategy and other areas of significant activity are being managed effectively.
- 1.3 To present, by exception, those measures that are predicted to be 'amber' (behind schedule) or 'red' (not achievable) and provide information on any remedial action taken and the impact of that action.
- 1.4 To recommend changes to measures / targets, as requested by services.

### 2. Recommendations

- 2.1 To note progress against the Key Accountable Measures and the key achievements in all services.
- 2.2 To review those areas reported as 'amber' or 'red' to ensure that appropriate action is in place. In particular, to consider the results and improvement actions for:
  - (a) the milestones for the key infrastructure projects: London Road Industrial Estate and Sterling Cables;
  - (b) timeliness to respond to Adult Social Care safeguarding concerns;
  - (c) % of people presented homeless where the homelessness has been relieved or prevented.
- 2.3 To agree an additional measure, proposed to be reported at the Executive Board starting at Q3, to be included as part of the performance framework in order to give an indication of the outcomes of the community conversations, namely: '*% of identified communities that have agreed what actions will be undertaken to address locally identified issues*'.
- 2.4 To agree a change in target from 'Mar 2018' to 'Jul 2018' for the Market Street Redevelopment's second milestone of 'starting on site' due to dependency on

developer to complete their viability related processes and hand over the contribution of £500k (see Appendix F exception reports).

### 3. Implications

- 3.1 **Financial:** Financial implications relating to performance results (above or below targets) are highlighted and managed by each service.
- 3.2 **Policy:** Policy implications are highlighted and managed by each service accordingly.
- 3.3 **Personnel:** Personnel implications are highlighted and managed by each service accordingly.
- 3.4 **Legal:** Legal implications are highlighted and managed by each service accordingly.
- 3.5 **Risk Management:** Risk management implication are highlighted and managed by each service accordingly.
- 3.6 **Property:** Property implications are highlighted and managed by each service accordingly.
- 3.7 **Other:** There are no other known direct implications as a result of this report.

### 4. Other options considered

None

# Council Strategy 2015-2019: Performance Scorecard

## Summary of Performance Quarter 2 2017/18

### Council Strategy

Priorities for Improvement	RAG* Status	Core Business
Educational Attainment <b>A</b>	<b>G</b>	Protecting our Children
Close the Attainment gap <b>A</b>	<b>G</b>	Bin Collection & Street Cleaning
More Affordable Housing <b>R</b>	<b>G/A</b>	Providing Benefits
Key Infrastructure Improvements <b>G/R</b>	<b>G</b>	Collecting Council Tax & Business rates
Safeguarding Children & Adults <b>G</b>	<b>G/A</b>	Older People & vuln. Adults wellbeing
Communities Help Themselves <b>G</b>	<b>G/A</b>	Planning and Housing
More Effective Council <b>G/A</b>		



### Corporate Programme

	RAG* Status	
Service Transformation <b>G</b>	<b>G</b>	Workforce Projects
New Investment and Income Opportunities <b>G</b>	<b>G</b>	Other Programme Activity

### Corporate Health

Net budget for 2017/18: <b>£117.4m</b>	Staff turnover (of 1,508 FTE)
2017/18 Q1 forecast overspend: <b>£870k</b>	<b>1.5%</b> 2017/18 Q1 Staff Turnover
2017/18 Q2 forecast overspend: <b>£602k</b>	<b>8.0%</b> 2017/18 Q2 Staff Turnover



\* RAG (Red, Amber, Green) performance measured over Strategy's lifetime for Priorities and against year end targets for Core Business and Corporate Programme.



## Executive Summary

### 5. Introduction / Background

- 5.1 This report provides the Executive with a summary of the Council performance during quarter two 2017/18. Performance is shown against the priorities for improvement as set out in the Council Strategy, core business activity, progress with the Corporate Programme and the main corporate health indicators. The overall position is summarised in the Council Performance Scorecard.

### 6. Synopsis

- 6.1 In terms of priorities for improvement, following the Care Quality Commission (CQC) inspection of the Willows care home, all Adult Social Care (ASC) services are now rated as 'Good' or better in the inspection domain of 'safety'. Equally notable is the fact that over 95% of the schools in the district are now rated 'Good' or better by Ofsted.

Reported timeliness of decisions on ASC safeguarding concerns has further declined but reassurance was given that risks are managed promptly and actions have been put in place to improve processes and recording practice.

The 'More effective council' aim, reflects that a minority of measures/milestones have not achieved their targets (see exception reports Appendix F).

- 6.2 Performance in relation to child protection continues to improve. Improvements have also been made in relation to the timeliness of providing benefits, reviews of the ASC long term cases and Council Tax and Business Rates collections. Improvement actions in these areas have been analysed in greater detail by the Overview and Scrutiny Management Commission (OSMC). Performance has improved for Homelessness prevention. A report will be prepared which outlines the Council's new duties under the Homelessness Reduction Act.
- 6.3 In terms of the Corporate Programme, good progress is reported across all areas of activity.
- 6.4 High level corporate health indicators have improved since last quarter. The revenue budget forecast overspend is £602k above the £117.4m net budget set by Council in March 2017. This is a reduction from the £870k overspend forecasted at the end of Q1. Staff turnover was 8% for the first 6 months of this year. (See Council Performance Scorecard).

### 7. Conclusion

- 7.1 The Council continues to perform well against ambitious targets. Notable achievements this quarter relates to all ASC services being rated by CQC at least 'Good' regarding safety and over 95% of the schools rated 'Good' or better by Ofsted. The Corporate Programme is reporting 'on track' across all areas of work. Resource management remains strong, most notably in relation to the budget.
- 7.2 Most of the measures RAG rated Amber have achieved results so far only slightly below targets, and are not of significant concern at this stage. Other areas for the Executive to note are:



- Milestone delayed for the Market Street Redevelopment – revised target is proposed for July 2018.
- London Road Industrial Estate and Sterling Cables – to note dependencies on court action and funding bid success, respectively.
- Timeliness of responding to adult social care safeguarding concerns – to note actions implemented and reassurance of risks being managed.

## 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – District Wide Health Check dashboard
- 8.4 Appendix D – Key Accountable Measures of Volume
- 8.5 Appendix E – Key Accountable Measures by Strategic Priority
- 8.6 Appendix F – Exception Reports
- 8.7 Appendix G – Quarterly Requests for Reviews of Measures
- 8.8 Appendix H – Technical background and conventions used to report performance

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To note performance levels achieved and to review any remedial actions proposed.
<b>Summary of relevant legislation:</b>	
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Catalin Bogos
<b>Date of assessment:</b>	17/11/2017

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>No</b>
<b>Function</b>	<b>Yes</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To inform about progress in delivering the Council Strategy priorities and core business areas.
<b>Objectives:</b>	Decision making bodies are up to date about the progress to deliver the priorities and core business related objectives of the Council Strategy.
<b>Outcomes:</b>	Corporate Board and Executive to note performance levels and review the actions to address any under-performance.
<b>Benefits:</b>	All beneficiaries of the Council's services should indirectly benefit from better outcomes delivered as highlighted in the Council's Strategy.

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>

Age		
Disability		
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Catalin Bogos

Date: 17/11/2017

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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# Key Accountable Performance 2017/18: Quarter Two – Supporting Information

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## 1. Introduction/Background

This report provides the Corporate Board with an update on the Council's performance for quarter 2 of 2017/18. Reflecting the Council's Performance Management Framework (see Appendix H for the technical background and conventions), information is provided to cover the following areas:

- Any notable changes to the Measures of Volume;
- Delivery of the Council's Strategic priorities and core business areas of activity;
- Update on the progress being made with the Corporate Programme;
- An overview of the key Corporate Health Measures.

## 2. Supporting Information

### 2.1 Measures of Volume (contextual, non-targeted measures) – See Appendix C

2.1.1 Attached to this report is a summary dashboard showing a number of health of the District indicators (Appendix C). Although the Local economy indicators and some social care contextual measures are not within the Councils control, they do provide valuable information to the Council, partners and the residents as a whole about how the local economy is performing.

2.1.2 The notable changes to measures of volume, related to West Berkshire's Local Economy, are:

- There have been 44% less business 'births' (new business accounts registrations for National non-domestic rates) compared to quarter two of 2016/17. The number of closed business accounts (business 'deaths') was 28% higher compared to Q2. However, comparative data from the Office for National Statistics show that the number of enterprises that were live at the end of the financial year is following an upward trend since 2011, albeit at a slower rate than the total for South East region or the total for England.
- The number of working age (16-64) claimants of unemployment benefit (JSA) has reverted to follow the longer term downward trend after a couple of quarters with slightly higher values (reduced now by 2.3% quarter versus quarter). Younger claimants (16-24) has stopped decreasing after reaching an all time low of 20 (in Dec 16) and is now at similar level (35) to Q2 2016/17.

2.1.3 Notable changes in the local Social Care measures of volume for quarter two are:

- The increasing trend of referrals to Children's Services has now been reversed, Q2 number of 309 referrals is the lowest over the last two and a half years.

- Over the last three quarters there is a clear increase in the number of child protection plans, this quarter's value is 57% higher than Q2 last year.
- At 159, the number of Looked After Children (LAC) is within 150 - 165 range of the last two years.
- The total Adult Social Care enquires data is not available. This is due to the change of the social care client records system, which requires additional fine tuning in order to ensure all the data reports are functioning correctly.
- The ASC waiting lists levels (500 for this quarter) continued the downward trend started in Mar 2017 when it peaked at 621. However, evolution of the numbers of clients receiving long term community services or residential and nursing services continues in an upward trend.

## 2.2 Performance by Council Strategy Priorities for Improvement (See Appendix E):

### 2.2.1 Improve Educational Attainment (RAG: AMBER)

- The education attainment results for the 2016/17 academic year (AY) are expected in Q3.
- The % of schools judged 'good' or better by Ofsted has continued in an upward trend; 95.1% of the schools are rated good or better, exceeding the target of 90%. This is a significant improvement from the 80% level at the end of March 2016.

### 2.2.2 Close the Educational Attainment Gap (RAG: AMBER)

- The education attainment gap results for the 2016/17 academic year are expected in Q3.

### 2.2.3 Enable the Completion of More Affordable Housing (RAG: RED)

- Based on the new reporting arrangements, affordable housing completions data is expected to be available at the end of quarter four.
- Contextual information shows that house prices increased by 4% between Sep 2016 and Aug 2017.

### 2.2.4 Deliver or enable key infrastructure projects in relation to roads, rail, flood prevention, regeneration and the digital economy (RAG: GREEN/RED)

- Work to complete the flood prevention and drainage improvement schemes, listed in the capital programme for this year, is progressing well and is expected to be completed on time.
- The completion of the second milestone, relating to 'starting the development on site', for the Market Street redevelopment is delayed and not likely to be achieved by the target date (Mar 2018). The developer has to conclude the viability related process and pay the £500k contribution. As a result, it is proposed that the target for this milestone be revised to 'July 2018' (see Appendix F - exception report).



- London Road Industrial Estate work and Sterling Cables projects are delayed due to ongoing court action and developer's viability issues respectively (see Appendix F - exception report).
- A number of actions have been put in place to ensure that 96.6% of West Berkshire premises will be able to receive superfast broadband by Mar 2018, Q2 actual is 87.7% (see Appendix F - exception report).

#### 2.2.5 Good at Safeguarding Children and Vulnerable Adults (RAG: GREEN)

- The most notable achievement this quarter is that all five Adult Social Care (ASC) services are now rated 'Good' in the area of 'safe'. Care Quality Commission (CQC) has carried out an inspection on the Willow Edge adult social care home and their assessment of the safety of the service has now improved. This is a result of the improvements implemented and maintained by the care home's staff and the management of the ASC service. In their report CQC have highlighted that: *'The service had systems in place to ensure people were as safe as possible. Identified risks were assessed and action taken to mitigate them. Safety checks and servicing took place regularly and the staff recruitment process was robust.'*
- Following the 'Good' overall Ofsted inspection rating of Children and Family Services during quarter one, work has continued towards delivering further improvements in areas such as:
  - (i) involving health professionals in decision making,
  - (ii) better recording and use of information regarding children's diverse backgrounds
  - (iii) analysing risk for children missing from home or care, or at risk of sexual exploitation.
- The reported timeliness of responding to adult safeguarding concerns has continued the decline in performance which started last quarter. As part of the change to a new recording system (Care Director), action has been taken at management and operational level to improve practice, processes and activity recording. Reassurance is provided that, where concerns have been received, the Safeguarding team managed any presenting risk to ensure the safety of the individual (See Appendix F - exception report).

#### 2.2.6 Support Communities to do More to Help Themselves (RAG: GREEN) - Progress has continued on a number of work streams that are part of this priority:

- **The multi agency Building Communities Together Team (BCT)** – The BCT Team officers from West Berkshire Council (WBC) and Thames Valley Police (TVP) are collocated and are now routinely working alongside each other. The TVP officers have Problem Solving Team responsibilities and are leading on developing Problem Profiles on significant issues within communities. They are working with BCT Team colleagues and partner agencies to identify and develop community solutions.

In response to a significant increase in reports of anti-social behaviour in Burghfield, a Problem Profile was developed and a 'World Café' type event was held to further develop the Profile and, importantly, to engage with local residents. The Problem Solving Team within the BCT carried out 2 weeks of action and as a result the reports of antisocial behaviour have significantly reduced and community cohesion improved.

- **Community conversations:** The BCT Team has continued to sustain and develop Community Conversations and identify opportunities to build on existing community activities that can be harnessed to build community resilience. In Hungerford, the Community Conversation continues as a multi professional meeting using a problem solving approach to address challenging issues. In Newbury, it focuses on developing a community hub and mapping community assets and in Calcot continues with a focus on developing a Community Café.

There have been World Café events in Burghfield, Aldermaston and Thatcham to identify local issues and to potentially create community forums.

- **The devolution agenda** is progressing. The online Parish Portal was launched in April 2017, and several town councils have responded and expressed their desire to take over responsibility for managing key community assets. The transfer of Hungerford library, and specific playgrounds and open spaces to Thatcham Town Council will be the first projects completed under the devolution programme. There will also be a future Town and Parish Clerks' Forum to facilitate better communications between West Berkshire Council and our town and parish councils.

## 2.3 Performance by Council Strategy's core business areas:

### 2.3.1 Protecting our children

- Good performance was maintained for the timeliness of single assessments (98.5% within timescales) and for placement stability of LAC (only 1.9% of cases with 3 or more placement moves). Performance of timely sharing of reports with parents, ahead of the Initial Child Protection Conferences has improved, and is now back on track.
- Similar to last quarter's position, the average number of weeks to conclude care proceedings (at 35 weeks) is higher than the national target of 26 weeks. The delays are not attributable to Local Authority case planning. Work will continue with the judiciary and the Local Family Justice Board to reduce the timescales, where possible. (see Appendix F exception report for details).
- At 20.5%, the percentage of repeat referrals to Children's Services within 12 months of a previous referral, was just above the top of the target range of 5% to 20%. This is still below the 2015/16 national average of 28%. Some complex potential process/recording issues, that may contribute in part to this result, are being explored in order to be resolved.
- For a number of measures, that are part of this core business area, the results for Q2 were not available before the production of this paper, due to the launch of the new client records management system (CareDirector). Some

technical issues, post Go Live in Sep 2017, mean that some of the system reports are not working correctly and require further setting up and development work. Progress is being made to address these issues with the aim to report all the measures at the end of Q3.

### 2.3.2 Bin collection and street cleaning

- The estimated result for the household waste recycled, composted, reused or recovered (83.9%) is now above the year end target of 80%. Quarter one performance was impacted by the Energy from Waste facility being closed over Apr 2017.
- Better performance (rating of 'good') was achieved against the target (rating 'satisfactory') in relation to maintaining an acceptable level of litter, detritus and graffiti.

### 2.3.3 Providing benefits

- The timeliness of making decisions on benefit claims measures (changes and new) have been considered by the Overview and Scrutiny Management Commission (OSMC). This course of action was recommended by the Executive, following the results (at the end of last year and in Q1) being impacted by staffing and IT issues, and the expected impact from the roll out of the Universal Credit in Dec 2017. The contributory issues, and the actions put in place to mitigate them, have been scrutinised by the members of the OSMC and officers.
- Performance at quarter two has improved. The timeliness of decisions on new claims (19.7 days) was better than the target (<20 days). For decision on changes in claimant's circumstances, it improved to just 0.5 of a day higher than the maximum 9 days target and is expected to achieve the end of year target (see Appendix F - exception report).

### 2.3.4 Collecting Council Tax and Business rates

- Good performance achieved by the Revenues and Benefits service during the first quarter, regarding 'in year' collection of Council Tax and Business rates, has continued during quarter 2 and is expected to achieve their end of year targets. This was another area that was scrutinised in greater detail by the OSMC.

### 2.3.5 Wellbeing of older people and vulnerable adults

- The timeliness to undertake financial assessments referred to the Financial Assessment & Charging team (99.8%) continues to perform highly.
- The causes of underperformance, and the improvement actions put in place by the Adult Social Care Service to increase the timeliness of reviews of adult social care clients with a long term service, have been scrutinised by the OSMC. These actions have resulted in improved performance, from 65.1% in quarter one to 71.4 for quarter two. This gives confidence to the service that the end of year target of 74% will be met. (see Appendix F – exception report).

- As described in paragraph 2.23, data was not available for some of the measures at quarter two and is expected to be reported next quarter.

#### 2.3.6 Planning and housing

- The timeliness of determining planning applications (major, minor and other) and the timeliness of the Disabled Facilities Grant's approval, continue to perform better than their targets.
- The Housing Site Allocation Development Plan Document (HSA DPD) was adopted in May 2017. The activities to submit the New Local plan for examination remain on track for Dec 2019. Similarly, it is estimated that the Minerals and Waste Local plan will be submitted to the Secretary of State for examination by the due date.
- Homelessness has been relieved or prevented in 72% of cases by the end of Q2 which is an improvement from 64% at quarter one. The circumstances for performance below target have been considered in more details at OSMC. A separate paper is produced to highlight the implications of the new homeless prevention duties. (see exception report for details)

## 2.4 Corporate Programme's performance - part of the Overarching aim: Become a More effective council

2.4.1 Corporate Programme Board is monitoring a range of initiatives that support the aim of becoming a more effective council. The key updates for quarter two relating to these initiatives are:

- **Service Transformation** – The Financial Challenge Review process has carried out a first phase of work to identify ways in which the £4.5m funding gap in the Council's finances to 2019/20 can be closed. Approximately, £1.5m of savings has been identified for 2018/19. Further work will be required for future years and a methodology for this is being developed.

The New Ways of Working reviews for Development & Planning and Education Services have begun, although progress has been limited by the requirement for focus on the Financial Challenge reviews. SWOT analyses have been carried out, with the views of staff, management and elected members being captured.

Work on digitising bookings, courses, payments, virtual meetings and case management continues. There is some overlap between this work and the waste savings project, which is developing specific actions to realise anticipated savings of £3m.

- **New Investment and Income Opportunities** – The Property team is working to identify suitable property investments to recommend to the recently established Property Investment Board.

A project team is also exploring the business case for purchasing general accommodation to prevent people becoming homeless, and initial work has begun on a joint venture with Sovereign Housing to pursue this aim.

The Steering Group examining the opportunities arising from and the approach towards trading with schools and academies, has had its work significantly informed by the actions arising from the Financial Challenge process.

- **Workforce Projects** – Work has continued on the car leasing scheme with initial and revised proposals being put out to consultation with staff.

Work continues to ensure compliance with and maximise the opportunities arising from the introduction of the Apprenticeship Levy.

General Data Protection Regulations compliance work has begun, with the specific requirements being communicated across the Council and the development of a wider action plan.

- **Other Programme Activity** – The Programme Office continues to monitor a range of projects dealing with matters such as SEND Ofsted preparation, demand management, the Sandford and Grazeley developments and infrastructure improvement.

2.4.2 Under the aim of ‘A more effective council’, an analysis of the basket of the Key Accountable Measures used to monitor the delivery of the Council Strategy 2015-2019, indicates that 70% (19/27) of them were RAG rated Green, 18% (5/27) Amber and 12% (3/27) Red compared to 69% (22/32) Green, 13% (4/32) Amber and 19% (6/32) for quarter two 2016/17.

## 2.5 Corporate Health Measures (see Council Performance Scorecard).

The Corporate Health Measures, which are applicable for all services, focus on human resources measures which are useful from a management perspective. The forecast net revenue budget variance reduced from last quarter to £602k at the end of Sep against a net revenue budget of £117.4m. The staff turnover is now at 8% but due to the change in the organisation’s structure was calculated only for Apr-Jun 2017 rather than on a rolling 12 months basis.

## 3. Conclusion

3.1 Quarter two performance is good, with improvements on most of the areas reported below targets at the end of quarter one. A key achievement this quarter is the overall ‘good’ rating of one of the Council’s ASC care homes, including the ‘good’ rating of the inspection sub domain ‘safety’. This means that all ASC services are now rated ‘good’ or better in the sub domain of ‘safety’. Another distinct improvement is that over 95% of the District’s school are rated ‘good’ or better by the schools regulator Ofsted.

3.2 Improvements or maintaining high performance was achieved in the following areas:

- Protecting our children – further improved the timeliness of assessments and placement stability;
- Bin collection and street cleaning – good levels of recycling and cleanliness

- Collecting Council Tax and Business Rates – following performance just below targets at the end of last year, results are now on the expected trajectory to achieve the end of year targets.
- Older people and vulnerable adults' wellbeing – good timeliness of financial assessments.
- Planning and housing – exceeding targets relating to the timeliness of determining planning applications and timeliness of Disabled Facilities Grants approval.

3.3 An analysis of the measures RAG rated Amber or Red, shows that actions have been implemented to improve performance, which in many of the cases were just below the targets/thresholds set:

- Access to Superfast Broadband – solutions are being implemented to bring the speed of delivery back on track.
- Timeliness to conclude care proceedings – detailed assessment gave assurance that the delays are not attributable to the local authority. Work with the judiciary to reduce timescales continues.
- Repeat referrals to Children's Services – just outside the target range and well below national average.
- Timeliness of decisions on changes in a Benefit claimants circumstances – improvement actions have been scrutinised in detail by the OSMC. Performance has improved and is marginally higher than maximum target level.
- Timeliness of reviews of clients with a Long Term Adult Social Care Service – improvement actions have been scrutinised in detail by the OSMC. Performance has improved and it is expected that end of year targets will be achieved.
- % of people presented homeless where the homelessness has been relieved or prevented – performance has improved. OSMC has considered this area in detail. A separate paper is being prepared regarding the new Prevention Duty and its implications.

3.4 Based on the analysis of the available information at Corporate Board, it is proposed that the following measures RAG rated Amber or Red are considered by the Executive:

- Milestone delayed for Market Street Redevelopment – to note exception report and agree revised target from Mar 2018 to Jul 2018.
- London Road Industrial Estate and Sterling Cables – to note dependencies on court action and funding bid success, respectively.
- Timeliness of responding to adult social care safeguarding concerns – to note revision and change in practice and processes. Recording approach is being brought back in line with national minimum standards and reassurance is provided that the risks to individuals are promptly managed.

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**Background Papers:**

Council Strategy 2015-2019 (refreshed March 2016)

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**Subject to Call-In:**

Yes:  No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

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**Wards affected:**

All

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**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aims:

- BEC – Better educated communities**
- SLE – A stronger local economy**
- P&S – Protect and support those who need it**
- HQL – Maintain a high quality of life within our communities**
- MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priorities:

- BEC1 – Improve educational attainment**
- BEC2 – Close the educational attainment gap**
- SLE1 – Enable the completion of more affordable housing**
- SLE2 – Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy**
- P&S1 – Good at safeguarding children and vulnerable adults**
- HQL1 – Support communities to do more to help themselves**
- MEC1 – Become an even more effective Council**

The proposals contained in this report will help to achieve the above Council Strategy aims and priorities by providing evidence on progress and inform any additional or remedial actions.

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**Officer details:**

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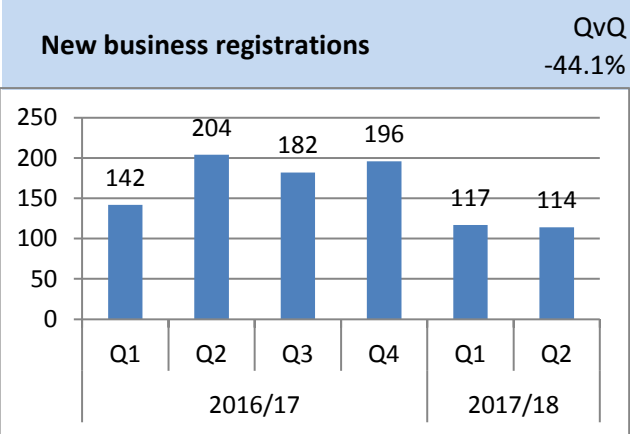
# District Wide Health Check Q2 2017/18



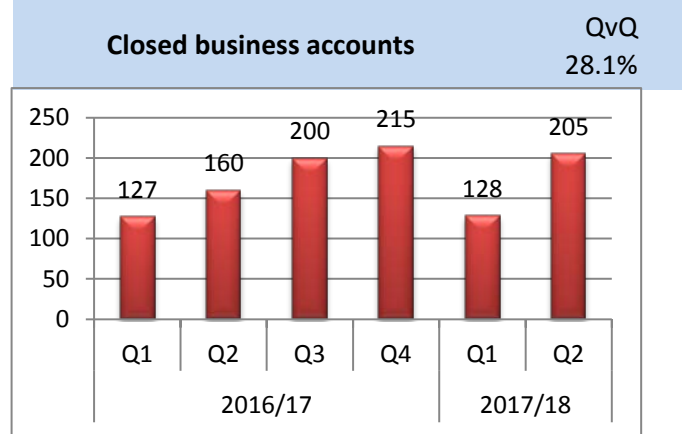
Arrows indicate direction of travel (DoT) latest quarter versus same period last year unless otherwise stated. Values between brackets are the actual values for the quarter.

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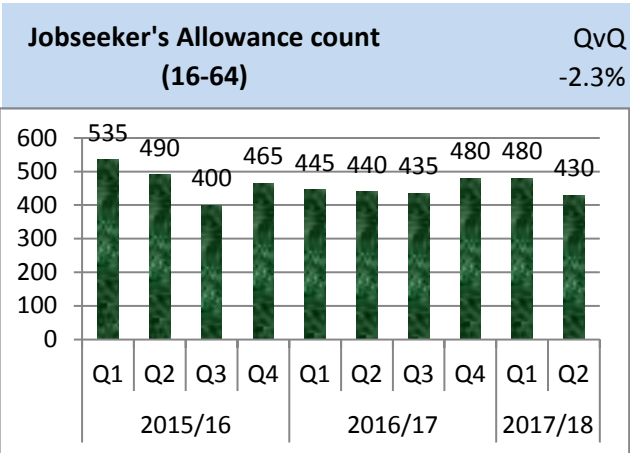
Local Economy



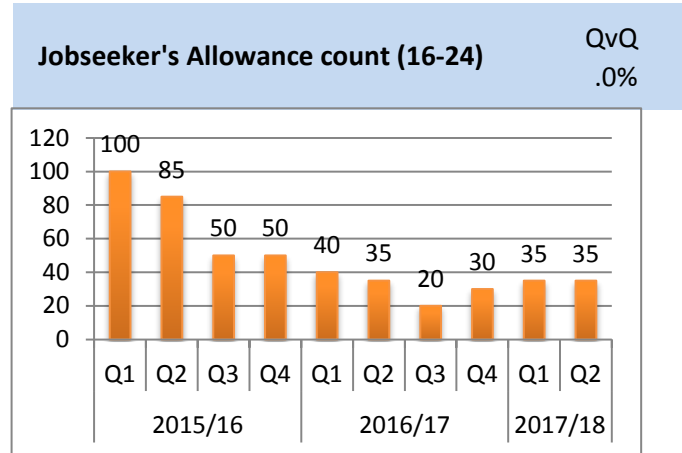
Business rates are charged on most non-domestic properties e.g. Shops, offices, pubs



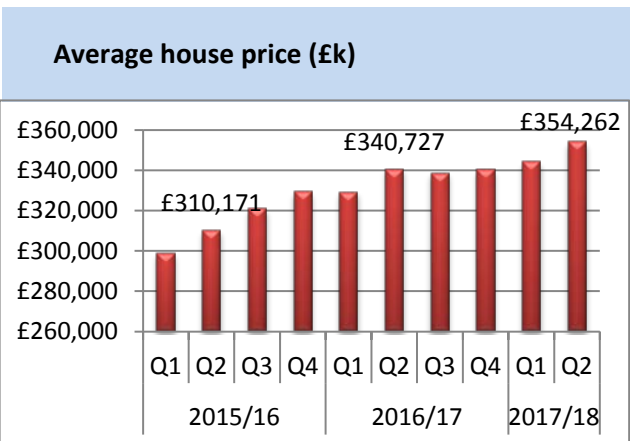
Business rates are charged on most non-domestic properties e.g. Shops, offices, pubs



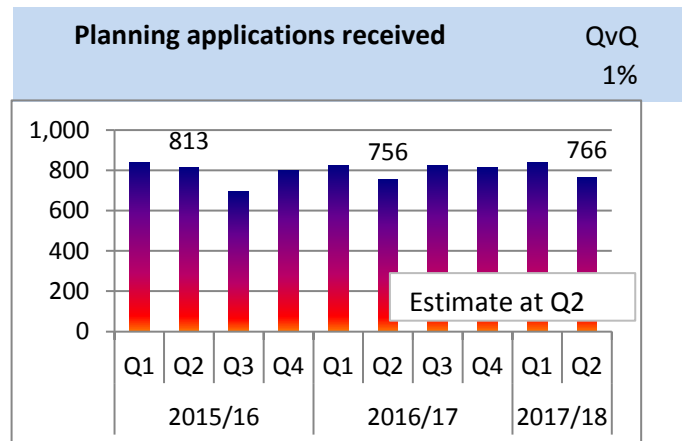
Reported for last month in the quarter. Number of people aged between 16 and 64 who are claiming Jobseeker's Allowance (JSA). This is paid to help people who are unemployed or on a low income that are out there looking for a job.



Reported for last month in the quarter. Number of young people aged between 16 and 24 who are claiming Jobseeker's Allowance (JSA). This is paid to help people who are unemployed or on a low income that are out there looking for a job.



2016/17 figures have been updated by the land registry. Q1 now includes data for June 2017. Only July and August data is available as yet for 2017/18 Quarterly average for all property types, as published by the Land Registry

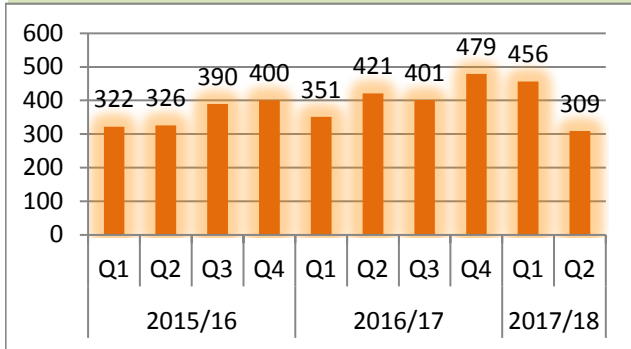


Q2 is an estimate and will be updated at Q3. The total number of applications received by Planning, either by post or via the planning portal

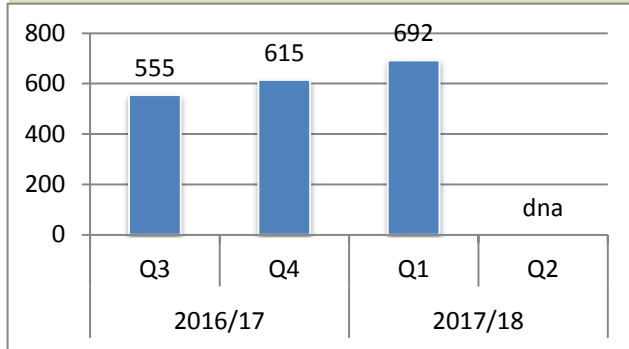
Social Care

Referrals to Children & Family Services

QvQ  
-27%



ASC new enquiries

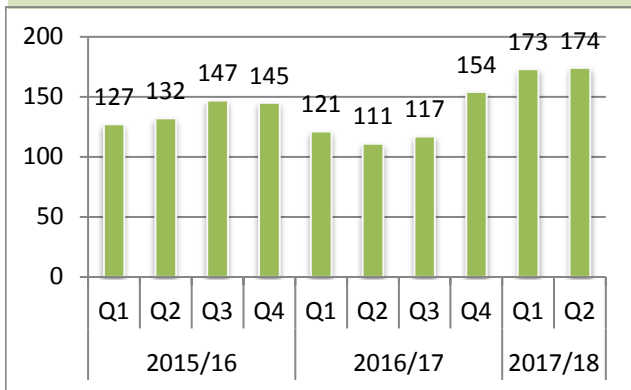


Unable to provide Q2 data due to transition to CareDirector.

No comparison can be made with data prior to Q3 2016/17 due to changes in working practices.

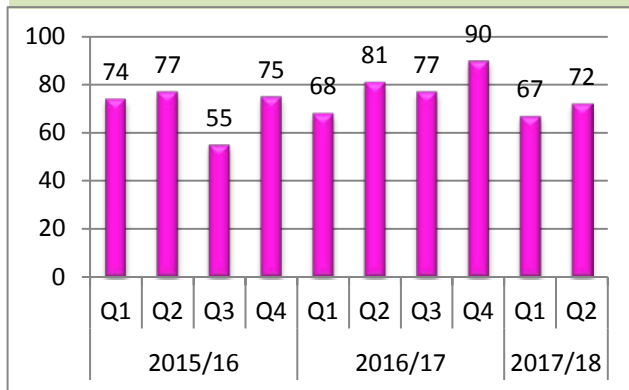
Child protection Plans

QvQ  
57%

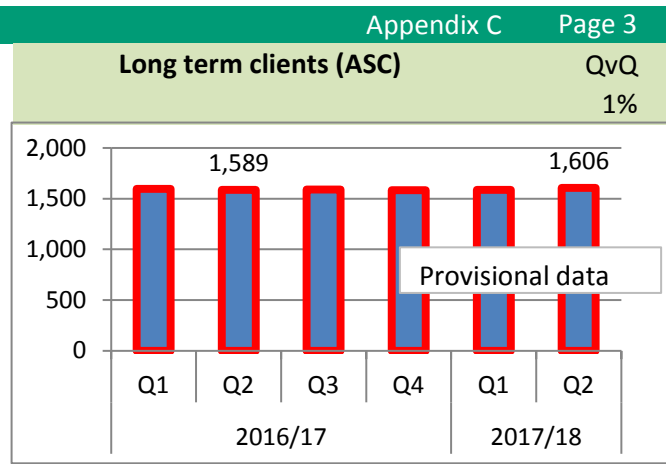
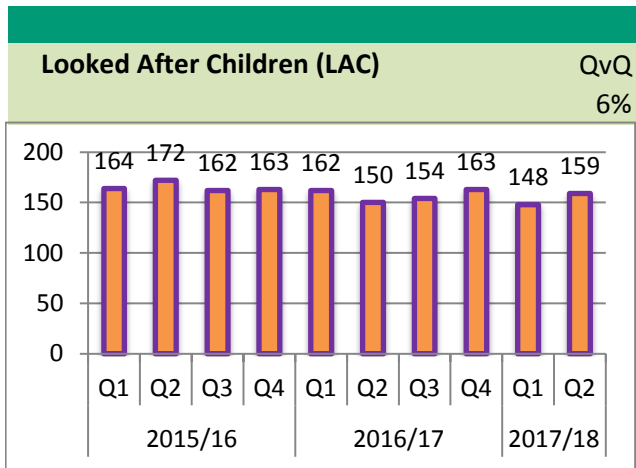


Adult safeguarding enquiries opened

QvQ  
-11%



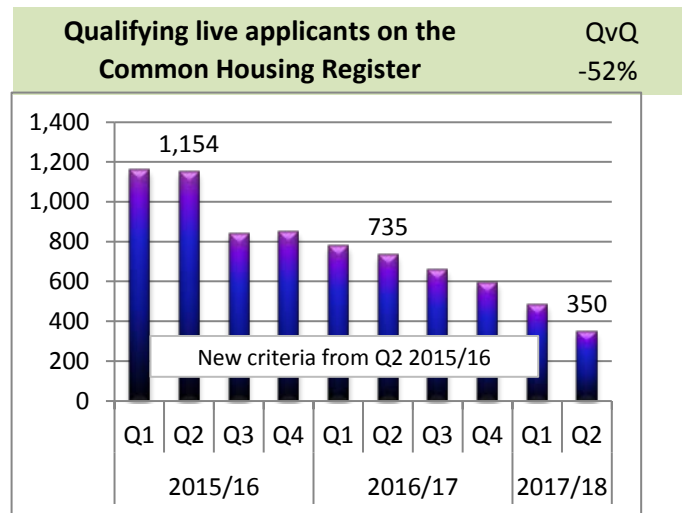
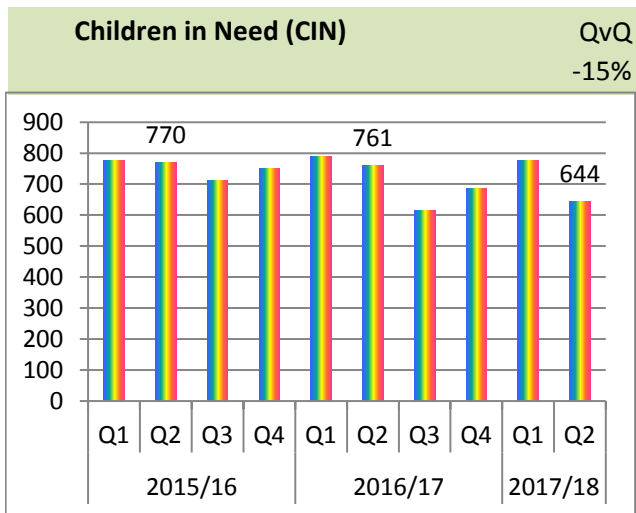
YTD = 139



Provisional data - Reported as snapshot, not year to date.

Data before 2016/17 has not been provided as it is not comparable due to the implementation of the Care Act, where we reviewed work flow with the previously joint MH team. This identified a cohort of clients that previously were captured as receiving 'long term professional support'. A decision was made post April 2015 that their support was primarily health focused, they would not be reviewed under Care Act eligibility and were closed.

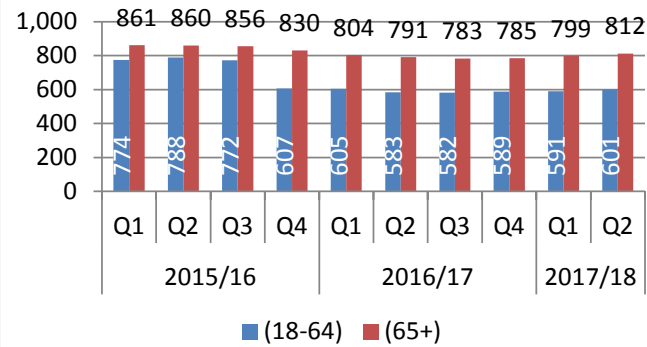
**Social Care**



Key Accountable Measures of Volume 2017/18 by Service (current qtr v. same qtr last year)

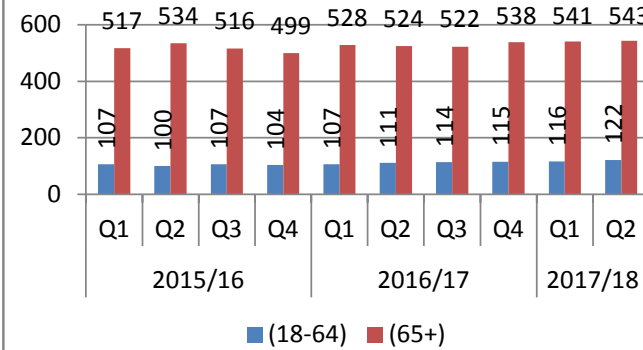
Appendix D

1. ASC: No. of clients aged 18-64 or 65+ in the last 12 months in receipt of a Long Term community service (Homecare/ Day care / PB cash payment/ Community support / ECH)



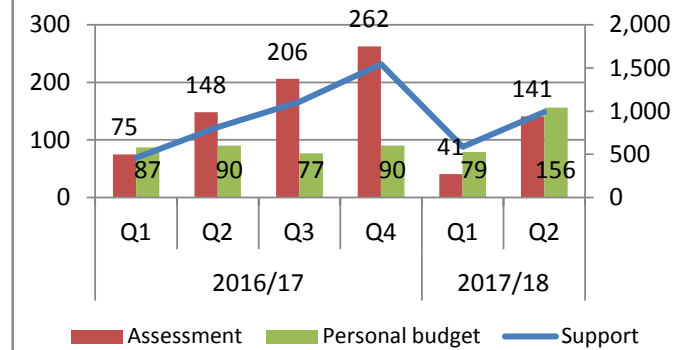
Provisional data  
Rolling 12 months  
Report as at 16th Oct due to transition to Care Director

2. ASC: No. of clients aged 18-64 or 65+ in the last 12 months in receipt of a Long Term Service (LTS) residential/nursing care



Provisional data  
Rolling 12 months  
Report as at 16th Oct due to transition to Care Director

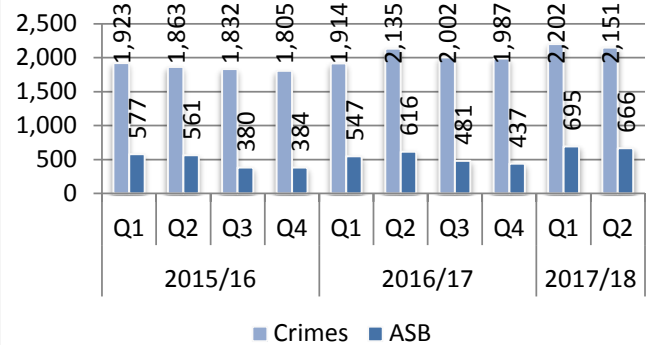
3. ASC: No. of Carers receiving an assessment against eligibility criteria/support during the year/personal budget



YTD figures

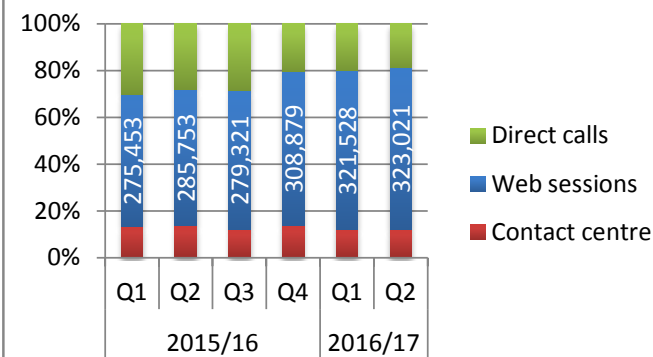
4. BCT: No of all crimes and anti-social behaviour (ASB) incidents reported to Thames Valley Police

QvQ  
Crime: .7%  
ASB: 8.1%



7.9% increase on last year  
ASB increase year on year by 18%

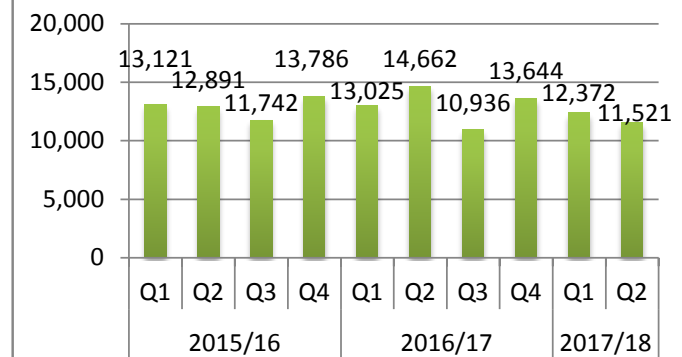
5. CS&ICT/SS: Direct calls, Contact Centre calls and Individual website sessions



From Q2 individual sessions on Planning's Public Access site will be included.

6. CS&ICT: No. of Streetcare enquiries (received directly through Contact Centre & online fault reporting) (Total)

QvQ: -21.4%



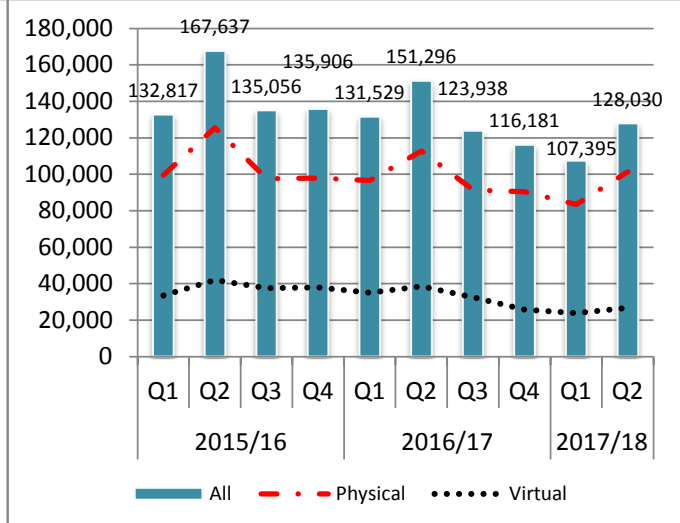
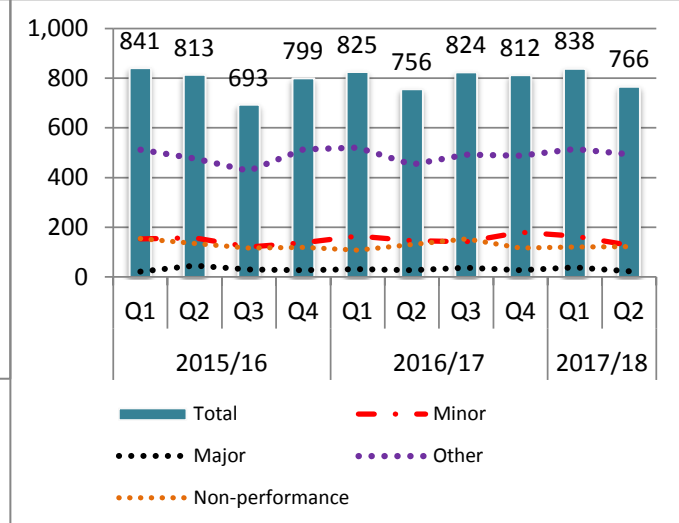
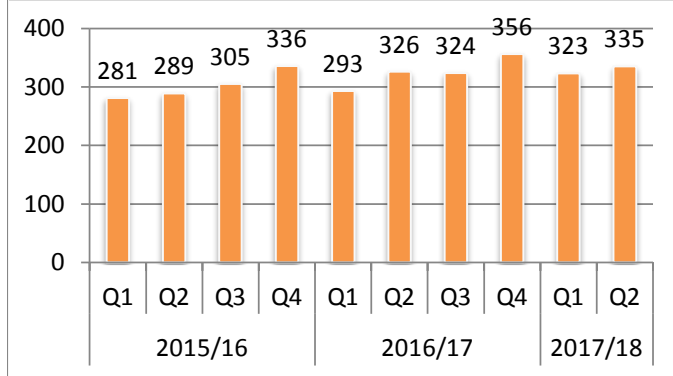
Key Accountable Measures of Volume 2017/18 by Service (current qtr v. same qtr last year)

Appendix D

7. SS: No. of Freedom of Information requests received QvQ: 2.8%

8. D&P: Number of planning applications received (Total) QvQ: 1.3%

9. PP&C: Number of visits to libraries, including the Mobile and 'At Home' Service (Total) QvQ: -15.4%

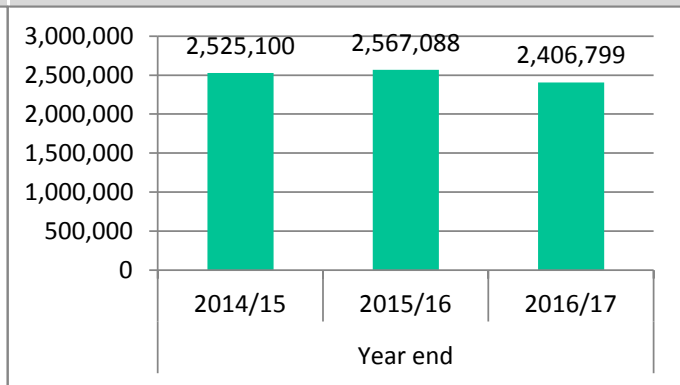
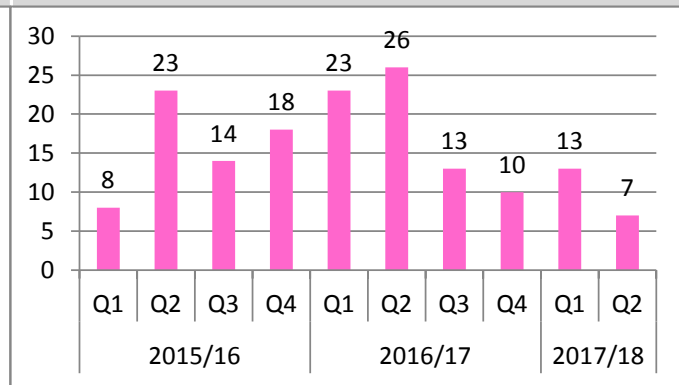
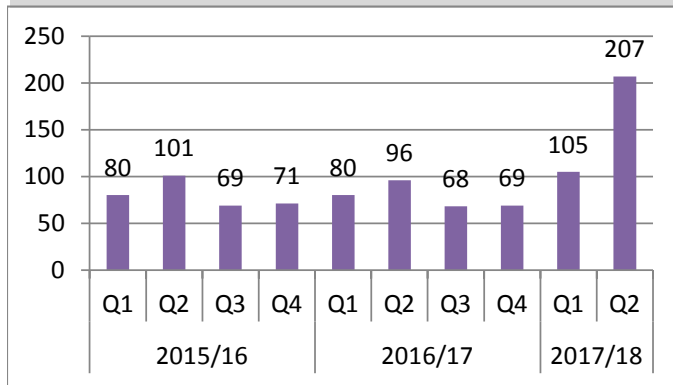


Q2 is an estimate and will be updated at Q3. The total number of applications received by Planning, either by post or via the planning portal

10. PP&C: Number of volunteers across libraries, including the Mobile and 'At Home' Service QvQ: 115.6%

11. T&C: Number of people killed or seriously injured on roads in West Berkshire (incl Highway Agency roads) Q1vQ1: -73.1%

12. T&C: Number of bus passenger journeys commencing in West Berkshire YrvYr: -6.2%



Generally reported quarterly in arrears

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Strategic Priority: BEC1 - Improve educational attainment											
BEC1kt1 Continue to develop our work with schools to improve outcomes for all children and young people.											
FINANCIAL YEAR				Historical outturns							
Ref	Service	Title	Responsible Officer	Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17	National rank/Quartile 2016/17	YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment
BEC1kt6E FY1	Educ	% of schools judged good or better by Ofsted under the new Framework (harder test)	Elaine Ricks	80% (56/70)	local	87%	local	90%	★ 90.2%	★ 95.1%	YTD: 78 / 82
ACADEMIC YEAR				Historical outturns							
Ref	Service	Title	Responsible Officer	Year end 2014/15	National rank/Quartile 2014/15	Year end 2015/16	National rank/Quartile 2015/16	Target 2016/17	Year end 2016/17	National rank/Quartile 2016/17	Q2 Comment
BEC1kt0E FY22	Educ	% pupils achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)	Elaine Ricks	71%	1st	75%	1st	Top 25%	⊙ Annual - Q3	Annual - Q3	Reports Q3
BEC1kt1E AY2	Educ	At KS4, the average attainment 8 score is in the top 25% of English Local Authorities	Elaine Ricks	-	-	Top 25% Rank 38 / 152	1st	Top 25%	⊙ Annual - Q3	Annual - Q3	Reports Q3
BEC1kt1E AY3	Educ	At KS2, the percentage achieving the national standard is in the top 25% in England for reading, writing and maths combined	Elaine Ricks	-	-	Top 50% Rank 50/152	2nd	Top 25%	⊙ Annual - Q3	Annual - Q3	Reports Q3

Strategic Priority: BEC2 - Close the educational attainment gap

BEC2kt1 Our disadvantaged children will have better results and will be closer to the results of other children

ACADEMIC YEAR				Historical outturns				Target 2016/17	Year end 2016/17	Nationla rank/Quartile 2016/17	Q2 Comment
Ref	Service	Title	Responsible Officer	Year end 2014/15	Nationla rank/Quartile 2014/15	Year end 2015/16	Nationla rank/Quartile 2015/16				
BEC2kt0E AY18	Educ	% pupils eligible for Free School Meals (FSM) achieving a Good Level of Development (GLD) at Foundation Stage (EYFS)	Elaine Ricks	45%	4th	57%	2nd	Top 25%	Annual - reports in Q3	<b>Annual - reports in Q3</b>	Reports in Q3
BEC2kt1E AY11	Educ	To improve on 2015/16 Academic year rankings for reading, writing and maths combined expected standard for disadvantaged pupils in KS2 in 2016/17 Academic Year	Elaine Ricks	-	-	Rank = 122/152	4th	To rank higher than 122/152	Annual - reports in Q3	<b>Annual - reports in Q3</b>	Reports in Q3
BEC2kt1E AY12	Educ	To improve on 2015/16 rankings for attainment 8 for disadvantaged pupils in KS4 in 2016/17 Academic Year	Elaine Ricks	-	-	Rank = 100/152	3rd	To rank higher than 100/152	Annual - reports in Q3	<b>Annual - reports in Q3</b>	Reports in Q3

Strategic Priority: SLE1 - Enable the completion of more affordable housing

SLE1kt1 Pursue options to accelerate the delivery of affordable housing in the district

				Historical outturns				YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment
Ref	Service	Title	Responsible Officer	Year end 2015/16	Nationla rank/Quartile 2015/16	Year end 2016/17	Nationla rank/Quartile 2016/17				
SLE1kt1D &P1	D&P	To enable the completion of 1,000 affordable homes in the 2015-2020 period	Bryan Lyttle	158	local	83	local	225 (17/18)	Annual - Q4	<b>Annual - Q4</b>	

Strategic Priority: SLE2 - Deliver or enable key infrastructure improvements in relation to roads, rail, flood prevention, regeneration and the digital economy

SLE2kt1 Invest £17m in our roads.											
Ref	Service	Title	Responsible Officer	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment	
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17					National rank/Quartile 2016/17
SLE2kt1t&c1	T&C	% of the principal road network (A roads) in need of repair	Andrew Reynolds	2%	14/149 1st	3%	dna	5%	⊙ Annual - reports Q4	⊙ <b>Annual - Q4</b>	
SLE2kt2 Seek to develop new partnerships with the private sector and local communities to enhance local infrastructure.											
SLE2kt2ce o1	CEO	Market Street Redevelopment for 17/18: start on site (Milestone 2)	Nick Carter	-	-	Rescheduled for Jan 2018	local	Mar-18	★ On track	■ <b>Delayed</b>	Request to change target date to start on site by beginning of July 2018. See exception report for details
SLE2kt2ce o2	CEO	Redevelop London Road Industrial Estate (LRIER) with St. Modwen Plc Business plan created and approved (Milestone 1)	Nick Carter	-	-	Delayed	local	tbc dependent on court	■ Delayed	■ <b>Delayed</b>	See exception report for details.
SLE2kt2ce o4	CEO	Sterling Cables - Clear site and begin development	Nick Carter	-	-	Demolition and decontamination has commenced	local	Nov-18 (dependent on Marginal Funding Bid)	⚡ On track	⚡ <b>Delayed</b>	Works on site halted due to developer viability issues. The site is being considered as a candidate for Marginal Funding, which if successful, should cause works to recommence.
SLE2kt4 Invest £5.2m in flood prevention schemes.											
SLE2kt6 Implement the Superfast Broadband Programme for Berkshire and West Berkshire.											
SLE2kt6CS & ICT	CS&ICT	Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above	Richard Welch	57,340 (82.8%)	local	60,519 (87.3%)	local	70,584 (96.6%)	◆ 62,557 (85.6%)	◆ <b>64,124 (87.7%)</b>	See exception report for details

Strategic Priority: PS1 - Good at safeguarding children and vulnerable adults

PS1kt2 Where services are independently inspected they are rated at least 'good' and peer reviews of safeguarding rated highly.											
Ref	Service	Title	Responsible Officer	Historical outturns				YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17	National rank/Quartile 2016/17				
PS1kt2asc3	ASC	% of WBC provider services inspected by Care Quality Commission (CQC) that are rated good or better by CQC in the area of "safe"	Tandra Forster	75%	local	80%	local	100%	★ 80.0%	★ <b>100.0%</b>	YTD: 5 / 5
PS1kt2CFS1	CFS	Improved Ofsted rating for Children and Families Service	Mac Heath	Inadequate	local	Waiting for visit	local	A rating of 'Requires Improvement' or above.	★ Rated 'Good'	★ <b>Complete in Q1</b>	Rated 'Good' during Q1
PS1 Other Measures that aren't aligned to a 'Key Thing' but are reported under this Strategic Priority											
PS1asc2	ASC	% of adult social care safeguarding concerns responded to within 24 hours.	Tandra Forster	94%	local	93%	local	92%	◆ 86.3%	■ <b>83.3%</b>	YTD: 210 / 252 See exception report for details

Strategic Priority: HQL 1 - Support communities to do more to help themselves

HQL1kt1 Accelerate the delivery of local services for local communities by local communities.

Ref	Service	Title	Responsible Officer	Historical outturns				YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17	National rank/Quartile 2016/17				

No measures assigned

HQL1kt2 Work with local communities to help people live longer, healthier and more fulfilling lives and improve the health of the poorest fastest.

Ref	Service	Title	Responsible Officer	Historical outturns				YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17	National rank/Quartile 2016/17				
HQL1kt2p hwb1	PH&WB	Monitor uptake of Identification & Brief Advice (IBA) training	Anees Pari	-	local	-	local	tbc	⊙ Annual-Q3	⊙ <b>Annual - Q3</b>	Reporting to commence in Q3. The commissioning process to identify a trainer to provide IBA training is nearing completion and a provider is anticipated to be in place from 1 November. There is work ongoing to identify how the impact of the training can be measured with Sovereign Housing and the Crime Reduction Company agreeing to incorporate IBA in their practice by following up with clients who receive the intervention to establish whether their alcohol consumption has decreased.

HQL1kt9 Grow community conversations via Brilliant West Berkshire: Building Community Together partnership working

Ref	Service	Title	Responsible Officer	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment	
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17					National rank/Quartile 2016/17
HQL1kt9bct1	BCT	Number of Community Conversations through which local issues are identified and addressed	Susan Powell	-	-	-	local	>10	★ 8	★ 8	6 live 2 pending Hungerford, Calcot, Newbury, Burghfield, Aldermaston, Thatcham are ongoing with potential to develop into Community Forums. In Burghfield, Aldermaston and Thatcham World Cafes have been held with the potential to develop into Community Forums. Community Conversations are being planned in Lambourn and Hungerford. Community Conversation activity has been undertaken at the relaunch of the Newbury Youth Council and is planned for the Peer Mentoring conference

Core Business:

a. Protecting our children

Ref	Service	Title	Responsible Officer	Historical outturns			YE target 2017/18	Q1 RAG/Outturn	Q2 (YTD) RAG/Outturn	Q2 Comment	
				Year end 2015/16	National rank/Quartile 2015/16	Year end 2016/17					National rank/Quartile 2016/17
CBaCFS7	CFS	% of (single) assessments being completed within 45 working days	Mac Heath	86%	67/152 2nd	97%	dna	>=95%	★ 98.8%	★ 98.5%	
CBaCFS11	CFS	Number of weeks taken to conclude care proceedings (children social care)	Mac Heath	23	local	28	local	<=26 weeks	■ 35	■ 35	See exception report for details
CBaCFS12	CFS	Placement moves - stability of placement of Looked After Children - number of moves (3 or more in a year)	Mac Heath	6%	5/152 1st	9%	dna	<=10%	★ 1.4%	★ 1.9%	YTD: 3 / 157

c. Bin collection and street cleaning													
CBct&c1	T&C	% of household waste recycled, composted, reused and recovered (Local Indicator)	Jackie Ward	83%	local	82.5% (P)	local	80%	★	78.8% (P)	★	<b>83.9% (E)</b>	Q2: 18,207 / 20,419 YTD: 34,986 / 41,723 This quarter's result is an estimate based on partial availability of data and will not be finalised until the next quarter. This result is also subject to change once figures are validated and confirmed by DEFRA after quarter 4.
CBct&c1	T&C	Maintain an acceptable level of litter, detritus and graffiti (as outlined in the Keep Britain Tidy local environmental indicators)	Jackie Ward	Good	local	Good	local	Satisfactory	⌚	Reports from Q2	★	<b>Good</b>	
d. Providing benefits													
CBdF&P8	F&P	Average number of days taken to make a full decision on new Benefit claims	Iain Bell	19.04 days	local	22.75 days	local	<20 days	◆	21.13 days	★	<b>19.7 days</b>	
CBdF&P9	F&P	Average number of days taken to make a full decision on changes in a Benefit claimants circumstances	Iain Bell	5.85 days	local	8.7 days	local	<9 days	◆	12.55 days	◆	<b>9.5 days</b>	See exception report for details For comparison = 2016/17 Q2 return = 12.16 days
e. Collecting Council Tax and Business rates													
CbeF&P11	F&P	The 'in-year' collection rate for Council Tax	Iain Bell	99%	local	98%	local	99%	★	29.7%	★	<b>57.2%</b>	YTD: 60,506,249 / 105,737,649 For comparison = 2016/17 Q2 return = 57.2%
CbeF&P12	F&P	The 'in-year' collection rate for Business Rates	Iain Bell	99%	local	98%	local	99%	★	34.9%	★	<b>59.4%</b>	YTD: 53,274,813 / 89,711,056 For comparison = 2016/17 Q2 return = 59.3%
f. Ensuring the wellbeing of older people and vulnerable adults													
CBfasc5	ASC	% of clients with Long Term Service (LTS) receiving a review in the past 12 months	Tandra Forster	95%	local	67%	local	75%	◆	65.1%	◆	<b>71.4%</b>	YTD: 903 / 1,264 See exception report for details
CBfasc6	ASC	Decrease the number of bed days due to Delayed transfers of care (DToC) from hospital	Tandra Forster	-	-	dna	4th	TBC	⚡	2,504	⌚	<b>dna</b>	Target for DToC days still under review within the BCF framework. Q2 Data will be available in Q3.
CBfasc8	ASC	% of older people (65+) who were still at home 91 days after discharge from hospital into reablement/rehabilitation services	Tandra Forster	79%	117/152 4th	93%	dna	83%	★	92.1%	⌚	<b>dna</b>	Unable to provide Q2 data due to STS004 reports not working - logged with CareDirector

CBfasc10	ASC	% of financial assessments completed within 3 weeks of referral to the Financial Assessment & Charging Team	Tandra Forster	99%	local	100%	local	98%	★	99.1%	★	<b>99.8%</b>	YTD: 405 / 406
g. Planning and housing													
CBgD&P4	D&P	Submit a New Local Plan for examination	Bryan Lyttle	Behind schedule	local	On track	local	Dec-19	★	On track	★	<b>On track</b>	
CBgD&P5	D&P	Submit a Minerals & Waste Local Plan for West Berkshire to the Secretary of state for examination	Bryan Lyttle	Behind schedule	local	On track	local	Dec-19	★	On track	★	<b>On track</b>	
CBgD&P7	D&P	Subject to examination, adopt the Site Allocations Development Plan Document (DPD)	Bryan Lyttle	Behind schedule	local	On track	local	Jun-17	★	Complete	★	<b>Complete</b>	Adopted on 9 May 2017
CBgD&P9	D&P	% of 'major' planning applications determined within 13 weeks or the agreed extended time	Gary Rayner	(56/70) 80%	72/125 3rd	(65/86) 75.6%	108/125 4th	60%	★	77.3%	★	<b>74.5% (E)</b>	Q2: 21 / 29 YTD: 38 / 51
g. Planning and housing													
CBgD&P10	D&P	% of 'minor' planning applications determined within 8 weeks or the agreed extended time	Gary Rayner	(298/411) 73%	78/125 3rd	(329/437) 75.3%	99/125 4th	65%	★	68.9%	★	<b>74.5% (E)</b>	Q2: 108 / 137 YTD: 181 / 243
CBgD&P11	D&P	% of 'other' planning applications determined within 8 weeks or the agreed extended time	Gary Rayner	(1,127/1,274) 89%	32/125 2nd	(1,193/1,290) 92.5%	45/125 2nd	75%	★	83.9%	★	<b>85.6% (E)</b>	Q2: 325 / 373 YTD: 606 / 708
CBgD&P14	D&P	% of people presenting as homeless where the homelessness has been relieved or prevented	Sally Kelsall	79%	local	(269/349) 77%	local	75%	◆	63.9%	◆	<b>71.7%</b>	Q2: 42 / 52 YTD: 81 / 113 Q1 return has been updated and re-RAGd as amber. See exception report for details
CBgD&P16	D&P	% of high priority Disabled Facilities Grants approved within 9 weeks of receipt of full grant application	Sally Kelsall	97%	local	(63/66) 95%	local	90%	★	96.0%	★	<b>98.0%</b>	Q2: 26 / 26 YTD: 50 / 51



Exception Reports – Appendix F

Nick Carter		Chief Executive Officer (CEO)				Q2 2017		RED	
Indicator Ref:		Market Street Redevelopment for 17/18: start on site (Milestone 2)					Type: text		
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity	
			Q1	Q2	Q3	Q4			
RAG	-	■	★	■			Mar-18	-	
Qrtly outturn	-	-	-	-					
YTD outturn	-	Rescheduled to Jan 2018	On track	Delayed					
<p><b>REASON FOR RED:</b></p> <p>This is dependent on Grainger handing over half a million contribution, which is itself dependent on Grainger acquiring acceptable build quotations from sub-contractors (i.e viability).</p> <p>Tendering process for the new bus station will commence in end Q4 beginning of Q1.</p> <p><b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</b></p> <p>None</p> <p><b>FINANCIAL IMPLICATIONS:</b> None</p> <p><b>SERVICE PLAN UPDATES REQUIRED:</b></p> <p>Request to change the target date to start on site from March 2018 to beginning of July 2018.</p> <p><b>STRATEGIC ACTIONS REQUIRED:</b> None</p>									

Nick Carter		Chief Executive Officer (CEO)				Q2 2017	RED	
Indicator Ref:		Redevelop London Road Industrial Estate (LRIER) with St. Modwen Plc Business plan created and approved (Milestone 1)					Type: text	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	-	■	■	■			tbc dependent on court	
Qrtly outturn	-	-	-	-				
YTD outturn	-	Delayed	Delayed	Delayed				
<p><b>REASON FOR AMBER:</b> Continued delay due to ongoing court action. The case brought against the Council by Faraday Developments Ltd (FDL) was won in the High Court, however, the appellant sought leave to appeal. In October 2017 the Court of Appeal granted FDL leave to appeal and the Council will be defending its case. As a result the legal process continues.</p> <p><b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN:</b> None</p> <p><b>STRATEGIC ACTIONS REQUIRED:</b> None</p>								

Nick Carter / Kevin Griffin		ICT & Support Services				Q2 2017/18		AMBER	
Indicator Ref: SLE2ict02		Increase number of West Berkshire premises able to receive Superfast Broadband services 24Mb/s or above							
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity	
			Q1	Q2	Q3	Q4			
RAG	★	★	◆	◆			96.6%	Higher is better	
Qrtly outturn	-	-	-	-					
YTD outturn	57,340 (82.8%)	60,519 (87.3%)	62,557 (85.6%)	64,124 (87.7%)					
<b>REASON FOR AMBER:</b>									
<p>Gigaclear has continued to expand the superfast broadband build into more areas (25/38 communities are now live). However the scale of the rollout and the nature of building a brand new fibre network has a significant impact on West Berkshire's roads and some delays have been experienced because we need to avoid excessive traffic disruption. Gigaclear also had to change their delivery sequence to connect to a different internet backhaul connectivity to the one originally planned, which also slowed down their progress.</p>									
<b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</b>									
<p>Extra resources are being deployed to accelerate the deployment but Gigaclear and Superfast Berkshire the project is expected to run at least until the end to the end of 2017/18.</p> <p>Gigaclear has completed the connection to their alternative internet backhaul networks which will now enable an increased rate of completion for remaining areas to go live. Gigaclear have also brought in additional sub contract resources that can work under the main contractor, this will enable the build to be expedited in remaining areas without impacting the critical path roll out. Gigaclear is also pre staging their cabinets, which reduces the time for onsite commissioning.</p> <p>Superfast Berkshire is working closely with Highways and Gigaclear to ensure highways permissions and traffic considerations are managed as smoothly as possible.</p> <p>It is expected that delivery will complete at the end of 2017/18 with this mitigation in place.</p>									

**FINANCIAL IMPLICATIONS:**

There are no financial penalties for a late delivery under the phase 2 contract with Superfast Berkshire. However, Gigaclear are only paid once they can demonstrate that they have completed the build (and properties have been tested and available to take service).

There are no financial implications for Superfast Berkshire, West Berkshire Council or local communities.

**SERVICE PLAN UPDATES REQUIRED:**

The service will update the KPIs for 2017/18 and beyond to reflect the more realistic completion date set out above.

**STRATEGIC ACTIONS REQUIRED:** None

Rachael Wardell / Tandra Forster		Adult Social Care				Q2 2017		RED
Indicator Ref: PS1asc2		% of adult social care safeguarding concerns responded to within 24 hours				Type: Snapshot		
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	★	★	◆	■			=>92%	Higher is better
Qrtly outturn	135/143 94.4%	151/157 96.2%	120/139	210/252				
YTD outturn	718/768 93.5%	573/614 93.3%	86.3%	83.3%				
<b>REASON FOR RED:</b>								
<p>YTD 42 out of 252 (83.3%) concerns were not responded to within 24 hours, however with implementation of care director additional checks and revision of our processes we aim to improve our performance to year end.</p> <p>Discussion and review of practice in safeguarding has indicated a shift in practice to ensure all concerns have been recorded on the same day in a timely way and that the recording of these concerns is on the system. Previously the safeguarding team has managed any presenting risk however recording has been delayed and on occasion completed in retrospect which is not in line with national minimum standards. However we are confident that the risk to the individual was managed.</p> <p>On occasion, concerns can be received where there is not enough necessary information to inform decision making sometimes this requires waiting one or two additional working days to receive required information from the original referrer. In this period Safeguarding ensure that arrangements are made to ensure the safety of the individual concerned.</p> <p>In September we transitioned to care director, as a result of this there were 5 days where the system was unavailable and the safeguarding team were recording concerns outside of the system which were then added at a later date. Checks have been made to ensure these have been transcribed to care director, but this could have had a negative impact on our figures.</p>								
<b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</b>								
<p>With the implementation of care director we have a number of mechanisms by which we can monitor concerns and S42s more closely through the use of views and dashboards, this will allow the safeguarding team and operational manager to be aware of any concerns on the system and ensure they are responded to in a timely way. We will spot check and audit these records to ensure that practice is being consistently applied.</p>								

The implemented system changes in Q2 ensuring timely and robust recording of all concerns can now be monitored effectively by the safeguarding adult lead. Where there are exceptional circumstances that are over and beyond 24hrs (this is often in relation to contact with the original referrer being required) we can monitor these closely. The changes in process have been confirm with the ASC management team to ensure clarity of process.

**FINANCIAL IMPLICATIONS:**

Remedial actions will be completed within existing resources.

**SERVICE PLAN UPDATES REQUIRED:**

No changes required, remedial actions should address performance.

**STRATEGIC ACTIONS REQUIRED:** None

Rachael Wardell / Mac Heath		Children and Family Service				Q2 2017	RED	
Indicator Ref: CBaCFS11		Number of weeks taken to conclude care proceedings (Children Social Care)				Type: nsnapshot		
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	★	■	■	■			<=26	Lower is better
Qrtly outturn	-	-	-	-				
YTD outturn	23	28	35	35				
<b>REASON FOR AMBER:</b>								
<p>This indicator measures the average number of weeks taken to conclude care proceedings for those concluded ytd. The target of 26 weeks is a national one. The National Average is some way adrift from this at 30 weeks (2013-2016).</p> <p>We are in discussion with the judiciary and the Local Family Justice Board about these delays. It is accepted that Court capacity has contributed to our proceeding timescales and it is not attributable to delays within Local Authority planning.</p>								
<b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN AND ALTERNATIVE PLANS:</b>								
As above – we’re in continued discussion with the judiciary and Local Family Justice Board about these delays.								
<b>FINANCIAL IMPLICATIONS:</b> None								
<b>SERVICE PLAN UPDATES REQUIRED:</b> None								
<b>STRATEGIC ACTIONS REQUIRED:</b> None								

Dirc / HoS		Service				Q2 2017	AMBER	
Indicator Ref: CBdF&P9		Average number of days taken to make a full decision on changes in Benefit claimants circumstances				Type: Snapshot		
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	★	■	◆	◆			=<9 days Lower is better	
Qrtly outturn	-	-	-	-				
YTD outturn	5.85 days	8.7 days	12.55 days	9.53 days				

**REASON FOR AMBER:** Q2 result shows an improvement from Q1 but is still slightly down on target.

The section is currently running with 2 vacancies and is preparing for the implementation of Universal Credit.

Full roll out of Universal Credit (UC) will impact in December 2017. Despite the possible loss of new claimants the authority will be required to support new claimants in making and maintaining application for UC as well as assisting DWP UC Assessment Centre in the assessment of new claims. This will result in an increase in activity which attracts additional funding but is not subject to performance indicator measurement

60% of changes of circumstances are processed within the current targets. The remaining 40% are pending whilst the claimant provides further information

**REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN:** Since March, IT/software issues have been alleviated by the installation of a new server. This has improved general response or processing times and we are continually liaising with our software suppliers to ensure that these remain.

In relation to staffing the section has recently appointed 2 officers to vacant posts. Both these new officers will start in November and their require training which will be undertaken by current members of staff. We will continue to fill vacancies until such time as we understand the affects of the implementation of Universal Credit which commences on the 6<sup>th</sup> December 2017.

We will also continue to monitor performance on a weekly basis and take the appropriate action when and where necessary.

Additional work that has been requested for the Department of Work & Pensions (DWP) in terms of data matching is being supported by employing a temporary member of staff, thus removing the pressure of current staff having to do this work as well.

**STRATEGIC ACTIONS REQUIRED:** None



Rachael Wardell / Tandra Forster		Adult Social Care				Q2 2017	AMBER	
Indicator Ref: CBFasc5		% of clients with Long Term Service (LTS) receiving a review in the past 12 months				Type: snapshot		
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	★	■	◆	◆			≥75%	Higher is better
Qrtly outturn	1129/1187 (95.1%)	826/1240 (66.6%)	806/1239 (65.1%)	903/1264 (71.4%)				
YTD outturn	95.1%	66.6%	65.1%	71.4%				
<b>REASON FOR AMBER:</b>								
<p>Additional capacity was put in place at the end of 2015/16 to ensure reviews were completed for all long term clients under the new Care Act eligibility framework by 31 March 2016. Additional capacity resulted in an increased pace at the end of 2015 /16 which meant that for Q4 2016-17 the number of reviews due was significantly inflated ; the teams were unable to maintain the completion of reviews required and at year end 2016 / 17 over due reviews at year end were at 66%.</p> <p>During Q1 of 2017/18 we completed analysis of the cases that were overdue a review, this identified that a high proportion (43%/88 people) had a primary support reason (PSR) of Learning Disabilities or Mental Health. Care reviews for individuals with these types of need tend to be more complex which means they take longer. Whilst the team had been established as multi-disciplinary a skills analysis identified the need to increase the number of staff with expertise in learning disabilities and mental health.</p> <p>This has been addressed by recruiting two staff with the relevant skills. In addition the Care Act allows us to take a proportionate approach to reviews; this means we can use a range of different methods including telephone</p> <p>Performance has increased for Q2, We still have a number of reviews that are currently overdue, 97 have an allocated worker, which is indication that their review is in progress and we are confident that we will meet the target for this year.</p>								

**REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN:**

Weekly report provides detail of reviews required and is being actively used to focus work.

During Q1, review of the data and skill set within the team has taken place to understand support needed to meet year end targets  
Increased team FTE temporarily to focus on overdue reviews where the primary support reason is Learning Disability and Mental Health (the main proportion of overdue reviews) which will allow us to meet target

Care Director supports a proportional approach to reviews and minimises paperwork to be completed; looking to fully apply this approach where appropriate and safe to do so.

**STRATEGIC ACTIONS REQUIRED:** None

John Ashworth / Gary Lugg		Development and Planning				Q2 2017/18	AMBER	
Indicator Ref: CBO6dp14		% of people presenting as homeless where the homelessness has been relieved or prevented					Type: No+	
Executive	2015/16 Year End	2016/17 Year End	2017/18				Target	Polarity
			Q1	Q2	Q3	Q4		
RAG	★	★	◆	◆			75%	Higher is better
Qrtly outturn	-	-	39/61 63.9%	42/52 80.8%				
YTD outturn	79%	269/349 77%	39/61 63.9%	81/113 71.7%				
<b>REASON FOR AMBER:</b>								
The drop in performance related primarily to 2 members of staff being on long term sick leave. Both have now returned and so performance has improved. Also it is not always possible to prevent homelessness and increasingly the clients approaching the Council have more complex needs and circumstances.								
<b>REMEDIAL MANAGEMENT ACTION BEING UNDERTAKEN:</b>								
The situation will continue to be closely monitored to identify the reasons why prevention is unsuccessful to establish if there is more work that can be carried out in certain areas e.g. with landlords, parents (parental eviction) or other.								
<b>STRATEGIC ACTIONS REQUIRED:</b>								
It should be noted that a new Prevention Duty is due to be implemented under the Homelessness Reduction Act. This will require the Council to take all reasonable prevention actions and a separate paper is being prepared as this will have significant resource and financial implications.								

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## Quarterly Service Requests for Reviews of Measures

In 2015/16, a new performance framework was introduced that gave Heads of Service the option to amend their service plans on a quarterly basis in order to ensure they reflect the reality of the service. This would for example include, which measures were still relevant, where they are reported to and any agreed targets. As part of the quarterly reporting, approval for any amendments is sought from the appropriate decision maker e.g. changes to Key Accountable Measures will need to be approved by the Executive.

### Quarter 2 request:

#### KAM:

1. **Market Street Redevelopment for 17/18: start on site (Milestone 2)**  
(Ref: SLE2kt2ceo1)

**REQUEST from CEO/Special Projects:** To change the target from March 2018 to July 2018.

**REASON:** Dependency on the developer completing a viability process.

2. **% of identified communities that have agreed what actions will be undertaken to address locally identified issues**

**REQUEST from Better Communities Together:** To report through to the Executive Committee (currently reported as part of the Council Delivery Plan).

**REASON:** The performance framework aiming to reflect the work in this area has been aligned with the performance measures used to report at the Health and Well-being Board. Reporting the proposed measure to the Executive will provide a better indication of the outcomes of the community conversations.

### Quarter 1 request:

- KAM: % of claims for Discretionary Housing Payment, determined within 28 days following receipt of all relevant information**  
(Ref: CBgD&P15)

**REQUEST from Development and Planning:** HoS and Service Manager have asked for this KPI to be removed.

**REASON:** DHP data is collected via a spreadsheet which is less than ideal as it relies on someone updating it. In addition, the Indicator is from the point of receipt of all relevant information but this is difficult to capture on the spreadsheet. What inevitably happens is that the officer collating the stats has to go through numerous months of data to try and update previous month's submissions before looking at the current submission. The data is always out of date, always lags behind by several months and is not robust.

**DECISION:** Agreed

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## Technical Background and Conventions

To provide an update on progress against the council's Key Accountable Measures (KAMs) for 2016/17.

The measures within this report have been distilled from those monitored through individual service delivery plans and focuses on those which deliver the strategic priorities in the Council Strategy and the core business of the council as a whole. In order to:

- provide assurance to the Executive that the objectives laid out in the Council Strategy are being delivered;
- provide assurance to the Executive that areas of significance / particular importance are performing;
- act as an early warning system, flagging up areas of significance / particular importance which are not performing - or are not expected to perform - as hoped;
  - and therefore ensures that adequate remedial action is put in place to mitigate the impact of any issues that may arise.

Measures are RAG rated by projected year end performance, e.g. a prediction of whether the target or activity will be achieved by the end of the financial year (or, for projects, by the target date):

★ On target    
 ◆ Behind target    
 ■ Target missed    
 ◎ Annual target    
 ⌚ Data not available    
 ≡ Baseline

Where measures are reported as 'red' or 'amber', an exception report is provided.

## Comparative Outturns

This relates to standardised, nationally reported measures. By default the data is compared to England as a whole. Our relative standing is presented as quartiles (i.e. 4th quartile up to 1st quartile). Where available, this is included against the previous year's outturn. Where a direct, national comparison is not available, this is labelled as 'local'. Because of the timescales involved in central government, compiling, validating and publishing relative statistics, these are only published 6-12 months in arrears, sometimes longer.

## Measures of Volume

In addition to the key accountable measures, a number of contextual measures are recorded. These are non-targeted measures, which serve to illustrate the workload in a service, as well as how this may have changed from the previous quarter, or on a like-for like basis, to the same period last year.

## Scorecard

The Council Performance Scorecard is an overall summary of performance against the Council Strategy Priorities and Overarching Aim, Core Business areas and the two corporate health measures relating to revenue expenditure forecast and staff turnover.

A RAG rating is given to each Priority and the Overarching aim. This decision is not based on an exact formula, but is reached by the relevant decision bodies (e.g. Corporate Board,

Executive), through their discussion of the KSM report. The RAG judgement aims to reflect the likelihood of delivering the priorities and aims over the lifetime of the Council Strategy.

- Green (G) – indicates we have either achieved / exceeded or expected to achieve / exceed what we set out to do
- Amber (A) – indicates we are behind where we anticipated to be, but still expect to achieve or complete the activities as planned
- Red (R) indicates that we have either not achieved – or do not expect to achieve what we set out to do based on the current plans and results to date.

In a similar manner, an overall RAG rating is applied to each core business area and the Corporate Programme, but the focus is instead on the likelihood of achieving the end of year targets.

## **Dashboard**

The dashboard is providing a visual representation for the evolution of some Measures of Volume. The elements used to provide information are as follows:

- Arrows – upwards or downwards based on the evolution of the measure quarter versus quarter (e.g. Q2 this year vs. Q2 of the previous financial year). In some cases it is more appropriate to compare Year to Date values and this is indicated by the 'YTD' text on the arrows. A sideways pointing arrow indicates that there is not much difference between the two reporting periods.
- Values on the arrows provided between brackets reflect the result for the reporting quarter (except where 'YTD' text is added which indicates that the value is year to date). The percentages provided on the arrows show the percentage variance between the reporting period (quarter only or year to date) and the corresponding period of previous year

To note: direction of travel is based on the difference between the two values and not as a result of a statistical test to assess if such a difference is statistically significant or not.



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## Transferring the freehold of children's playgrounds and associated public space to Thatcham Town Council

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	21 December 2017
<b>Portfolio Member:</b>	Councillor Dominic Boeck
<b>Date Portfolio Member agreed report:</b>	24 October 2017
<b>Report Author:</b>	Paul Hendry, Countryside Manager
<b>Forward Plan Ref:</b>	EX3384

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### 1. Purpose of the Report

- 1.1 To consider Thatcham Town Council's (TTC) devolution proposal for the freehold transfer, and all future maintenance, of the open space and associated playgrounds at; Crowfield Drive, Dunstan Park, and Kennet Heath.
- 1.2 The locations of the open space are shown at Appendix 1.
- 1.3 If the proposal goes ahead West Berkshire Council Transport and Countryside Service could realise a saving of approximately £4,500 on routine annual maintenance, approximately £9,000 on one off repairs and maintenance of play areas, as well as all future capital expenditure on equipment end of life replacement costs. It should be noted that the saving on routine annual maintenance is calculated such that it takes into account the sum drawn down from the developer contribution. As this reduces over time the saving will effectively be greater in future years up to the full maintenance amount set out in Appendix 2. The timing of any savings will be dependent on when the assets transfer.

### 2. Recommendation

- 2.1 That the Executive approve the freehold transfer of the assets to Thatcham Town Council subject to appropriate heads of terms being agreed.
- 2.2 Subject to TTC agreeing the proposed freehold transfer of the three playgrounds, officers liaise with the new grounds maintenance contractor regarding the removal of the above assets from the grounds maintenance contract, and also enter into discussions with TTC as to the heads of terms for the transfers.

### 3. Implications

- 3.1 **Financial:** The actual costs of maintaining these playgrounds and open spaces are as follows: Annual maintenance approximately £17,000. These costs are however offset by commuted sum maintenance contributions received from the developer. One off maintenance costs of playground equipment approximately £9,000. Note these latter costs

may be more, or less each year depending on the outcome of the quarterly Royal Society for the Prevention of Accidents (RoSPA) reports. The Council will also save on future capital replacement costs. The Council will have to transfer with the assets any commuted sum maintenance contributions received from the developer.

- 3.2 **Policy:** The proposal supports the Council's new policy Devolution in West Berkshire  
<http://info.westberks.gov.uk/index.aspx?articleid=34205>
- 3.3 **Personnel:** There are no staffing implications.
- 3.4 **Legal:** Thatcham Town Council has requested the freehold transfer of the three playgrounds. The freehold transfer will need to be subject to appropriate heads of terms. Subject to the freehold transfer proceeding, Officers will liaise with the new grounds maintenance contractor with a view to removing the three playgrounds listed above.
- 3.5 **Risk Management:** There will be a reduced liability for any accidents or incidents related to the use of equipment. In practice however most risks relating to these playgrounds are considered by RoSPA to be low.  
  
The removal of the three playgrounds from the new Grounds Maintenance Contract may have a financial impact on the Council.
- 3.6 **Property:** The assets are shown at Appendix 1 and are wholly under the management of West Berkshire Council.
- 3.7 **Other:** None.
- 4. Other options considered**
- 4.1 None.

## Executive Summary

### 5. Introduction / Background

- 5.1 Thatcham Town Council (TTC) submitted an Asset Transfer Proposal through the Devolution Portal at the end of June. This requested the freehold transfer, from this Council to TTC, of the open space and associated playgrounds at; Crowfield Drive, Dunstan Park, and Kennet Heath.
- 5.2 TTC already maintain a number of large open spaces and other playgrounds under their own contract arrangements and they view this proposal as a means to amalgamate all Thatcham assets under the ownership of one authority. They have requested a freehold transfer. In response to a question as to why a freehold transfer is requested they responded as follows:
- “The Town Council does not think that Thatcham tax payers should fund the provision of assets that the Town Council doesn’t own”.*
- 5.3 The locations of these playgrounds are shown on the map attached as Appendix 1.
- 5.4 Responsibility for managing and maintaining children’s play areas is a significant undertaking. This Council has a legal and moral responsibility to ensure children’s play areas under our control are in as safe a condition as reasonably practicable. In addition play provision also has to meet the requirements of the Disability Discrimination Act 1995 and other directives such as the Disability Equality Duty 2006. This requires significant management time and financial investment over time.
- 5.5 As budget pressures become more acute this responsibility becomes more difficult to fulfil. According to the Association of Play Industries (API) between 2014/15 and 2015/16 local councils in England closed 214 children’s playgrounds.
- 5.6 Current annual maintenance costs are set out in more detail at Appendix 2. However in summary annual costs are as follows;
- (i) Routine Annual Maintenance Costs. Total Costs are approximately £17,000. These costs are however partially offset by commuted sum maintenance contributions which bring to true costs to the local taxpayer down to approximately £4,500. Note however that the commuted sum contribution expires over time and the saving will be greater in future years.
  - (ii) One off Repairs and Maintenance. Total Costs are approximately £9,000. Note however this figure can go up or down each year depending on the findings of the quarterly Royal Society for the Prevention of Accidents (RoSPA) inspections.
- 5.7 Current CIL arrangements have an implication for the future maintenance of playgrounds. There will be less capital funding available to the Transport and Countryside Service in order to manage these assets as they near end of life, or when equipment needs to be replaced. As local council’s have a greater CIL allocation, then the likelihood is that this Council would have to approach the local

council for a contribution towards the cost of replacement equipment. Transferring these assets would ensure that they are being managed at the appropriate level of government. It should be note that some of these play areas are already 20 – 25 years old.

## 6. Opportunity

- 6.1 This proposal offers an opportunity for West Berkshire Council to support the devolution agenda and place local playground and open space assets at the appropriate level of government to ensure that they are maintained appropriately and continue to meet the requirements of the local community into the future.
- 6.2 TTC will have greater access to the necessary funding required, specifically capital funding to ensure these play assets remain available to the public.

## 7. Considerations

- 7.1 A new grounds maintenance contract is due to commence later in 2018. Removing these assets will reduce the overall value of the contract to the incoming contractor. Although in this case the overall amount is not significant the Council is obliged to discuss with the contractor the possible implications of the devolution process over time. It is entirely possible that if large areas of land and other assets are transferred out of WBC ownership then there will be a more significant impact on this contract with an increased likelihood of a challenge from the contractor and a possible financial penalty. It is appropriate that early discussions with the contractor take place to reduce this likelihood.
- 7.2 Asset Strategy Group discussed this report on the 24<sup>th</sup> October. They raised a concern about transferring the land on a freehold basis, the issue being that the sites proposed for transfer have the potential to be proposed for development purposes in the future and as such have an open market value. In response to this however property and legal colleagues have confirmed that it is usual for a financial clause to be inserted in the agreement should the land transferred be disposed of for financial gain for a purpose other than open space and children's play.

## 8. Conclusion

- (1) This proposal supports West Berkshire Council's commitment to helping devolution happen by supporting locally-led service delivery.
- (2) TTC are better placed and have the necessary experience to continue to manage these assets into the future.
- (3) There is a financial saving to be had from transferring these assets to TTC.
- (4) There is some risk that as devolution progresses WBC could become liable to a financial challenge from the grounds maintenance contractor as we will have reduced the value of the contract over time. This requires careful handling directly with the contractor.
- (5) The Council needs to determine the most appropriate means of transfer, either freehold or leasehold.

## 9. Appendices

- 9.1 Appendix 1 – Map of locations
- 9.2 Appendix 2 – Maintenance costs detail
- 9.3 Appendix 3 – Equality Impact Assessment

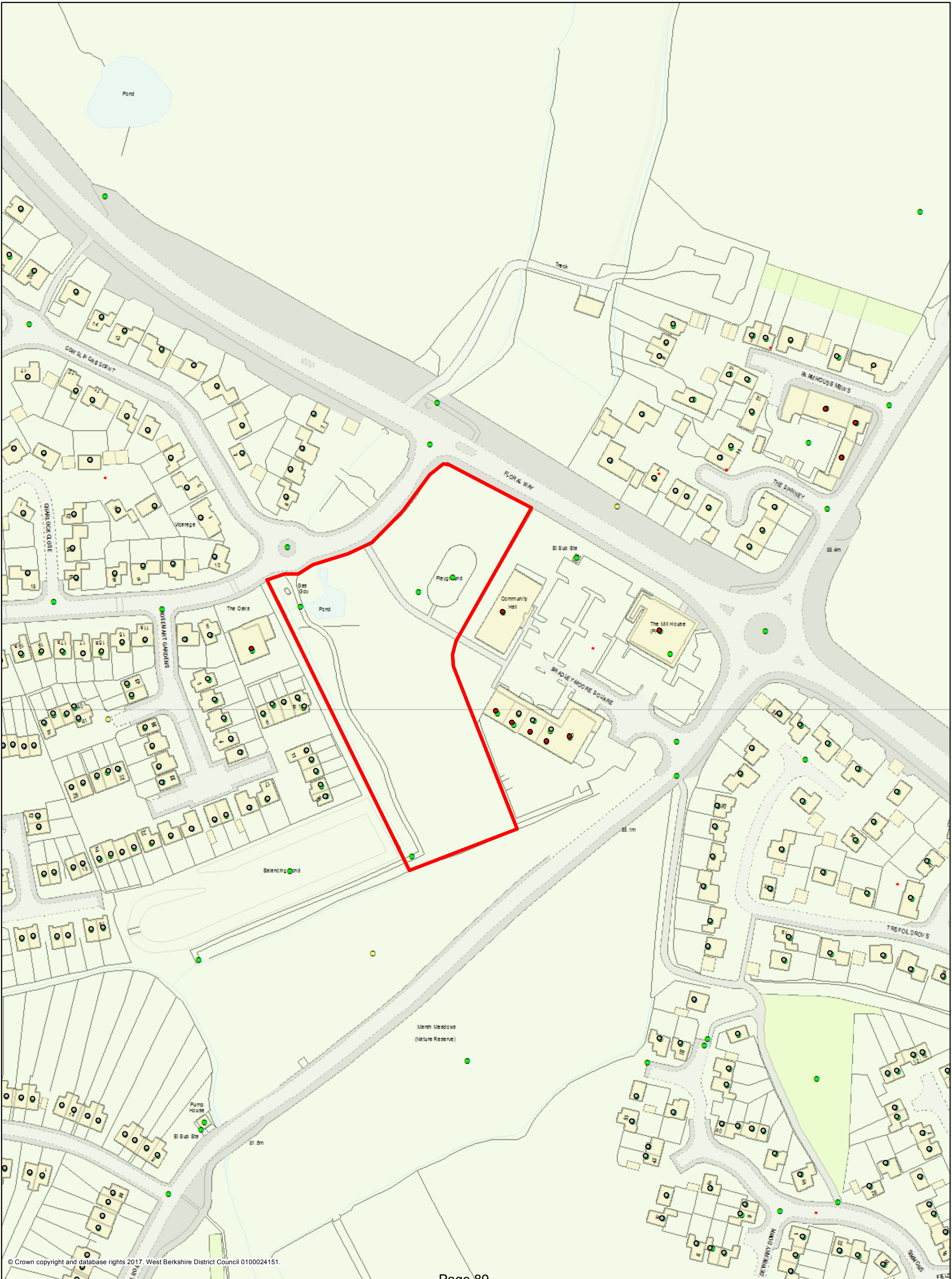
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## Appendix 2 - Thatcham Play Areas/Open Space considered for Devolution

Location/costs	Crowfield Drive Ages: 8-14 yrs	Dunstan Park Ages: 3-10 yrs	Kennet Heath (aka Dragons Close) Ages: 3-16 yrs
<b>Fixed Annual maintenance costs</b>			
Contractor Inspections x3 week	£624	£624	£624
Maintenance which includes grass cutting, litter, litter bins, dog bins and path cleaning.	£212	£3706	£10,724
<b>Quarterly RoSPA summary</b> The most up to date ROSPA report will be provided. The cost of this report is indicated here as is an indication of the annual costs	RoSPA report, £35/quarter.  Indicative annual maintenance costs, £1,600	RoSPA report, £35/quarter.  Indicative annual maintenance costs, £2,000	RoSPA report, £35/quarter.  Indicative annual maintenance costs, £5,135
<b>Capital maintenance</b> Year of construction	1992 (25 yrs)  Consider overhaul in next 5 years.	1997 (20yrs)  Consider overhaul in next 10 years	2008 (9yrs)

NOTE, these maintenance costs are currently offset by commuted sum maintenance contributions from developer contributions. The true cost to the local taxpayer is significantly less, currently approximately £4,500. As the commuted sum reduces over time then in future years the costs to the taxpayer will increase to the sums set out above.

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### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To agree the transfer from this Council to Thatcham Town council of three playgrounds and associated open space
<b>Summary of relevant legislation:</b>	There is no legal requirement to provide children's play facilities.
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Paul Hendry.
<b>Date of assessment:</b>	10 <sup>th</sup> October 2017

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To transfer play facilities to Thatcham Town Council
<b>Objectives:</b>	To retain the play facilities, only the provider changes
<b>Outcomes:</b>	Play facilities provided and maintained by Thatcham Town Council
<b>Benefits:</b>	The Town Council is the most appropriate body to provide play facilities locally into the future. The Town Council has greater access to the necessary capital funding in future. This proposal meets the council's devolution agenda.

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b>		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	No impact	The Town Council's stated



		intention to maintain the play facilities for the local community.
Disability	No impact	These playgrounds are accessible by disabled children.
Gender Reassignment	No impact	These playgrounds support play by all gender types
Marriage and Civil Partnership	No impact	Not a relevant consideration
Pregnancy and Maternity	No impact	Not a relevant consideration
Race	No impact	These playgrounds support play by children from all racial backgrounds.
Religion or Belief	No impact	Play is supported regardless of religious beliefs
Sex	No impact	These playgrounds support play by all gender types
Sexual Orientation	No impact	These playgrounds support play by all members of our community
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> These playgrounds support play by all members of our community	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b> The provision of play facilities is not changing, just the provider.	

**If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.**

**If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area.**

You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

**Name: Paul Hendry**

**Date: 12/12/2017**

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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## Transfer of Half Share of the Legal Interest in the Waterside Centre

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**Committee considering report:** Executive on 21 December 2017

**Portfolio Member:** Councillor Anthony Chadley  
Councillor Dominic Boeck  
Councillor Lynne Doherty

**Date Portfolio Member agreed report:** 7 December 2017

**Report Author:** Shiraz Sheikh

**Forward Plan Ref:** EX3393

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### 1. Purpose of the Report

- 1.1 To set out a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre, Waldegrave Place, Northbrook Street, Newbury and allow it to provide a universal offer to the young people of West Berkshire.

### 2. Recommendations

2.1 The Executive resolves to:

- (1) delegate to the Corporate Director (Communities) in consultation with the portfolio holders for Children & Young People and Finance & Property to transfer half share of the freehold of the Waterside Centre to BBY Waterside Ltd; and
- (2) delegate to the Head of Legal Services to enter into and complete various legal agreements in relation to the future ownership and operation of the Waterside Centre in line with the proposals set out in paragraph 5.4 of the report

### 3. Implications

- 3.1 **Financial:** The proposal will result in the Council receiving a capital receipt for £375k. [This reflects the independent valuation of the Property – CB we need this purposes]
- 3.2 **Policy:** The proposal raises no policy implications for the Council. It is in line with the Council Strategy 2015-19.
- 3.3 **Personnel:** There are no personnel implications associated with this report. The lease back to the Council means that Council staff and services remain at the Centre.
- 3.4 **Legal:** In legal terms this is effectively a sale of half of Council's asset together with reinvestment and community benefit. We will need to satisfy the decision is made according to s123 Local Government Act 1972.

The agreements set out in the report should be completed

prior to the transfer.

3.5 **Risk Management:** There are no significant risks for the Council. If agreement cannot be reached then the Centre will remain with the Authority.

3.6 **Property:** The Centre is need of refurbishment which requires considerable financial investment and costs associated with such a project. The proposal ensures that the Council is not making contributions towards such costs. There are a number of property implications which all centre on the future ownership of the Centre, the Council receiving a capital receipt for relinquishing part interest in the building, and how the Centre will be managed going forward. These are all set out in the accompanying report.

3.7 **Other:** None.

#### 4. Other options considered

4.1 A number of options have been considered some of which are outlined in the report.

## 5. Executive Summary

### Introduction

- 5.1 This paper set outs a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre and allow it to provide a universal offer to the young people of West Berkshire

### Background

- 5.2 A great deal of work has been done to try and secure a holistic regeneration of the Wharf area in Newbury. Whilst individual projects have been completed an integrated programme has, as yet, eluded both the Council and a number of other partners.
- 5.3 The latest scheme, which was originally trailed in 2013, proposed an initial phase which involved the refurbishment of the Waterside Centre followed by a much larger second phase which included a wider regeneration of the Wharf area. This paper covers only the first phase and in considering this there is no expectation that the second phase will be delivered.

### Proposal

- 5.4 The main elements of the proposal are;
- (1) BBY Waterside Ltd (subsidiary company of Bradfield Berkshire Youth) to acquire a ½ share in the Centre from the Council on payment of £375,000;
  - (2) Berkshire Youth (legal and charitable entity known as Berkshire Association for Clubs for Young People Ltd) will apply for planning permission and carry out the refurbishment of the Centre with grant from Greenham Common Trust and others;
  - (3) Once the refurbishment works have been carried out the Council and BBY Waterside Ltd will grant Berkshire Youth 35 year lease for the Centre at pepper corn rent. Berkshire Youth will also manage the Centre on a day to day basis.
  - (4) The Council will be granted an under lease of a part of the Centre to enable the services currently operated by the Council within the Centre to be retained.
  - (5) The above is conditional upon satisfactory planning permission in relation to the Centre.

## 6. Conclusion

- 6.1 This proposal will enable the Council to deliver on its own commitment in the Council Strategy 2015-19 with regard to the Waterside Centre. A newly refurbished Centre will provide a much wider universal offer to the young people of Newbury and West Berkshire whilst retaining the targeted services that the Council provides there. In addition the Council will receive a capital receipt of £375k.

- 6.2 It is highly unlikely that the Council acting alone could achieve such an outcome without making significant capital and revenue provision – resources that are currently in very short supply.

## **7. Appendices**

- 7.1 Appendix A - Supporting Information
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Berkshire Youth – Proposed Operating Model for the Waterside Centre
- 7.4 Appendix D – Proposed Heads of Terms for partnership proposal

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# Transfer of Half Share of the Legal Interest in the Waterside Centre – Supporting Information

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## 1. Introduction

- 1.1 This paper sets out a proposal to work collaboratively with Berkshire Youth to refurbish the Waterside Centre and allow it to provide a universal offer to the young people of West Berkshire whilst protecting the Council services that are currently provided within it.

## 2. Background

### a) Wharf Regeneration

- 2.1 There has been a long and somewhat chequered history to the plans to redevelop the Wharf in Newbury. The area itself has had a number of uses over time but in 2003 the Council published Newbury 2025: A 20 year Vision for Newbury Town Centre, in which it was cited, “the current open space (car parks on the Wharf) was not seen to be making a positive contribution to the area and the reprovision of the car parking elsewhere was seen to open up the possibility for further development to enhance the cultural and leisure opportunities within the Town Centre.” Opportunities were also seen to exist to enhance the visual connections with Victoria Park that lies on the northern side of the Canal. The Vision also recognised the importance of both the Granary and Cloth Hall in framing any future development of the Wharf area.
- 2.2 Since then the Council has refurbished both the Granary and Cloth Hall. The Market Street redevelopment will see the Bus Station relocated on the Wharf alongside the Library. Improvements have also been made to Victoria Park. However a holistic regeneration of the Wharf area has not taken place albeit not without some considerable effort.
- 2.3 In summary work on the Wharf since 2003 has included the following;
- (1) the creation of a Steering Group through the then Town Centre Partnership which looked at various projects at the Wharf including a hydroelectric scheme, new water basins, a new waterways museum, a community building and the replacement of the Waterside Centre;
  - (2) in 2005 a proposed scheme for the redevelopment of the Wharf was created which was the subject of public consultation late in 2006. This included, as Phase 1;
    - (a) a new water based activity centre near Northcroft Leisure Centre;
    - (b) new riverside apartments on the site of the Waterside Centre;
    - (c) creation of a new Park Pavilion;

Phase 2 which was to follow once Parkway had been completed included;

- (d) one navigable and one non navigable water basin;
- (e) a restaurant and inn alongside Wharf Road and;
- (f) a new public square.

The development (aside from the contribution of land) was to receive no funding from West Berkshire Council.

- (3) In September 2007 the Wharf Regeneration Scheme was brought to the Executive where it was agreed Phase 1 should be progressed with Greenham Common Trust chairing a new Steering Group to take the project forward. This proved problematic and in late 2008 it was agreed to create a new Steering Group chaired by the Council with a view to taking Phase 1 of the project forward in the form of 2 new Park pavilions;
- (4) in May 2009 a formal proposal was brought to the Council's Executive which sought to grant Greenham Common Trust (GCT) a lease to construct two pavilions within Victoria Park. The first was on a smaller scale to that originally envisaged in 2005 with a new adjoining pavilion being constructed closer to the sports based facilities in the Park.

The economic downturn, and concerns regarding the economic business case for constructing the pavilions, led to this proposal being shelved and during 2013 the focus moved away from Victoria Park and back to the Wharf;

- (5) Later that year a project brief was drawn up which revisited once again the regeneration of the whole Wharf area. These proposals included;
  - (i) the remodelling and refurbishment of the Waterside Centre which was triggered in part by the Canoe Club looking to refurbish their own premises which are based at the southern side of the Canal at the Wharf (this was seen as Phase 1).  
  
Phase 2 was seen to include;
  - (ii) the redevelopment of the western section of the Wharf in front of the Library where the theme would be 'water';
  - (iii) the redevelopment of the eastern section of the Wharf where the focus would be on new public realm and enhancement of the Peace Garden;
  - (iv) the construction of one or two pedestrian bridges across the Canal (as originally planned in 2005)

GCT were to take a lead role in both promoting and funding the scheme. It was agreed that a local competition would be held to create a design for the regeneration. This would then be followed by public consultation.



- (6) During 2014, work commenced on Phase 1 namely planning the remodelling and refurbishment of the Waterside Centre. The initial concept was that GCT would either purchase or lease for the Council a new building from which the Council services (with the exception of the Activity Team) currently based at the Waterside Centre, would operate. Discussions reached an advanced stage and by February 2015, a report had been prepared for the Newbury Town Centre Task Group recommending that the Council enter into a lease agreement with GCT for a building in the Town Centre. The report also proposed that the Council agreed in principle to transfer land at the Wharf under a long leasehold to GCT to help enact Phase 2 of the Wharf Development.
- (7) The proposed building for Council services fell through and further attempts to secure a building proved very difficult and financially challenging, in what was then a very active local property market. GCT asked for the whole approach to be re-evaluated and, as a result of that, the proposal set out in this Paper has come together.

### b) Waterside Centre

- 2.4 The Waterside Centre was built in the 1960s and has had a number of different occupants since then. West Berkshire Council acquired the building from Berkshire County Council in 1998 when it was being used as a Youth and Community Centre. Since then it has primarily remained a venue for young people and the following Council services currently operate from the building;
  - (1) Integrated Youth Support Service (IYSS). The Team provides targeted work with the District's most vulnerable young people primarily focusing on children on the edge of care, those at risk of sexual exploitation, children who go missing, children in care or leaving care, teenage parents, young offenders, those not in education, training or employment and young asylum seekers. There are currently 7 IYSS staff based at the Centre;
  - (2) The Youth Activity Team, based at Adventure Dolphin Pangbourne run kayaking, open canoeing, climbing, archery and mountain boarding courses at the Waterside Centre;
  - (3) The Edge - a specialist substance misuse service work with young people on a one to one and group work basis receiving referrals from a wide range of sources.
- 2.5 Connexions (Adviza) used to be based at the Centre but moved to another venue in 2014.
- 2.6 In addition to the above Council services, some parts of the Centre are also hired out to local organisations and clubs.
- 2.7 The focus of the Waterside Centre in recent years has increasingly been around providing support to the most vulnerable young people in West Berkshire. As a result, it has (in line with all of the Council's provision for young people) moved away from universal to much more targeted provision.

### 3. Proposals

3.1 GCT, Berkshire Youth and the Council considered a number of models including setting up a joint entity and delivering the services through the CIC model. This approach would have meant the asset transferred into a CIC established by the parties and the Centre being held in an asset lock. This proposal was not considered to be workable from GCT point of view. After some months of discussion and deliberation we are now in a position to bring forward a proposal for the Executive to endorse. The key elements are;

- (1) Berkshire Youth (a charity and a company) has created a 'special entity' called the BBY Waterside Ltd which will own half share of the freehold of the Waterside Centre with the other half of the freehold to be retained by the Council. The Waterside Centre has been valued at £750k so this will require Berkshire Youth to pay the Council £375k to acquire half share in the Centre;
- (2) Berkshire Youth with funding from the GCT and other partners will refurbish the Centre at their own cost so that it is fit for purpose as a building providing facilities and services to young people. It is currently estimated that this refurbishment will cost between [£250k - £500k]. Details of what is likely to be included is currently under discussion and there is a meeting on the 22<sup>nd</sup> November in this connection;
- (3) Berkshire Youth will be granted 35 year lease of the Centre on pepper corn rent and it will manage the Centre on a daily basis. The aim is to create a facility which has a greater universal appeal to the young people of Newbury and the surrounding area. Appendix C sets out Berkshire Youth's Vision for the future use of the building;
- (4) the Council will be granted an under lease in order the Council's services as set out in paragraph 2.4 will be retained within the refurbished Waterside centre;
- (5) Appendix D sets out the Heads of Terms (HoTs) of the proposed arrangement. It should be noted that since the HoTs agreed in principle in March 2017 there have been detailed agreements that have been drafted.

### 4. Conclusion

4.1 Proposals for the redevelopment of the Wharf area have been considered by the Council and its partners for a number of years. Whilst specific projects have been undertaken over this period a holistic regeneration programme has proved undeliverable. Public support (in part) and financial viability have been the main stumbling blocks. In the current financial climate these are likely to remain limiting factors for the foreseeable future.

4.2 The proposal set out in this Paper represents Phase 1 of a two phase proposal. There is no commitment to Phase 2 so the proposal should be seen as another single project which will undoubtedly bring benefit but it sits in isolation from any wider regeneration. As constructed the proposal will realise the Council a capital receipt of £375k whilst ensuring the Council retains an interest in the building.

Berkshire Youth will undertake a major and much needed refurbishment of the building and perhaps most importantly this will lead to a facility that will not only protect the Council services that are currently provided within it but also reopen the facility to a greater number of young people in West Berkshire. The proposal is in line with the Council Strategy 2015-2091.

## 5. Consultation and Engagement

- 5.1 The proposals have been the subject of extensive discussion between all three interested parties including Berkshire Youth and GCT. There has been some previous consultation on proposals regarding the redevelopment of the Wharf but no on the specific proposal outlined in this paper.

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### Officer details:

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## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

<b>Name of policy, strategy or function:</b>	Waterside Centre
<b>Version and release date of item (if applicable):</b>	
<b>Owner of item being assessed:</b>	Dave Wraight
<b>Name of assessor:</b>	Nick Carter
<b>Date of assessment:</b>	14 <sup>th</sup> November 2016

Is this a:		Is this:	
Policy	Yes/No	New or proposed	Yes/No
Strategy	Yes/No	Already exists and is being reviewed	Yes/No
Function	Yes/No	Is changing	Yes/No
Service	Yes/No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
<b>Aims:</b>	Open the facility to universal use for children and young people.
<b>Objectives:</b>	Refurbishment of the Centre. New provider enabling universal provision.
<b>Outcomes:</b>	Refurbished centre. Centre available to a larger number of young people.
<b>Benefits:</b>	

<p><b>2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b></p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>
--

Group Affected	What might be the effect?	Information to support this
None.		
<b>Further Comments relating to the item:</b>		

<b>3. Result</b>	
<b>Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b> Centre will enable wider participation than currently available. Vulnerable groups using the Centre will be protected.	
<b>Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes/No</b>
<b>Please provide an explanation for your answer:</b> None foreseen at this stage.	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

<b>4. Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	
<b>Stage Two not required:</b>	

**Name:**

**Date:**

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.



**Waterside Centre**

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Appendix 1 - Youth Activities Programme Development

Appendix 2 - Draft Budget year 1

### 1. Introduction

Until recent years, the Waterside Centre has been a facility in the heart of Newbury for its young people. This plan sets out proposals for its reestablishment as a local youth facility, under the operational control of Berkshire Youth, a charity with the sole object of ‘supporting and developing young people through their leisure time activities to help them meet their full potential and become valued members of their communities.’

### 2. Background

Berkshire Youth (formally Berkshire Association of Clubs for Young People) has been serving the young people of Berkshire, delivering excellent and efficient youth support services for 70 years. Our operation today generates an impressive £2.65 of social value for every £1 it spends. We are proud of this track record and committed to building on it over the coming years to support young people make successful transitions to adulthood.

Historically, in West Berkshire, we secured the building of Adventure Dolphin through the support of Mr Dolphin; we secured and developed the youth offers in Kintbury, Hungerford, Yattendon, Fords Farm, and a further 23 community based youth projects across the area. It was the agreement by the Newbury Boys Club ( was part of the original Berkshire Youth History) to surrender a lease on the land which enabled Newbury to build the existing Waterside centre.

In recent years there have been substantial cuts in statutory sector (particularly local authority) funding for youth service, with a marked shift away from a universal offer, which is now largely left to sports clubs, uniformed and spiritual organisations. As a result, young people who cannot access this more commercial/formal offer are not adequately provided for. This is where youth clubs and Berkshire Youth come in, providing safe environments in which they can explore new ideas, activities and opportunities. Berkshire Youth aims to do this by building on local agendas, responding to the needs of young people and communities, offering support to local partners and direct provision as appropriate.

The Directors of Berkshire Youth recognise the importance of supporting communities to provide a robust youth offer, which is relevant and practical for delivery to young people. Since its formation, Berkshire Youth has been true to its charitable object to support the development of young people through leisure time activities. Over 70 years successive directors have not strayed from this objective as Berkshire Youth see that positive engagement in out of school activities provides young people with the support and skills essential to becoming successful, fulfilled members of society.

- The directors of Berkshire Youth are conscious that Newbury lacks town centre youth facilities and are keen to establish one.
- WBC Strategies all indicate a youth based waterside activity centre in the Town Centre is essential to the well- being of Newbury.
- WBC Adventure Dolphin requires a Newbury base to run water based activity and would benefit from improved facilities.



- The Waterside Centre has in the past very successfully hosted a wide range of well attended events for young people, including the use of a climbing wall and stage and sound systems
- The reestablishment of the Waterside Centre as a venue for youth based activities could be the starting point for the upgrading of the whole Newbury Wharf area and the creation of a cultural quarter.

### 3. The Waterside Centre – Our Proposal

The Waterside Centre will be re-established as a building and brand, focussed on the Youth Community and outdoor activities.

The refurbishment of the Waterside Centre will provide a two-storey town centre location with social area, kitchen, and theatre, meeting rooms, dance studio, sports hall, climbing wall and access to river-based activities. The existing location is convenient for the town centre and Victoria Park and has direct access to suitable river/canal frontage.

The Centre would be gifted by WBC to the Greenham Common Community Trust in return for a commitment to spend capital on the building. The building would then be leased to Berkshire Youth for a notional rent. Berkshire Youth would manage the refurbishment and be responsible for the day to day operation of the Centre. GCCT would be responsible for the building and retain responsibility for structural building maintenance. Berkshire Youth would set up a management board and associated steering group that would include young people. The centre would incorporate two core zones – a Youth & Community Zone and an Activity Zone.

The development of the centre will provide a serious offer for the young people of the area and will clearly demonstrate the community's desire to support young people. It will meet the social needs of young people offering a place to meet for informal social gathering, with access to a range of sports, arts and activities which could offer a "life changing opportunity" to the young people of Newbury and the surrounding area. We want the Waterside Centre to "Be Great" "Be a place to meet" "Be a place of change".

The centre will operate a social enterprise model, providing young people with opportunities to develop the skills they will need for future employment and community involvement: as leaders in management, instructors, dance and sports leaders, administrators, cooks, cleaners, drama and arts teachers, maintenance and caretakers. Involvement with town centre businesses might be a possibility to broaden this offer.

To successfully support young people, the centre will need to run and manage a provision, which is constantly adapting to reflect young people's changing needs and interest. Appendix 1 provides an outline of the philosophy/rationale and the activities associated with this approach.

#### 3.1 Key Operational Principles :

The Waterside Centre will:

- Provide a safe neutral place for all young people in the centre of Newbury
- Be open seven days a week with a recognition that weekends are the most important

- Develop partnerships which provide significant access to other local services
- Create a place for the development of social enterprise.
- Attract young people from across Newbury
- Promote activities that add to the health, well-being and fitness of all young people
- Be inclusive of all young people and families
- Be a neutral location for all communities
- Work proactively with all young people ensuring those with physical, social and emotional issues, or those who are at risk of exclusion are enabled to have access.
- Operate clear safeguarding and inclusivity policies ensuring all young people are safe from harm.
- Offer appropriate challenge and adventure to all young people.

### 3.2 Youth and Community zone

- Training and personal development in partnership with agencies and private sector sponsors
- Events aimed at young people – concerts etc.
- Studio activities dance, exercise, arts etc.
- Community hire of facility for arts/classes etc.
- Café and communal area
- Gathering and social space for young people

### 3.3 Activity Zone

- Dedicated Climbing wall provision
- Re-establishing the relationship with Newbury Canoe Club and the development of Canoeing for life
- Gym facilities for use by young people, canoeists and climbers
- Event area and changing facilities available for major sporting events such as the NCC Waterside series and Devises to Westminster canoe race. Future use might include cycling, running groups, Carnival, Crafty Raft etc.
- A retained base for Adventure Dolphin activities which could include equipment storage and office facility

The attached 'Waterside Centre – potential uses plan' contains an outline of how this zoning would work in practice.

### 4. Building development

Key to the success of this venture will be the refurbishment and rebranding of the building. It is essential that young people are part of this process and have significant input. It is also clear that a capital commitment is required to upgrade the building and to make it a desirable and attractive place for young people. We believe this can be achieved with imaginative design and cooperation between those using the building.

### 5. Governance

Berkshire Youth recognises the importance of leadership and support in the early development of this type of youth facility. However, the directors of Berkshire Youth also appreciate that for the centre to be exceptional and thrive, it must be autonomous and have the ability to make independent decisions essential to the local community needs. As such the Waterside Centre would be established as an independent charity with local trustee's representative of the user groups and local stakeholders. Berkshire Youth would remain the umbrella partner with the Waterside Centre, utilising established networks and management systems to enable the development of an independent youth focussed facility.

Berkshire Youth has been recognised by the charity Commission for our outstanding Governance. We intend to apply this same level of rigour to the creation of new governance arrangements at the Waterside Centre

### 6. Management

Berkshire Youth intends to implement a robust plan for the management of the centre alongside the development of a local management board, who will be representative of the young people from the local area and selected groups of stakeholders. Berkshire Youth are committed to engaging with young people at all stages of the Waterside development to ensure that the centre is fit for purpose and continues to offer services and opportunities relevant to the needs of the users.

Berkshire Youth recognises that we will have to employ new staff to manage and run the Waterside Centre. Currently we consider it essential to have one full time Youth Worker/Manager with support from a Caretaker. Berkshire Youth would be looking to create a strong volunteer network of both young people and adults who can support the programme backed up by sessional and specialist instructors. Berkshire Youth recognise the responsibility for safety and would employ/invest in volunteers and staff who have achieved recognised and relevant qualifications.

The monitoring and evaluation of staff and young volunteers will be both qualitative and quantitative drawing from the following sources:

A young person's learning and progress through engagement with the centre will be evidenced in a number of ways including:

- Observations and recording
- Individual action plans and reviews
- Portfolios recording young people progress

- Displays
- Case studies
- Press cuttings and publicity

Staff monitoring and evaluations will take place as follows

- Sessional monitoring
- Termly reports from workers
- Management supervision and workers' reports
- Young people's evaluations
- Reports from internal observations
- Internal and external comparisons (best value)
- Staff development plans and KPI's
- Programme plans

We will develop a swipe card system for all of the members of the centre which will enable the staff to create a story profile for each user and adapt/develop offers appropriate to usage and engagement.

Young people as users and managers will be essential to the monitoring and development of a good quality youth offer through regular evaluation and tests of the project.

### 7. Sustainability

To deliver our ambitious vision, we need to diversify and extend the funding base. This means both exploring new sources of funding and securing increased or longer-term funding from existing funders. Our aim is to put in place a sustainable and diverse funding base that enables us to increase our impact, including increasing the proportion of funding that is unrestricted.

We have identified four fundraising priorities, which will be our focus over the next three years, and in which we are committed to invest. These are:

- a. Bid writing (for grants and/or contracts from a wide range of sources) including the statutory sector, trusts and foundations, Big Lottery, Housing Associations etc.
- b. Extending existing philanthropic giving in West Berkshire for youth support services by developing networks through our President, Patron, Trustees, staff and others connected to Berkshire Youth and our partners.
- c. Developing corporate/business funding (in cash and in kind) of various forms including sponsorship, donations, use of facilities, volunteering etc, building on the networks referred to above.
- d. Developing and launching a capital/revenue appeal for the Waterside Centre youth club development.

At this stage a full business plan has yet to be developed however the experience of Berkshire Youth, running other similar sized centres (The Wayz in Bracknell, The Britwell Youth and Community Project in Slough as two examples) provides some confidence that the following income streams can be developed to provide a core budget sufficient to run the Waterside Centre:

- Community hire of facilities
- Climbing wall operation

- hire of the space and facilities
- Annual Town and council Grants
- Training and sponsorship contributions
- Canoe coaching and training programme
- Youth concerts, events etc.
- Café income
- Gym income
- Grant income for specific programmes and activities

Key to the success of the Centre will be the provision of an entrepreneurial full time manager who will be the driving force behind events programmes and partner activities. Core funding for this post will need to be found within a likely core budget of circa £90k pa.

### 8. Links to wider strategies

- Investing in children and young people
- Being healthier
- Promoting safer and stronger communities
- Maintaining economic prosperity
- Providing safe places for young people to go and things to do.
- Newbury Vision

### 9. What is needed now

- WBC agreement in principle to this concept
- Current building operating costs
- Any relocation costs/issues for operations currently in the building
- A detailed breakdown of current Adventure Dolphin Newbury based activities and costs and a projection of what they would like to do with better facilities
- Building concept design and outline refurbishment budgets

**Appendix 1 – Youth Activity programme development**

The charts below identify positive programmes appropriate to known patterns of teen development.

**Cognitive development**

Age 13 to 15	Age 16 to 18	A Waterside response
Begin abstract thinking, many have deficient problem solving, analytical thinking and writing	Begin to develop critical thinking and reasoning skills, they want to think out their own decisions, they are more concerned about issues	Provide a programme of challenge suitable for stages of life, Music, skill, sport, technology
Young people learn by doing, They expand their knowledge, experience and competence, through achievement	A need for new experiences can manipulate complex situation and lives (Home, School, Jobs etc,)	Train core staff and mentors to help young people become the person they want to be
Boys and Girls may begin to fail at school	Creation of an identity and future plan begins	Provide a link into the value of education, create community link with employers and employees
Parents start to have less influence	Parent conflict starts to reduce	Provide space for family activity programmes on one of events

**Social development**

Age 13 to 15	Age 16 to 18	A Waterside response
Friendship and romance are more important than cliques and crowds	Highest degree of independence	Create opportunities for responsibility
Realisation that others may have a point of view, that they also start to define themselves	Co-operation and communication increases, the quest for identity takes on a form of exploration and experimentation	Provide forum for self-expression
Peer pressure is at a peak	Young people are obsessed about their appearance, want to distinguish themselves out from the crowd	Provide a safe place with staff that can support and challenge
Same gender groups start to socialise together,	Large groups of acquaintances with small intimate circle of friends	Provide social areas and activities which facilitate friendship groups

Physical development

Age 13 to 15	Age 16 to 18	A Waterside response
Lifelong physical fitness habits begin to develop, motor skills increase	Learning how to take and manage appropriate risk	Provide challenge and range of experience to help inform exercise choices,
Clumsiness develops due to rapid physical growth, very aware of their own shape and size and that of those around them	Physical size and shape is apparent between boys and girls	Provide a range of activities suitable for all shapes sizes and interest
Many begin to experiment with drink, drugs etc but also look new foods and drink	Increased appetite, with possible appearance of eating disorders	Provide a great place to eat meet and socialise, safe from harm and positive about youth and individual image

Emotional development

Age 13 to 15	Age 16 to 18	A Waterside response
They crave freedom, and need privacy	Worry about their adult life increases	Create hangout areas and safe place to discuss issues and concern and quiet place to reflect
Rapid hormone and body changes lead to self – esteem and confidence issues	Self-coping mechanism are being created and stress management skills are being adapted	Provide programme of skills workshops, sharing future thoughts and solutions, regular speakers
Need independence, yet structure and limits	Never outgrow the need for parents love, care and respect	Provide guidance and security a place for reflection and challenge and reward
Need praise and approval	Develop and real sense of identity	Celebrate Youth

Creating a real programme around the needs of young people is vital. Our aim is to ensure that all the user groups of the Waterside Centre have a youth friendly yet challenging (what is the next level) experience. For example:

- Indoor climbing wall to outdoor cliff to expeditions
- Canoe lessons to competence to competition/expedition
- Computer user to IT/developers to promoter of products
- Art participant to producer to exhibitor
- Skills development to production to resale
- Dance member to performer to artist

**Transfer of Half Share of the Legal Interest in the Waterside Centre – Supporting Information**

All the activities at the centre should have a purpose and focus: a coffee bar is for socialising but the centre should be for engagement in activity. This could be dance groups/classes, arts classes, canoeing, climbing, outdoor activities, fitness groups.

Appendix 2 – Draft Budget Year 1

		<u>The Waterside</u>		
<u>Draft budget</u>				
	<u>INCOME</u>	<u>unrestricted</u>	<u>restricted</u>	<u>total</u>
<b><u>BUILDING</u></b>				
Grants/ Contracts			50000.00	50000.00
Building lettings		25000.00		25000.00
DONATIONS		15000.00		15000.00
<b><u>ADMINISTRATION</u></b>				
BANK INTEREST		50.00		50.00
<b><u>PROGRAMME</u></b>				
SUBSCRIPTIONS		1000.00		1000.00
ACTIVITIES		5000.00		5000.00
COFFEE BAR		4000.00		4000.00
DAY CAMPS		14000.00		14000.00
GRANTS			10000.00	10000.00
FUNDRAISING		5000.00		5000.00
TRAINING		3600.00		3600.00
	TOTAL	<b><u>72650.00</u></b>	<b><u>60000.00</u></b>	<b><u>132650.00</u></b>
<b><u>EXPENDITURE</u></b>		<b><u>unrestricted</u></b>	<b><u>restricted</u></b>	<b><u>total</u></b>
<b><u>BUILDING</u></b>				
ELECTRICITY & GAS		10800.00		10800.00
CLEANING		7500.00		7500.00
Waste collection		1000.00		1000.00
Maintenance		6000.00		6000.00
WATER RATES		1000.00		1000.00
RENT/RATES		6300.00		6300.00
EQUIPMENT		2500.00		2500.00
SECURITY		1500.00		1500.00
<b><u>ADMINISTRATION</u></b>				0.00
CLERICAL ASST		11400.00		11400.00
TELEVISION/Sat etc		2500.00		2500.00
PRINTING/STAT		2000.00		2000.00
INSURANCE		3400.00		3400.00
AFFILIATIONS		500.00		500.00
TELEPHONEBROADBAND		2000		2000.00
I T/ EQUIPMENT		10000.00		10000.00
<b><u>PROGRAMME</u></b>				
LEADERS		30000.00		30000.00



Transfer of Half Share of the Legal Interest in the Waterside Centre – Supporting Information

EQUIPMENT		1500.00		1500.00
SESSIONS & ACTIVITIES		15000.00		15000.00
COFFEE BAR		2400.00		2400.00
DAY CAMPS		10000.00		10000.00
TRAVEL		1000.00		1000.00
TRAINING		3000.00		3000.00
FUND RAISING		500.00		500.00
				0.00
<b><u>MISCELLANEOUS</u></b>				0.00
AUDIT		500.00		500.00
SUNDRY		500.00		500.00
				0.00
TOTAL expenditure		<b>132800.00</b>	<b>0.00</b>	<b>132800.00</b>
Total income		72650.00	60000.00	132650.00
EXCESS INCOME/EXPENDITURE		<b><u>-60150.00</u></b>	<b><u>60000.00</u></b>	<b><u>-150.00</u></b>

## Appendix D

### Head of Terms

# Waterside Building, Newbury Proposed Heads of Terms for ownership and lease March 2017

## 1. Building ownership

### 1.1 The Parties

1. West Berkshire Council
2. Berkshire Youth

### 1.2 Shares

The building is to be owned in equal shares

### 1.3 Corporate entity

A special purpose vehicle to be set up to “hold” the property owned by the parties (Newco) in the form of a UK company limited by shares with an appropriate shareholder agreement reflecting the responsibilities and rights of the parties.

### 1.4 Aim

To own the building in order to facilitate the provision of a youth centre with similarly relevant ancillary Council uses, leased to and managed by Berkshire Youth

### 1.5 Payment

Party 1. will transfer the building into Newco and in return party 2. will pay a sum of £375,000 to Party 1. for their share in Newco

### 1.6 Use

For the sole use of Berkshire Youth as a youth centre or such other community uses as the landlord agrees subject to an area to be agreed for Party 1’s ongoing occupation of the building. Any agreed occupation by Party 1. will be at a peppercorn but subject to apportioned running costs/service charge and property rates if applicable.

### 1.7 Management

The building will be managed by Berkshire Youth and responsibility for overseeing the operation of the building to be vested in a joint management committee to be formed comprising representatives of The Parties in equal numbers.

### 1.8 Disposal

Should the building become surplus to the needs of Berkshire Youth and no other alternative community based occupier/operator can be found with a viable operational plan within 6 months then it will be sold at the then market value based on an appropriate exposure to the market and the proceeds distributed between the parties based on their then shareholdings in Newco

### 1.9 Sale by one party

Should one party wish to dispose of their share in Newco then it will be offered to the other parties at a price established as existing use value

### 1.10 Dispute resolution

Any dispute between the parties to be referred to the proposed joint management committee and failing a satisfactory solution being found then to an agreed independent third party

**1.11 Costs**

Each party to be responsible for their own costs incurred in the transaction.

**1.12 Conditions**

This transaction is subject to the following conditions:

1. Title of the building being free of any encumbrances
2. Planning consent being forthcoming for the proposed use
3. Building survey
4. Board approval or equivalent of the parties
5. Contract

## **2. Agreement for lease and occupational lease to Berkshire Youth**

An agreement for lease will be signed with Berkshire Youth. This will become an occupational lease upon completion of the agreed refurbishment works on the following terms:

**2.1 Landlord**

Newco

**2.2 Tenant**

Berkshire Youth

**2.3 Refurbishment works**

An agreed refurbishment programme to be the responsibility of the Tenant with grant funding provided by Greenham Common Trust (subject to their Board approval) Bradfield Peckham and other organisations

**2.4 Term**

35 years

**2.5 The property**

The Waterside building to be identified with a plan of the building and the site

**2.6 Rental**

A peppercorn

**2.7 Management Agreement**

A management agreement for operation of the building will be agreed with Berkshire Youth

**2.8 Alienation**

The lease cannot be assigned unless an assignee is found that can operate the same or similar services to Berkshire Youth, subletting of part subject to landlord's approval with the majority of the building operated in line with the user clause. The maximum floor area of sublet space to be agreed

**2.9 Sub tenant rental**

Any rental received by the tenant from third parties to be spent on the operation and maintenance of the Waterside building. The tenant to produce annual audited accounts relating to their operation of the building for the proposed joint management committee

**2.10 Sub tenancy to West Berkshire Council**

A tenancy will be agreed at nil rent with the Council relating to their occupation of the building by the Integrated Youth Support Service and the maximum area required is to be for three desks. This tenancy will be upon terms that give the Council satisfactory security of tenure provisions and a reasonable notice period if the tenancy is to be brought to an end, in line with the head lease to Berkshire Youth. Any additional occupation of the building by the Council will be subject to separate agreement between the parties and at an appropriate rental with an apportionment of running costs.

**2.11 Termination**

Tenant's break clauses every five years – Berkshire Youth to give 12 months' notice  
Landlord break at any time, upon the same notice period, only capable of being operated should the management agreement not be fulfilled by Berkshire Youth

**2.12 Repairing liabilities**

These are tenant's responsibility

**2.13 Insurance**

To be insured by West Berkshire Council and recovered from the Tenant

**2.14 Rent Reviews**

N/A

**2.15 Use**

For the sole use of Berkshire Youth or such other community uses as the landlord agrees

**2.16 Naming**

The building will be branded as agreed with the landlord

**2.17 Signage**

To be agreed with the landlord, subject to planning

**2.18 Planning**

A youth centre as referred to under current planning regulations

**2.19 Occupational costs**

There will be 100% charitable relief from rates but utilities and any other costs to be the responsibility of Berkshire Youth.

**2.20 Legal costs**

Each party to be responsible for their own legal costs

**2.21 Conditions**

These terms are subject to the following conditions:

1. Board or equivalent approval of each party
2. Contract

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## Short Breaks Services Statement

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<b>Committee considering report:</b>	Executive
<b>Date of Committee:</b>	21 December 2017
<b>Portfolio Member:</b>	Councillor Lynne Doherty
<b>Date Portfolio Member agreed report:</b>	12 December 2017
<b>Report Author:</b>	Juliet Penley
<b>Forward Plan Ref:</b>	EX3397

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### 1. Purpose of the Report

- 1.1 To seek the approval of Members to the updated Short Breaks Services Statement 2017. There is a statutory requirement to update and review the Statement annually. As part of the response to the Judicial Review of the decision to reduce the funding for short breaks in July 2016, the council undertook to hold a public consultation and then to review and publish the Statement this year.
- 1.2 Short Breaks are services which provide disabled children and young people with an opportunity to spend time away from their parents, socialising, gaining independence and having fun. They provide families with a 'break' from their caring responsibilities; they give parents a chance to relax or spend time with their other children.
- 1.3 The key changes to the 2017 Short Breaks Statement is the summary and analysis of the results of the public consultation which ran in June 2017, information about the council's transition funding for short breaks and future plans, and the developments with short breaks providers and services.

### 2. Recommendation

- 2.1 To approve the Short Breaks Services Statement 2017.

### 3. Implications

- 3.1 **Financial:** The statement explains the overall Short Break provision in West Berkshire. It includes the use and outcomes of the Council Transition Funding and the future plans and implications when this funding finishes in 2018.
- 3.2 **Policy:** None.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** The Council is legally required to consult, review and update annually their Short Breaks Services Statement. The legal requirements governing short breaks provision are explained in the statement and how these are met.
- 3.5 **Risk Management:** In response to the Judicial Review in 2016, the council was advised to undertake a full and wide ranging consultation and use the feedback from this to review

the Short Breaks Statement 2017.

3.6 **Property:** None.

3.7 **Other:** None.

**4. Other options considered**

4.1 To be legally compliant the council needs to have an approved and up to date Short Breaks Services Statement which is published.

## Executive Summary

### 5. Introduction / Background

- 5.1 The council provides a range of short breaks for disabled children under the Breaks for Carers of Disabled Children Regulations 2011.
- 5.2 The law says that a local authority must provide, as far as is reasonably practicable, a range of services which is 'sufficient to assist carers to continue to provide care or to do so more effectively'. The Short Break regulations require local authorities to:
- Provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays
  - Provide parents with a Short Break Services Statement detailing the range of breaks and any eligibility criteria attached to them.
- 5.3 Following the Judicial Review in 2016 of the decision to reduce the council funding of short breaks, it was agreed that a public consultation would be undertaken in 2017 and the Short Breaks Statement reviewed and updated taking into consideration the feedback received. The council was challenged that the consultation undertaken in 2016 was insufficient to discharge its statutory duties.

### 6. Proposal

- 6.1 To approve the updated Short Breaks Services Statement. A public consultation was held in June 2017 which was open on the council website for 6 weeks. This was extensively promoted. The results and feedback from this consultation has been incorporated into the updated statement.
- 6.2 The statement has been reviewed and amended in order to ensure that it meets all the statutory requirements and also that it is hopefully easy to read and understand.
- 6.3 Legal services have been consulted on the process of reviewing the statement and advise that the contents meet the statutory requirements and is legally compliant.
- 6.4 Once approved this statement will be placed on the Council's website.

### 7. Conclusion

- 7.1 It is recommended that members approve the draft Short Breaks Services Statement 2017.

### 8. Appendices

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Short Breaks Services Statement 2017
- 8.3 Appendix C – Equalities Impact Assessment- Stage Two
- 8.4 Appendix D – Summary of Consultation Responses

## Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?



Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	Approve Short Breaks Services Statement
<b>Summary of relevant legislation:</b>	The Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011. Also section 27 of the Children and Families Act 2014.  Relevant guidance is;  Department for Education: Short Breaks for Carers of Disabled Children.
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	Juliet Penley
<b>Date of assessment:</b>	11.10.17

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	Yes	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To approve the updated Short Breaks Statement
<b>Objectives:</b>	To have a reviewed statement which has incorporated feedback from public consultation and is up to date
<b>Outcomes:</b>	To publish a Statement which explains about local short breaks services which the public will understand.
<b>Benefits:</b>	Public will understand how the council discharges its short breaks duties

**2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.**  
(Please demonstrate consideration of all strands – Age, Disability, Gender)

Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability	Families with a disabled child, disabled children	This document explains the short break services and how the council provides them
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<p><b>Please provide an explanation for your answer:</b></p> <p>This document intends to promote and provide a greater degree of understanding to the public, but particularly families, parents and carers who have a disabled child, of how short breaks services are delivered locally.</p>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes</b>
<p><b>Please provide an explanation for your answer:</b></p> <p>The decision will approve the review of an existing document to make it more up to date and relevant.</p> <p>There is likely to be some reduction in the type and range of short breaks due to the ending of transition funding in 2018. This could have a negative impact on disabled children and their families. This was raised by some respondents to the public consultation in June 2017.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	Yes
<b>Owner of Stage Two assessment:</b>	Juliet Penley
<b>Timescale for Stage Two assessment:</b>	To Follow

**Name:** Juliet Penley

**Date:** 25.10.17

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Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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**Short Breaks  
Services Statement  
DRAFT  
West Berkshire Council  
2017**

Short Breaks provide disabled children and young people with an opportunity to spend time away from their parents, socialising, gaining independence and having fun. They provide families with a 'break' from their caring responsibilities; they give parents a chance to relax or spend time with their other children.

Further information regarding The Local Offer which includes all services for children with disabilities can be found

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/localoffer.page?familychannel=4>

Short Breaks opportunities can be found

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/localoffer.page?familychannel=4-5>

## 1. Introduction

Over the past 2 years there has been significant time and energy invested to ensure that short breaks provision in West Berkshire is promoted and the district enjoys a range of opportunities and provision for disabled children and their families. The Local Authority has met regularly with short breaks providers and other key partners to maximise the delivery and provision and this seems to align with the level of reported need. The flexible and creative use of transition money has enabled the services to become more self-sufficient and robust which is positive for the future of short breaks locally.

### Legal Framework

Under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011, every Local Authority shall provide services designed:-

- (a) To minimise the effect on disabled children within their area of their disabilities
- (b) To give such children the opportunity to lead lives which are as normal as possible ; and
- (c) To assist individuals who provide care for such children to continue to do so, or to do so more effectively by giving them breaks from caring.

In particular, the Local Authority must provide, as appropriate, a range of –

- a) Day time care in the homes of disabled children or elsewhere
- b) Overnight care in the homes of disabled children or elsewhere
- c) Educational or leisure activities for disabled children outside their homes, and
- d) Services available to assist carers in the evenings, at weekends, and during the school holidays

The Short Breaks Regulations and guidance issued by Government also requires us to publish and keep under review a Short Breaks Statement which sets out :-

- The range of short breaks services available;
- The criteria by which eligibility for services will be assessed; and
- How the range of services is designed to meet the needs of families with disabled children within our area.

Short breaks form part of a continuum of services, which support disabled children and their families. Short breaks are provided to give:

- Children and young people with a disability enjoyable experiences away from their primary carers, thereby contributing to their personal and social development and reducing social isolation;
- Parents, carers and families a necessary and valuable break from caring responsibilities.

These breaks can include day, evening, overnight and weekend activities and can take place in the child's own home, the home of an approved carer, a residential or community setting. They can last just a few hours to a few days, and occasionally longer, depending on the type of provision and the needs of the child and their family.

There is a requirement on the Local Authority to provide a 'Local Offer' which is to put in one place all information about services relating to Disabled Children. More information can be found here

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/localoffer.page?familychannel=4>

The Family Information Service is the term for information relating to children and families that the Local Authority provides including the Local Offer and services relating to disabled children.

## 2 Consultation, participation and co-operation

When reviewing our Short Breaks Statement, we must take into consideration carers' views and those of disabled children and young people. The views of those organisations working within the voluntary sector must also be taken account of.

A draft of our Short Breaks Statement for 2017 formed the basis for local consultation with families with disabled children and other partners. An online public consultation was held and information and a questionnaire were published on the council website. This public consultation was well publicised and the link circulated widely. The consultation started on 14<sup>th</sup> June 2017 and ran for 6 weeks. There was a limited response with 17 individuals submitting responses. This would indicate that there is general support for current provision.

As part of our 2017 consultation, we also held a series of focus groups in secondary schools, both specialist and mainstream, where parents and young people were invited to discuss SEND reforms and short breaks. We also talked with providers of short breaks services about demands, needs and gathered their general feedback.

When asked generally about the provision of short breaks services meeting the needs of disabled children, about a third of those that responded (5 individuals) said they agreed, and two thirds (12) did not. The reasons given from respondents who did not feel current provision meets needs were:-

- Not enough short breaks
- Not sufficient variety
- Breaks not long enough in duration
- Did not meet needs of those children in mainstream school or with physical disabilities and/or medical needs.

In respect of mainstream and universal services about half (8) said they did not feel anything was missing from universal services. Those that disagreed felt that it was knowledge and information about the services which was hard to access and find. As a response to this and other feedback regarding information and the Local Offer, the council has started work to improve the website and provision of information which is planned to be completed by the end of 2017.

With regard to amount of short breaks, over 40% felt this was sufficient. Those respondents that disagreed (7) felt that services had reduced alongside funding reductions and key provision such as holiday care was now not sufficient. In respect of accessibility about 70% (8) felt that services were not accessible to everyone primarily as services were not located across the district and transport presented a problem.

Respondents were asked about providers increasing fees to enable services to be more viable and only 15% (2) said they disagreed. When asked about whether services currently met needs according to age and diversity, most people (over 80%) felt services were appropriate. Over 75% of respondents felt that the provision of direct payments or personal budgets to those that are entitled, was a helpful approach. Of those that did not, feedback was that they would like more directly accessible services, they did not feel it was easy to access and families needed to top up the amount allocated and sometimes fight for this service. Clearer guidance was also felt to be needed.

A number of meetings with providers held in 2017 and in total 10 organisations attended. Their feedback was that there was a high demand for their services and families greatly valued what they provided. They were concerned about the reduction in council funding and most services had introduced charging. A few services had closed but most were continuing – some in a more reduced form. Generally providers felt that they had needed to review all their services in the light of funding. All organisations would intend to continue to provide short breaks in the future but there was concern that high cost services such as holiday play schemes may be at risk.

Feedback on the Short Breaks Services Statement was that two thirds of respondents felt it was useful and informative but needed to be easier to understand and shorter. Overall, the responses and feedback has been analysed and statement updated.

### 3 Range of service delivery

**It is important to note that families who receive short breaks provision as part of a statutory service will continue to do so. For details of how to see if you are eligible please see at [c] below: specialist services.**

The total number of disabled children receiving short breaks between 2014 and 2016 was approximately 350-400.

In West Berkshire, we try and offer a wide range of provision through voluntary, independent and voluntary sector providers to meet the different needs of disabled children, young people and their families. As a result of reduced funding, some services have been stopped but most providers have continued to deliver directly accessible short breaks. In order to develop more sustainable short break services, some providers are also reviewing their charging policies and exploring alternative sources of income.

Eligibility for services and short breaks is based on the following principles:-

- Promoting the health, safety and well being of disabled children and young people, ensuring they can fully participate in family and community life, enjoying themselves with friends and making decisions about their lives
- Preventing family crisis through the provision of the right level of support at the right time
- The need to be fair, clear and equitable.
- Those at greatest need receive help. Some will require assessment and services provided by the council's specialist Children's Disability team.

Not all children and families will need the same level of support and short breaks; some will need more than others because of the nature and severity of their child's disability. Some families may need more support because of their individual family circumstances. This is why the Local Authority may need to assess your child and family to ensure the right amount of support and short breaks are provided at the right time.

The Short Break Services in West Berkshire and how these are provided and available to families can be categorised as follows:-

#### (a) Universal or mainstream services

Community and youth based activities such as youth clubs, uniformed groups (i.e. cubs, brownies), sports clubs, leisure centres and groups and cinemas. These take place outside of the school day and at weekends. They are directly accessible with no assessment necessary and whether a disabled child can attend will depend on capacity of the organisation and needs of the child/young person. Many universal services will advertise in the local community. There are also universal school holiday activities, which are located either in schools or directly via independent providers/ schools. West Berkshire's Family Information Service offer a free telephone and on-line directory service, dedicated to providing up to date information for parents, parents to be, carers and professionals to help support children up to their 20th birthday or 25th birthday if a child has a disability. Further details can be found here

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/home.page>

Further information can also be found on the Council's Local Offer website which details short breaks in the local area.

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/localoffer.page?familychannel=4>



(b) Supported services.

These are specific services for disabled children which are also directly accessible. They include those services provided by the voluntary sector such as Crossroads, Mencap, Dingley Promise, Swings and Smiles, National Autistic Society, PALS and Home-start. Access will depend upon capacity of the short break service and the remit of the group. For example, the National Autistic Society only provides short breaks for those children on the autistic spectrum. Supported services also include short breaks provided by Brookfields and Castle special schools. Most providers allocate on a first come, first served basis.

Support services includes giving you information, advice and guidance, training, help for brothers and sisters, and the allocation of a named professional or key worker, who will help co-ordinate the support your family needs. The Local Authority can support you through transition from children's to adult's services. We can tell you about other local services and facilities and ensure you have the right equipment and adaptations to your home, which make life easier.

Further information can be found on the Council's Local Offer website which details short breaks in the local area.

<http://fis.westberks.gov.uk/kb5/westberkshire/fsd/localoffer.page?familychannel=4-5>

(c) Specialist Services

These are provided via an assessment by a social care or health professional. Following an individual assessment of need by a social worker, short breaks that the Local Authority provide are allocated at a multi agency panel (MARF) chaired by a Service Manager from West Berkshire Council. The council's short break services include direct payments, overnight or day care with a foster carer, and overnight and day care at Castle Gate, a residential short break unit. Further information about direct payments can be found here

[http://fis.westberks.gov.uk/kb5/westberkshire/fsd/service.page?id=LxS\\_kfgUu8k&familychannel=0](http://fis.westberks.gov.uk/kb5/westberkshire/fsd/service.page?id=LxS_kfgUu8k&familychannel=0)

Short breaks provided by the health services are agreed at the Continuing Care Panel following an assessment by a specialist nurse and include support from the continuing care nursing team and overnight or day care at Ryeish Green residential unit.

It is important that those families who have the highest levels of need have access to these specialist services. The eligibility criteria for an assessment of need by social care can be found on the West Berkshire website.


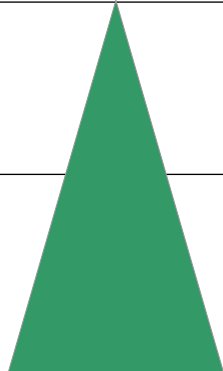
[http://www.proceduresonline.com/westberks/cs/files/threshold\\_criteria.pdf](http://www.proceduresonline.com/westberks/cs/files/threshold_criteria.pdf)

With additional information with regards to Disabled Children's Team.

[https://search3.openobjects.com/mediamanager/westberks/enterprise/files/dct\\_eligibility\\_criteria\\_2015.pdf](https://search3.openobjects.com/mediamanager/westberks/enterprise/files/dct_eligibility_criteria_2015.pdf)

**The following table sets out the Council's early help strategy:-**

**Children's Services in West Berkshire – levels of need**

Level/Type of needs	Activity	Level of Need/ risk to child	Proportion of children receiving service
4 Most serious/ acute	Intensive and multi-professional care, protection or control		
3 Complex and Specialist	Statutory and/or Multi-professional intervention		

2	Additional needs or Vulnerable	Early Intervention		
1	Within normal range - Progressive universalism	Indicated (Health term = Tertiary Prevention)		
		Targeted (Health term = Secondary Prevention)		
		Universal (Health term = Primary Prevention)		

Examples of Universal public services for all children by age band		
Pre-birth	0- 5	5-18
Midwifery		
	Health & Wellbeing Hubs	
	Health Visiting	
	Nursery	
		School
		GP services
		Accident and Emergency services
		Leisure services
		Libraries

Examples of early intervention for additional needs	
<b>Education</b>	
Peer mentor programmes in primary and secondary schools	
Emotional Health Academy linked to schools	
Family School Support Workers	
Parent to Parent/P2P Service	
<b>Health services</b>	
The Edge service for young people	
Obesity advice and services	
Emergency Hormonal Contraception (EHC)	
The Healthy schools Programme	
Speech and language therapy	
Chlamydia screening	
<b>Crime and communities</b>	
Education Support Service, part of the Youth Offending Team	
Targeted Intervention Work	
<b>Early Years</b>	
Special Needs Advice Counselling Service (SNACS)	
Family Wellbeing Hubs and Education entitlement for 2-3 year olds	
Home Start volunteer support for parents	
Mencap Bubble Club	
<b>Training and employment</b>	
Jobcentre Plus partnership supporting families into work	
<b>Parenting and family support</b>	
Short Breaks for disabled Children	

Family Group Conferencing	
Young carers project	
Time to Talk Counselling Service	
Parenting Programmes such as Triple P, STOP	

#### 4 Measuring outcomes and impacts of our Short Breaks provision

The local short breaks services are much valued by parents and, children and young people. The following parents made these comments about Crossroads short breaks which is typical of many parents' experiences:-

*We have been blessed to be able to get some respite during holidays from Crossroads. Our son enjoyed his second trip to Butlins last year which happened to coincide with our 10<sup>th</sup> wedding anniversary. It meant that we had nearly three days to relax, have a meal together and spend time as a couple. For our son it meant 'the best macaroni cheese in the world' made by his carer who is tremendous and nearly three days of fun with his friend. We don't have family support and we rarely have the time to ourselves, I can't stress how important their services are to us.*

*'Crossroads has been a lifeline for our family, its peace of mind to know she is being cared for by competent staff. My daughter is very physically disabled and this is the only social opportunity she has and the only break for my family.'*

*'My son has severe autism and has been with Crossroads and Mencap for many years, it is the only social life he has. He has no friends.'*

*'I have 3 boys with autism and a husband with mental health problems. Somebody giving me a break, just once during school holidays, to give me the space to think and recharge has made the difference to facing school holidays with dread and finishing them with exhaustion and illness to having the strength to enjoy and have fun with the children.'*

#### Accessibility

The Local Offer and Family Information Service is currently being upgraded so it will link with adult services and can be downloaded to mobile devices and be more interactive. This is planned for summer 2017 and will make information about short break services more easily and widely accessible.

The Local Offer Website provides comprehensive information and signposting to SEND services. West Berkshire's Family Information Service also offers a free telephone and on-line directory service providing information for parents, parents to be, carers and professionals to help support children up to their 20th birthday or 25th birthday if a child has a disability.

Feedback from the consultation was that services were concentrated in the Newbury area so for those living to the east of the district, accessibility could be difficult if without a car. Transport generally was felt to be a problem and hindrance to using services.

The Local Authority will continue to work closely with providers to try and support their services to become more accessible.

#### Transition funding and future provision

Transition Funding to support providers of Short Breaks is due to end April 2018.

Those families currently receiving short breaks provision within a package of care from West Berkshire Council and those eligible for specialist services will not be affected and their care package will not be reduced.

It is likely the end of transition funding will impact on the provision of short breaks although the 2 years of funding has given local providers the time to continue with their services whilst planning for how these can be sustained on the longer term. We are working with providers to minimise the adverse impact for our residents.

Most providers state that they will continue to provide services but that they are likely to be increasing charges. Brookfields school for example have increased their charges for both their youth and after school care so that they are self financing. Charging full costs for some services such as holiday play schemes can be prohibitive. Many providers have also sought grant funding elsewhere which helps to either subsidise the service or enable them to provide those in greatest financial need a minimal charge.

West Berkshire Mencap have said they might have to close some services (e.g. after school provision) if alternative funding cannot be found. The Saturday club closed in 2016. Mencap will continue with their youth club but may need to reduce the days of their holiday play scheme.

There are also some new providers of short breaks since 2016 such as Swings and Smiles and ASD family help. We are keen to hear of any other organisations of whatever size, which may also be able to offer support.

In addition, a SEND providers Forum was established in 2016 with the aim of ensuring that providers are working close together to sustain and improve services within our area. The forum is already working well; providers are now sharing costs, for example with training and learning resources. The Local Authority meets regularly with providers and has feedback the results of the consultation in particular the need for more choice to meet varying needs.

The Forum is also an opportunity for providers to pro-actively share opportunities with each other, such as available grant funding and additional forms of income streams. As a result of the SEND forum being set up, Short Breaks providers co-ordinated the summer activity provision in 2017 to establish a single timetable which minimised duplication and provided families with all the information in one place. This was of enormous benefit to children and their families who welcomed this approach. It is planned to build on this work.

## Equality Impact Assessment Template – Stage Two

Please complete this template if completion of the Stage 1 template has identified that a full Equality Impact Assessment (EIA) is required.

Before proceeding with this EIA, you should discuss the scope of the analysis with service managers in your area and you will need to refer to the equality impact assessment guidance.

<p><b>What is the decision Executive is being asked to make?</b></p> <p><b>Please add a summary of relevant legislation and whether the proposed decision conflicts with any of the Council's key strategic priorities</b></p>	<p>To seek the approval of members to the updated Short Breaks Services Statement 2017. There is a statutory requirement to update and review the Statement annually. Short Breaks are services which provide disabled children and young people with an opportunity to spend time away from their parents, socialising, gaining independence and having fun. They provide families with a 'break' from their caring responsibilities; they give parents a chance to relax or spend time with their other children.</p> <p>Relevant legislation is, The Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011. Also section 27 of the Children and Families Act 2014.</p> <p>Relevant guidance is; Department for Education: Short Breaks for Carers of Disabled Children.</p>
<p><b>Budget Holder for item being assessed:</b></p>	<p>Mac Heath</p>
<p><b>Name of assessor:</b></p>	<p>Juliet Penley</p>
<p><b>Name of Service &amp; Directorate</b></p>	<p>Children and Family Services, Communities Directorate</p>
<p><b>Date of assessment:</b></p>	<p>6.11.17</p>
<p><b>Date Stage 1 EIA completed:</b></p>	<p>11.10.17</p>

### STEP 1 – Scoping the Equality Impact Assessment

This step helps you define exactly what it is that you are going to assess and crucially who it will affect. This is where your consideration of the protected characteristics is important.

**Point 1:** Tick the relevant boxes to indicate the data or research that you will be using to establish whether there are any equality issues.

**Point 2:** You need to provide a summary of the findings from the evidence that you have identified in Point 1.

**Point 3: If you have identified any gaps when undertaking the earlier data analysis, you need to state what additional research or data will be required eg a needs assessment.**

<b>1. What data, research and other evidence or information is available which will be relevant to this Equality Analysis? Please tick all that apply.</b>			
Service Targets		Performance Targets	X
User Satisfaction	X	Service Take-up	X
Workforce Monitoring		Press Coverage	
Complaints & Comments	X	Census Data	
Information from Trade Union		Community Intelligence	
Previous Equality Impact Analysis	X	Staff Survey	
Public Consultation	X	Other (please specify)	

**2. Please summarise the findings from the available evidence for the areas you have ticked above.**

The public consultation started on 14<sup>th</sup> June 2017 and ran for 6 weeks. There was a limited response with 17 individuals submitting responses. This would indicate that there is general support for current provision.

When asked generally about the provision of short breaks services meeting the needs of disabled children, about a third of those that responded (5 individuals) said they agreed, and two thirds (12) did not. The reasons given from respondents who did not feel current provision meets needs were:-

- Not enough short breaks
- Not sufficient variety
- Breaks not long enough in duration
- Did not meet needs of those children in mainstream school or with physical disabilities and/or medical needs.

In respect of mainstream and universal services about half (8) said they did not feel anything was missing from universal services. Those that disagreed felt that it was knowledge and information about the services which was hard to access and find.

With regard to amount of short breaks, over 40% felt this was sufficient. Those respondents that disagreed (7) felt that services had reduced alongside funding reductions and key provision such as holiday care was now not sufficient. In respect of accessibility about 70% (8) felt that services were not accessible to everyone primarily as services were not located across the district and transport presented a problem.

Respondents were asked about providers increasing fees to enable services to be more viable and only 15% (2) said they disagreed. In terms of age and culture, most people (over 80%) felt services were appropriate. Over 75% of respondents felt that the provision of direct payments or personal budgets to those that are entitled, was a helpful approach. Of those that did not, feedback was that they would like more directly accessible services, they did not feel it was easy to access and families needed to top up the amount allocated and sometimes fight for this service. Clearer guidance was also felt to be needed.

A number of meetings with Short Breaks provider services were held in 2017 and in total 10 organisations attended. Their feedback was that there was a high demand for their services and families greatly valued what they provided. They were concerned about the reduction in council funding and most services had introduced charging. A few services had closed but most were continuing – some in a more reduced form. Generally providers felt that they had needed to

review all their services in the light of funding. 9 organisations would intend to continue to provide short breaks in the future but there was concern that high cost services such as holiday play schemes may be at risk.

Feedback on the Short Breaks Services Statement was that two thirds of respondents felt it was useful and informative but needed to be easier to understand and shorter.

Evidence from the data collected quarterly on short breaks by the council show that holiday play schemes and after school clubs are consistently well used and run at capacity. There has been a decrease in demand for befriending services over the past 2 years.

Youth services are consistently well used and new services have been set up, e.g. ASD family help, in response to demand.

**3. If you have identified any gaps in the evidence provided above, please detail what additional research or data is required to fill these gaps? Have you considered commissioning new data or research eg a needs assessment?**

**If 'No' please proceed to Step 2.**

Following feedback from a council member, that it would be more helpful and give sense of the strength of response to include actual numbers of respondents as well as percentages, this has now been added to Statement.

No other gaps identified

## STEP 2 – Involvement and Consultation

Involving and consulting all groups who may be impacted by this change or introduction is a key part of an EIA. The extent of consultation and involvement will depend on the level of proposed changes and degree of impact.

**Point 1:** Best practice suggests that consideration should also be given to other attributes that may affect the way in which our decisions impact on people. This could include people who live in rural areas, lone parents, people on low incomes, travellers and gypsies, looked-after children and people with caring responsibilities.

**Point 2:** The stakeholders that you need to list are anyone who will be impacted by the item eg service users, staff and contactors.

**Point 3:** You will need to state how the proposed decision will affect the stakeholders listed above after it has been implemented.

**1. Please outline below how the findings from the evidence summarised above when broken down, will affect people with the 9 protected characteristics. Where no evidence is available to suggest that there will be an impact on any specific group, please insert the following statement '*There is no evidence to indicate that there will be a greater impact on this group than on any other.*'**

<b>Target Groups</b>	<b>Describe the type of evidence used, with a brief summary of the responses gained and links to relevant documents</b>
<b>Age – relates to all ages</b>	Children with disabilities will be more affected. See information in box below



<p><b>Disability</b> - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>The public consultation resulted in feedback about impact of short breaks and current provision. Twelve respondents did not agree generally that current short breaks services met the needs of disabled children. The reasons given regarding current provision:-</p> <ul style="list-style-type: none"> <li>• Not enough short breaks</li> <li>• Not sufficient variety</li> <li>• Breaks not long enough in duration</li> <li>• Did not meet needs of those children in mainstream school or with physical disabilities and/or medical needs.</li> </ul> <p>In respect of mainstream and universal services about half (8) said they did not feel anything was missing from universal services. Those that disagreed felt that it was knowledge and information about the services which was hard to access and find.</p> <p>With regard to amount of short breaks, over 40% felt this was sufficient. Those respondents that disagreed (7) felt that services had reduced alongside funding reductions and key provision such as holiday care was now not sufficient. In respect of accessibility about 70% (8) felt that services were not accessible to everyone primarily as services were not located across the district and transport presented a problem.</p> <p>Respondents were asked about providers increasing fees to enable services to be more viable and only 15% (2) said they disagreed. In terms of age and culture, most people (over 80%) felt services were appropriate. Over 75% of respondents felt that the provision of direct payments or personal budgets to those that are entitled, was a helpful approach. Of those that did not, feedback was that they would like more directly accessible services, they did not feel it was easy to access and families needed to top up the amount allocated and sometimes fight for this service. Clearer guidance was also felt to be needed.</p> <p>A number of meetings with providers held in 2017 and in total 10 organisations</p>
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	<p>attended. Their feedback was that there was a high demand for their services and families greatly valued what they provided. They were concerned about the reduction in council funding and most services had introduced charging. A few services had closed but most were continuing – some in a more reduced form. Generally providers felt that they had needed to review all their services in the light of funding. 9 organisations would intend to continue to provide short breaks in the future but there was concern that high cost services such as holiday play schemes may be at risk. From the feedback from providers and direct complaints and comments, those services most valued by families were holiday play schemes and youth groups. Holiday play schemes in particular helped families cope during the long school holidays which presented significant pressures and stress.</p>
<p><b>Gender reassignment</b> - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i></p>
<p><b>Marriage and Civil partnership</b> –.protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i></p>
<p><b>Pregnancy and Maternity</b> - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i></p>
<p><b>Race</b> - includes colour, caste, ethnic / national origin or nationality.</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i></p>
<p><b>Religion and Belief</b> - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or non-belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i></p>
<p><b>Sex</b> - applies to male or female.</p>	<p><i>There is no evidence to indicate that there will be a greater impact on this group than</i></p>

	<i>on any other.'</i>
<b>Sexual Orientation</b> - protects lesbian, gay, bi-sexual and heterosexual people.	<i>There is no evidence to indicate that there will be a greater impact on this group than on any other.'</i>

**2. Who are the main stakeholders (eg service users, staff etc) and what are their requirements?**

Families with a disabled child (or children) who require access to appropriate short breaks to provide respite and a break from caring demands and responsibilities.

Children and Young People with disabilities need suitable services to be provided which suit their needs and provide enjoyable experiences away from their primary carers, thereby contributing to their personal and social development and reducing social isolation.

The organisations including voluntary organisations which provide short breaks services. These include the 7 local organisations awarded transition funding by the council to provide short breaks and become more self sufficient. These are West Berkshire Mencap, Crossroads, PALS, Swings and Smiles, Homestart West Berkshire, Dingley Promise and National Autistic Society. Grants were also given to 2 special schools, Brookfield and The Castle.

**3. How will this item affect the stakeholders identified above?**

There was a limited response to the public consultation which was widely publicised. There were 17 responses from individuals which indicates that, on the whole, people are generally satisfied with current provision. Of those that gave their views, two thirds (12) did not feel current provision meets needs were:-

- Not enough short breaks
- Not sufficient variety
- Breaks not long enough in duration
- Did not meet needs of those children in mainstream school or with physical disabilities and/or medical needs.

In respect of mainstream and universal services about half (8) said they did not feel anything was missing from universal services. Those that disagreed felt that it was knowledge and information about the services which was hard to access and find.

With regard to amount of short breaks, over 40% felt this was sufficient. Those respondents that disagreed (7) felt that services had reduced alongside funding reductions and key provision such as holiday care was now not sufficient. In respect of accessibility about 70% (8) felt that services were not accessible to everyone primarily as services were not located across the district and transport presented a problem.

Respondents were asked about providers increasing fees to enable services to be more viable and only 15% (2) said they disagreed. In terms of age and culture, most people (over 80%) felt services were appropriate. Over 75% of respondents felt that the provision of direct payments or personal budgets to those that are entitled, was a helpful approach. Of those that did not, feedback was that they would like more directly accessible services, they did not feel it was easy to access and families needed to top up the amount allocated and sometimes fight for this service. Clearer guidance was also felt to be needed.

Feedback from providers was that there was a high demand for their services and families

greatly valued what they provided. They were concerned about the reduction in council funding and most services had introduced charging. A few services had closed but most were continuing – some in a more reduced form. Generally providers felt that they had needed to review all their services in the light of funding. All except 1 organisation would intend to continue to provide short breaks in the future but there was concern that high cost services such as holiday play schemes may be at risk.

Feedback from complaints and comments is that provision of holiday play schemes is vital in supporting families to cope with caring for their disabled child(ren).

### **STEP 3 – Assessing Impact and Strengthening the Policy**

At this stage you are seeking to determine if the item will have a potential adverse or differential impact on specific groups, will fail to meet their needs or have a discriminatory outcome.

**What have you assessed the impact as being? If there are potential adverse or differential impact on protected groups, what are the measures you will take to mitigate against such impact. Is there any opportunity to promote equality and good relations?**

With regard to the feedback and the adverse impacts identified above, the following measures have been taken or are planned-

There has been a new contract awarded and work started on the upgrade of The Local Offer website which will improve accessibility, responsiveness and be more easily available to families on mobile devices. This will be completed by April 2018

Limited council funding has been identified which will be awarded out to organisations to provide those services which are most at risk when transition funding comes to an end. Funding will be directed to after school clubs and holiday play schemes which demonstrate the greatest benefit in terms of supporting families and providing a break from caring. This funding will support those few services that have proved the most difficult in terms of being able to be self sustaining. Grants will be awarded from April 2018.

Feedback from families identified that short breaks services were concentrated in Newbury so access and transport was difficult. It is therefore proposed that it will be a requirement that part of the council funding will support services outside Newbury and to the east of council area.

### **STEP 4 – Procurement and Partnerships**

This step is relevant to service areas where the commissioning of contractors and services is undertaken as a core function and will allow you to assess the impact of any changes to clauses, processes or specifications in the procurement process. It may mean that a contractor will need to be requested to undertake an additional duty as a result of the new service. It is also an opportunity to check that the contractor has an equality policy in place.

**Is this item due to be carried out wholly or partly by contractors?**

No (please delete)

**If 'yes', will there be any additional requirements placed on the contractor? Have you done any work already to include equality considerations into the contract? You should**

set out how you will make sure that any partner you work with complies with equality legislation.

No. The council writes and owns the Short Breaks Services statement.

## STEP 5 – Making a Decision

Depending on whether you are assessing a new or changing policy, strategy, function or service, you will need to reach a decision and make a clear statement of the final outcome of the assessment. This should be the recommendation being made as a result of the assessment. For example:

- The decision may be put forward for approval subject to stated amendments.
- The decision should be reconsidered.
- The decision shows a negative impact but can be justified by... (and state what the justification is).

Summarise your findings and make a clear statement of the recommendation being made as a result of the assessment. This will need to take into account whether the Council will still meet its responsibilities under the Public sector Equality Duty (Section 149 of the Equality Act), which states:-

*A public authority must, in the exercise of its functions, have due regard to the need to:-*

- (i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (ii) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, in particular the need to:-*
  - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
  - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
- (iii) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

It is recommended that the council approve the updated Short Breaks Services Statement 2017.

The council provides a range of short breaks for disabled children under the Breaks for Carers of Disabled Children Regulations 2011.

The law says that a local authority must provide, as far as is reasonably practicable, a range of services which is 'sufficient to assist carers to continue to provide care or to do so more effectively'. The Short Break regulations require local authorities to:

- Provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays

- Provide parents with a Short Break Services Statement detailing the range of breaks and any eligibility criteria attached to them.

A public consultation was held in June 2017 which was open on the council website for 6 weeks. This was extensively promoted. The results and feedback from this consultation and other feedback and information has been incorporated into the updated statement.

Other measures taken as a result of consultation, feedback and the assessment

- new contract awarded and work started on the upgrade of The Local Offer website which will improve accessibility, responsiveness and be more readily available on mobile devices
- Limited council funding has been identified to be awarded out to organisations to provide those services which are most at risk when transition funding comes to an end. These services such as after school clubs and holiday play schemes were those identified by families as most needed, valued and they needed more of. Grants will be awarded from April 2018.
- It is proposed that it will be a requirement that part of the council funding will support services outside Newbury and to the east of council area.
- A SEND providers Forum was established in 2016 with the aim of ensuring that providers are working close together to sustain and improve services within the area. The forum is working well; providers are now sharing costs, for example with training and learning resources. The Forum is also an opportunity for providers to pro-actively share opportunities with each other, such as available grant funding and additional forms of income streams. As a result of the SEND forum being set up, Short Breaks providers co-ordinated the summer activity provision in 2017 to establish a single timetable which minimised duplication and provided families with all the information in one place. This was of enormous benefit to children and their families who welcomed this approach. It is planned to build on this work.
- The council runs its own overnight short breaks service, Castle Gate, for those families who meet the eligibility threshold for childrens social care. This resource is being developed and expanded in terms of availability.

## STEP 6 – Monitoring, Evaluating and Reviewing

Before finalising your action plan, you will also need to identify how you will monitor the item following implementation and include any changes or proposals you are making. This is particularly relevant if a funding cut is likely to lead to a reduction or withdrawal of a service.

**Once the change has taken place, how will you monitor the impact on the 9 protected characteristics?**

Through the contract monitoring and oversight of council grants awarded, which include data collection and meetings

New Local offer website. Feedback and response



SEND Providers Forum: Participation, attendance and feedback. West Berkshire Parent Voice, the organisation representing parents of disabled children locally attend this meeting

Castle Gate Steering group, held quarterly, and includes feedback from parents and users of the service

West Berkshire Youth Forum for young people with SEN. Meets monthly

## STEP 7 – Action Plan

Any actions identified as an outcome of going through Steps 1-6 should be mapped against the headings within the Action Plan. You should also summarise actions taken to mitigate against adverse impact.

An EIA may also identify better ways of delivering services so that all service users or employers can benefit from them, which should also be included in the action plan. The real value of completing an EIA comes from the demonstration of evidence-based decisions reflecting user needs across the nine protected characteristics as appropriate. In order to ensure that agreed actions are taken forward, it may be helpful to add them to the service plan so that they can be tracked and mainstreamed. It is all too easy to follow the process on paper, and omit to make the adjustments that an objective impact assessment will highlight.

	<b>Actions</b>	<b>Target Date</b>	<b>Responsible Person</b>
<b>Involvement &amp; consultation</b>	Attend SEND providers Forum	Quarterly and ongoing	Jane Seymour (JS) and Juliet Penley (JP)
	Castle gate Steering group	Quarterly and ongoing	JS
	West Berks Youth Forum for SEN	Monthly	JS
<b>Data collection</b>	Collect quarterly as currently	To continue	J P
<b>Assessing impact</b>	Attend SEND providers Forum	Continue quarterly	JP/JS
	Council meetings with providers	Continue twice yearly	HOS/JP
<b>Procurement &amp; partnership</b>	Allocate grants for short breaks services	April 2018	JP
<b>Monitoring, evaluation and reviewing</b>	Grant/Contract monitoring with providers	Every 6 months. Already in place.	J P
	Local Offer evaluation	Part of new contract already in place	JS

	and review		
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**STEP 8 – Sign Off**

The officers involved in carrying out the EIA will need to sign it off prior to a quality check by the Head of Service to review the responses provided and add comments or observations. A statement of more detailed analysis from the relevant Head of Service, or Service Manager is advised where the proposed decision is particularly high risk. E.g, there is known potential for legal challenge, or potential for adverse publicity for the Council. This should be referenced as Appendix A to your Report.

When the final product is submitted through the executive cycle for a decision to be made, you will need to present the full set of consultation papers, responses and impact assessment in order to inform the final decision. This will ensure there is transparency in the way that decisions are made, and will provide evidence of how equality was taken into consideration.

The EIA should be published on the Council’s website along with the paper being submitted to a decision making body. The EIA is to be named ‘[report name] Appendix A EIA’;

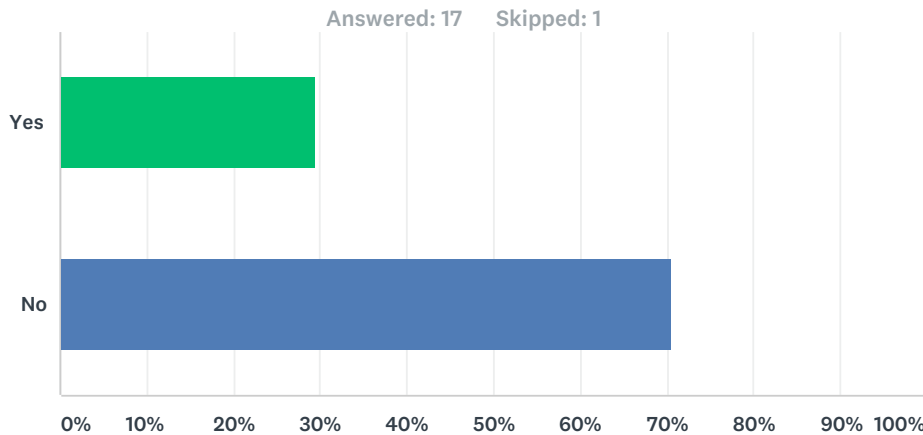
An EIA relating to management decisions (and therefore not appended to a Committee paper) should be published within the services area of the external Council website and named in the same fashion as above;

<b>The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.</b>		
<b>Contributors to the Assessment</b>		
<b>Name:</b> Juliet Penley	<b>Job Title:</b> Project Lead	<b>Date:</b> 6.11.17
<b>Head of Service (sign off)</b> 		
<b>Name:</b> MAC HEATU	<b>Job Title:</b> HEAD OF CHILDREN & FAMILY SERVICES	<b>Date:</b> 16/11/17





# Q1 Do you feel the current provision meets the needs of disabled children?



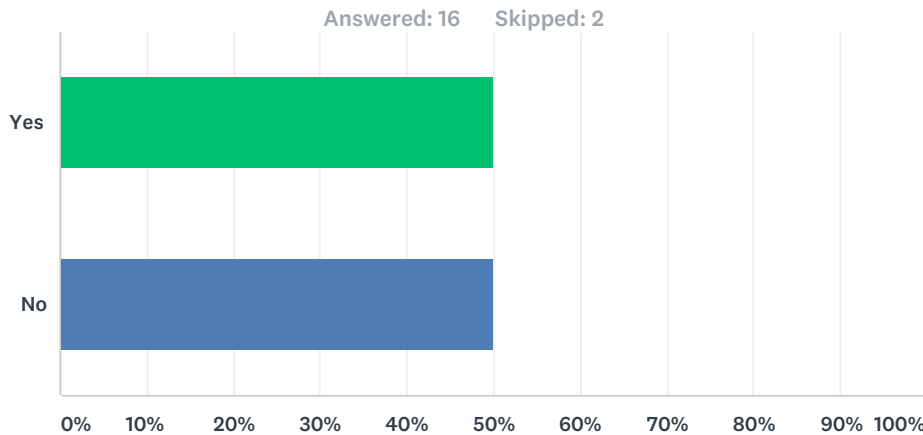
Answer Choices	Responses
Yes	29.41% 5
No	70.59% 12
Total	17

#	Please tell us the reasons for your response	Date
1	There is no current provision outside of SEN education that meets our child's needs. PALS and previously Dingley have been the only organisations that have provided support to meet our child's need since birth. After 9 months of meetings and reviews we are yet to be offered any support from West Berks Council and Social services.	7/3/2017 11:01 AM
2	Not enough variety available for differing needs of disabled children.	6/21/2017 4:21 PM
3	There is no 'real' respite, an hour here or there, just means it gives a clear hour to catch up on washing or ironing or shopping, it doesn't feel like a proper break	6/20/2017 10:03 AM
4	because children in mainstream school can't have holiday in term time	6/19/2017 7:20 AM
5	My son needs a school holiday club at Christmas, Easter and Summer. Due to funding cuts, my son is able to access some holiday club provision but it is not sufficient. This means he and my wife are isolated in the house while I need to work as my son is too unpredictable to take out alone.	6/16/2017 4:27 PM
6	Yes, I think the facilities are great.	6/16/2017 1:45 PM
7	too many services are privately run and extremely expensive. My son can attend a holiday club which is for 5 hours per session and costs £100 as there are not other services specific to his disability	6/16/2017 11:10 AM
8	My son needs more care, support and help than his current provision	6/15/2017 2:59 PM
9	Provisions are limited for children with physical disabilities, those with additional medical needs are able to access even less. Holiday clubs are not run daily, or in every school holiday, after school clubs are full, so often only one day can be given, respite care is limited or not easily accessed. If children don't meet criteria then nothing is available as an alternative.	6/15/2017 1:42 PM
10	There aren't enough short breaks available	6/14/2017 8:58 PM
11	Finding out about these things and who is entitled is difficult, meaning that children with a need are missing out.	6/14/2017 6:28 PM
12	Lots of parents are not made aware of provision, and crossroads can not manage many outings a year.	6/14/2017 6:27 PM

Draft Short Breaks Services Statement (2017)

13	I have answered no because I don't know	6/14/2017 4:03 PM
14	A variety of different things for different needs	6/14/2017 11:41 AM

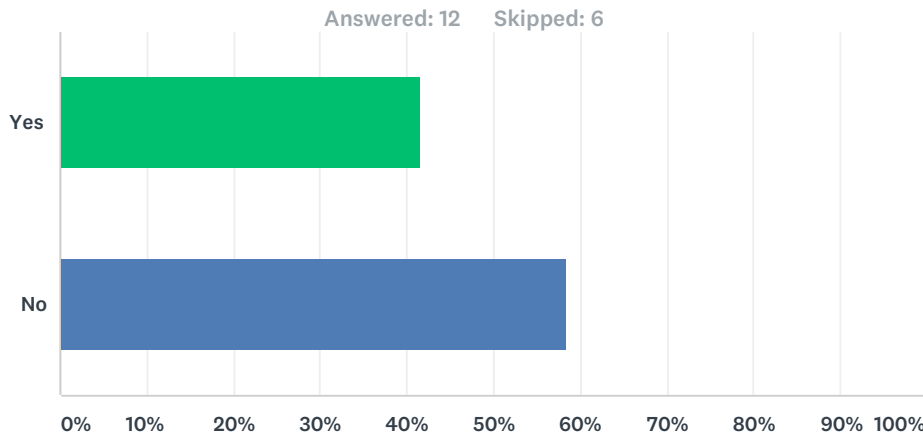
## Q2 Do you feel there is anything missing from the universal services currently available?



Answer Choices	Responses	Count
Yes	50.00%	8
No	50.00%	8
<b>Total</b>		<b>16</b>

#	Please tell us what services you think are missing	Date
1	Should the link not have taken us straight into the Local Offer?, which is where I would have expected to have been sent to to access these services for Special Needs, not to have to trawl through universal services most of which I will never use or be able to access.	6/20/2017 10:03 AM
2	Not enough being done to advise Parents what is rightfully available to them	6/16/2017 11:10 AM
3	Home services as aome times I need to go fir appoitments and need some one to stay with my son at home	6/15/2017 2:59 PM
4	Again services for children with physical and medical needs are pretty much non existent	6/15/2017 1:42 PM
5	Services for children/ young adults with a moderate learning difficulty	6/14/2017 4:03 PM
6	Services need to be working together to support the child in need	6/14/2017 2:01 PM
7	More 16+ services	6/14/2017 11:41 AM

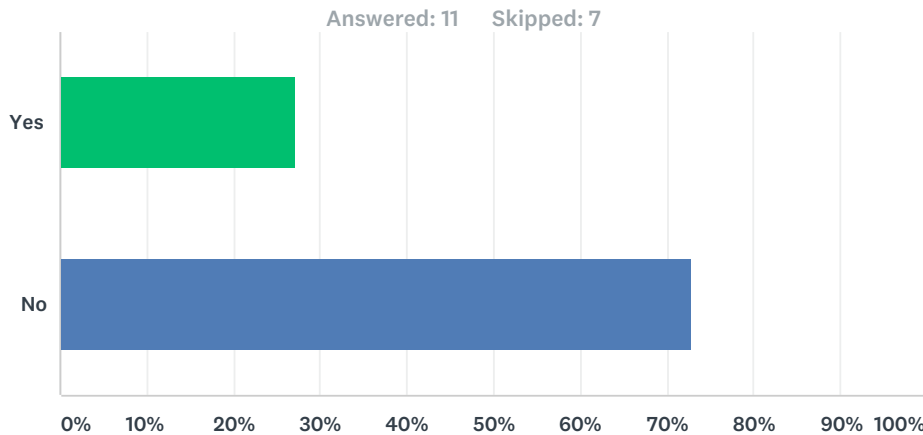
### Q3 Do you feel there is sufficient choice for families, e.g. in the type of services provided and the range of providers?



Answer Choices	Responses
Yes	41.67% 5
No	58.33% 7
Total	12

#	Please tell us the reasons for your response	Date
1	There is no choice currently.	7/3/2017 11:20 AM
2	Not provided by the authority no. Independent providers are doing a very good job, but they are only as good as their funding allows too, but are better than what the authority currently provides	6/20/2017 10:06 AM
3	A regular holiday club is essential but there is no certainty of funding so we cannot rely on it.	6/16/2017 4:29 PM
4	Not in West Berkshire their isn't since the money/council support got dropped from so many services last year	6/16/2017 11:11 AM
5	Very few sevices availble . Private services are very expensive	6/15/2017 3:03 PM
6	As a family the only service our son can access is Mencap.	6/15/2017 1:44 PM
7	Services need to better promoted to families	6/14/2017 2:03 PM
8	lots of choices to choose from	6/14/2017 11:42 AM

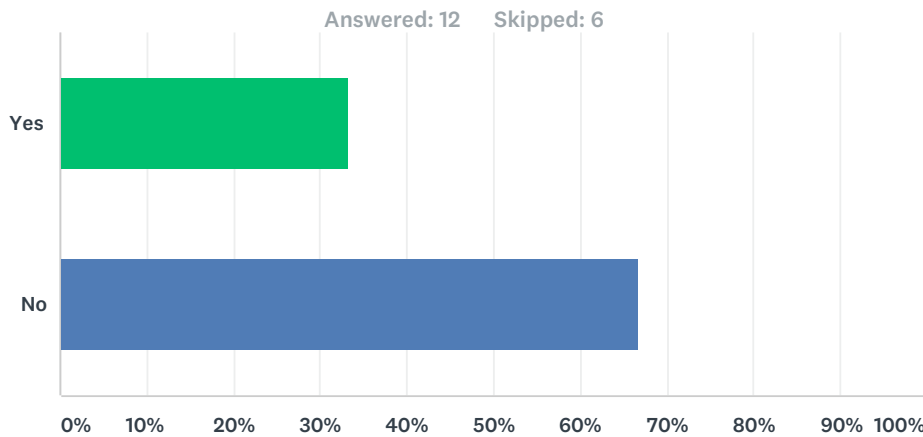
## Q4 Do you think Short Breaks Services are accessible to everyone who needs them, across West Berkshire?



Answer Choices	Responses
Yes	27.27% 3
No	72.73% 8
Total	11

#	Please tell us the reasons for your response	Date
1	Clearly not if we not even aware of what is currently available	7/3/2017 11:20 AM
2	There is not a wide enough level of services to cater for the whole area. I dont want to travel from near Reading to Newbury to access a short break provision, and I am sure people from the other side of WB dont want to have to travel up to this way either.	6/20/2017 10:06 AM
3	some people don't drive	6/19/2017 7:21 AM
4	I do not wish to use short breaks so I do not know about the service	6/16/2017 4:29 PM
5	I only know of two places suitable within west berkshire that can deal with our sons disability and what works for our family	6/16/2017 11:11 AM
6	some friends that I know have difficulties with transport	6/15/2017 3:03 PM
7	Short breaks services seem to be tailored for children who are physically able.	6/15/2017 1:44 PM
8	I had never heard of them before	6/14/2017 4:04 PM
9	Not available to all	6/14/2017 2:03 PM
10	A variety of choices in different areas	6/14/2017 11:42 AM

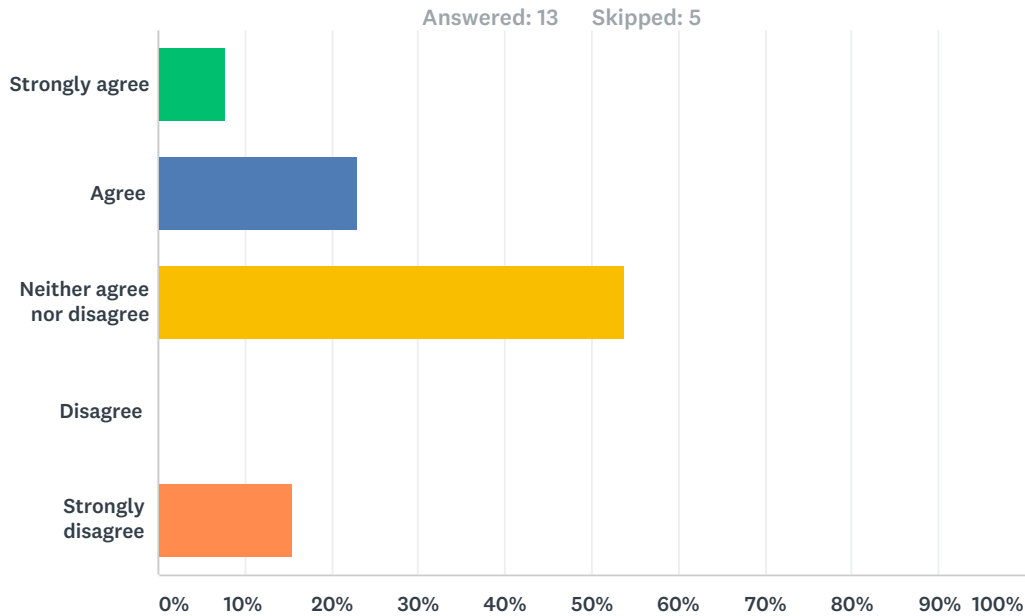
**Q5 Transition funding ends in 2018. This was funding provided to mitigate the impact of the significant budget reductions in 2015/16. We will continue to provide Short Breaks and overnight Short Breaks to those children that meet the Children Social Care Threshold Criteria. Are you aware of any voluntary groups or private companies that might be able to work with us to provide additional Short Breaks Services?**



Answer Choices	Responses
Yes	33.33% 4
No	66.67% 8
Total	12

#	If you've answered 'yes', please provide details.	Date
1	PALS	7/3/2017 11:22 AM
2	But they again, are based in or near Newbury.	6/20/2017 10:09 AM
3	Beyond cost £100 for 5hours care - far too expensive. Menace does a good service, but due to funding cuts have cut the amount of services they provide	6/16/2017 11:13 AM
4	ASD FAMILY HELP	6/14/2017 11:43 AM

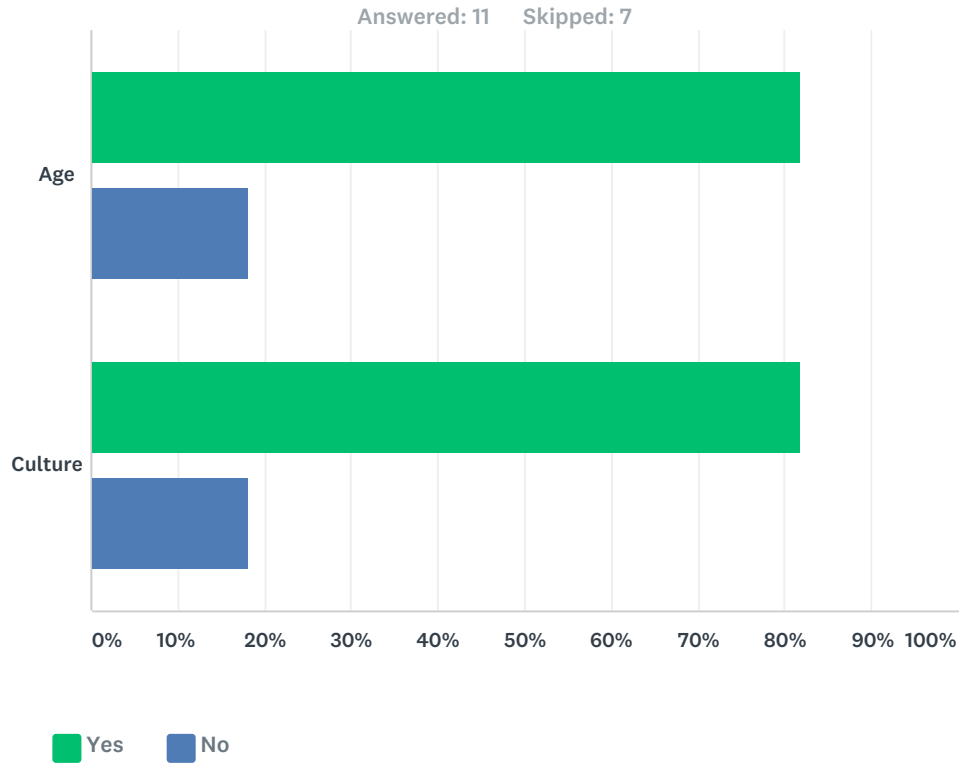
## Q6 How far do you agree that fees should be increased, or means tested, to make the services more financially viable for more families?



Answer Choices	Responses	
Strongly agree	7.69%	1
Agree	23.08%	3
Neither agree nor disagree	53.85%	7
Disagree	0.00%	0
Strongly disagree	15.38%	2
<b>Total</b>		<b>13</b>

#	Please tell us the reasons for your response	Date
1	The problem for us is not funding but availability and access to the services and qualified carers, workers. However if not affordable regardless of your means you would choose not to use the service	7/3/2017 11:22 AM
2	I think there should be one flat fee for all, regardless.	6/20/2017 10:09 AM
3	It is acceptable to means test the provision so long as the provision remains in place	6/16/2017 4:30 PM
4	A lot of families in West Berkshire cannot afford to pay the extra money needed in order for their family to have respite etc	6/16/2017 11:13 AM
5	We would happily pay for services such as respite but it is not possible to do so at castlegate. You aren't allowed to privately fund or top up to use a different service that would be better suited.	6/15/2017 1:46 PM
6	Means testing, some families who could pay get free while others with very little can't access a full service.	6/14/2017 6:30 PM
7	That's a hard thing to answer...as it is not whether parents have the funds but more of wanting to part with it! I am happy to pay for my young person as that is what his DLA is for but many moan about paying anything and their young people miss out :(	6/14/2017 11:43 AM

## Q7 Do you feel the current Short Breaks Services are appropriate in terms of the following?

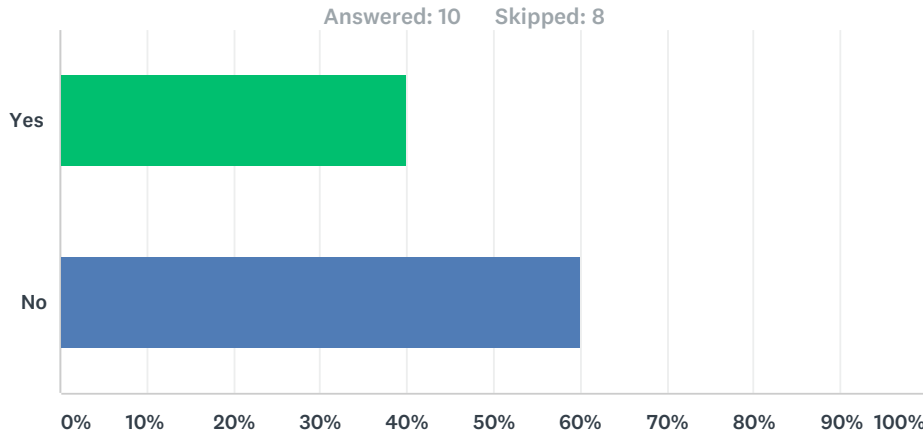


	Yes	No	Total
Age	81.82% 9	18.18% 2	11
Culture	81.82% 9	18.18% 2	11

#	Please tell us the reasons for your response	Date
1	I don't know the age nor do I know about the cultural aspect	6/14/2017 4:05 PM



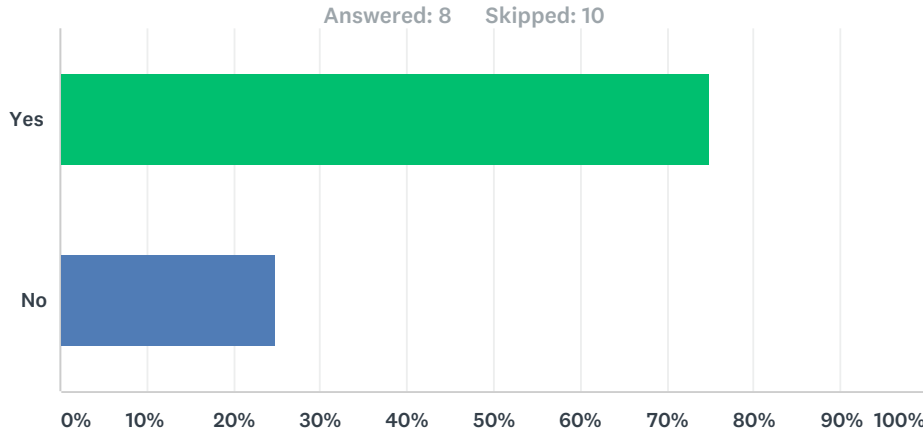
## Q8 Do you feel there is sufficient transport available to access Short Breaks Services?



Answer Choices	Responses
Yes	40.00% 4
No	60.00% 6
<b>Total</b>	<b>10</b>

#	Please tell us the reasons for your response	Date
1	If we are unable to provide transport then we would not be able to use services at all.	6/15/2017 1:47 PM
2	Not everyone can transport there children ie no car or more children	6/14/2017 1:59 PM
3	Although many services try to accommodate this difficulty but cannot accommodate everyone.	6/14/2017 11:44 AM

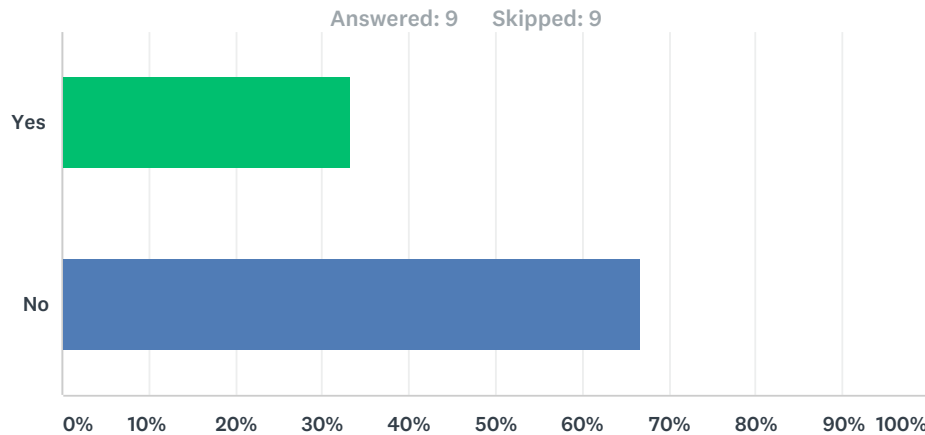
**Q9 For those that meet the statutory threshold criteria, we provide parents with direct payments or personal budgets where possible. Do you think this approach is helpful?**



Answer Choices	Responses	Count
Yes	75.00%	6
No	25.00%	2
<b>Total</b>		<b>8</b>

#	Please tell us the reasons for your response	Date
1	But it is not an easy process to go through and then you have to have a good social worker to support your case to present to the MARP panel, but the social workers don't last long	6/16/2017 11:15 AM
2	The council pays minimum amounts that often families have to top up	6/15/2017 3:08 PM
3	You don't actually do this, unless a parent fights for it.	6/15/2017 1:50 PM
4	I don't know	6/14/2017 4:06 PM
5	Direct help would be better than direct payments	6/14/2017 2:09 PM
6	Yes/NO - but their need still cannot be met if other short breaks services are not increased. It is boring for young people to do things on their own with a support worker and want to be part of the community even if only for part of their personal budget hours.	6/14/2017 11:46 AM

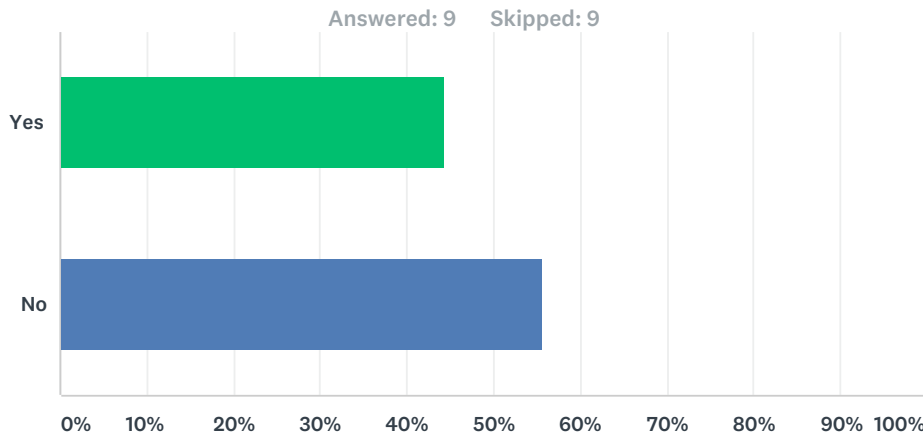
## Q10 Do you feel you have been offered the right balance of direct services and direct payments?



Answer Choices	Responses	Count
Yes	33.33%	3
No	66.67%	6
<b>Total</b>		<b>9</b>

#	Please tell us the reasons for your response	Date
1	Once you get it right yes, but it is a painstaking process to get there in the first place	6/16/2017 11:15 AM
2	I pay my children a lot more compared to direct payments I receive	6/15/2017 3:08 PM
3	We have never received respite, and only get 2 hours a week direct payments despite caring 24/7 for a severely disabled child with high medical needs, totally unacceptable.	6/15/2017 1:50 PM
4	I haven't been offered any, not sure what or how	6/14/2017 4:06 PM
5	Would like more respite rather than direct payments. Help with equipment.	6/14/2017 2:09 PM
6	Never applied	6/14/2017 1:59 PM

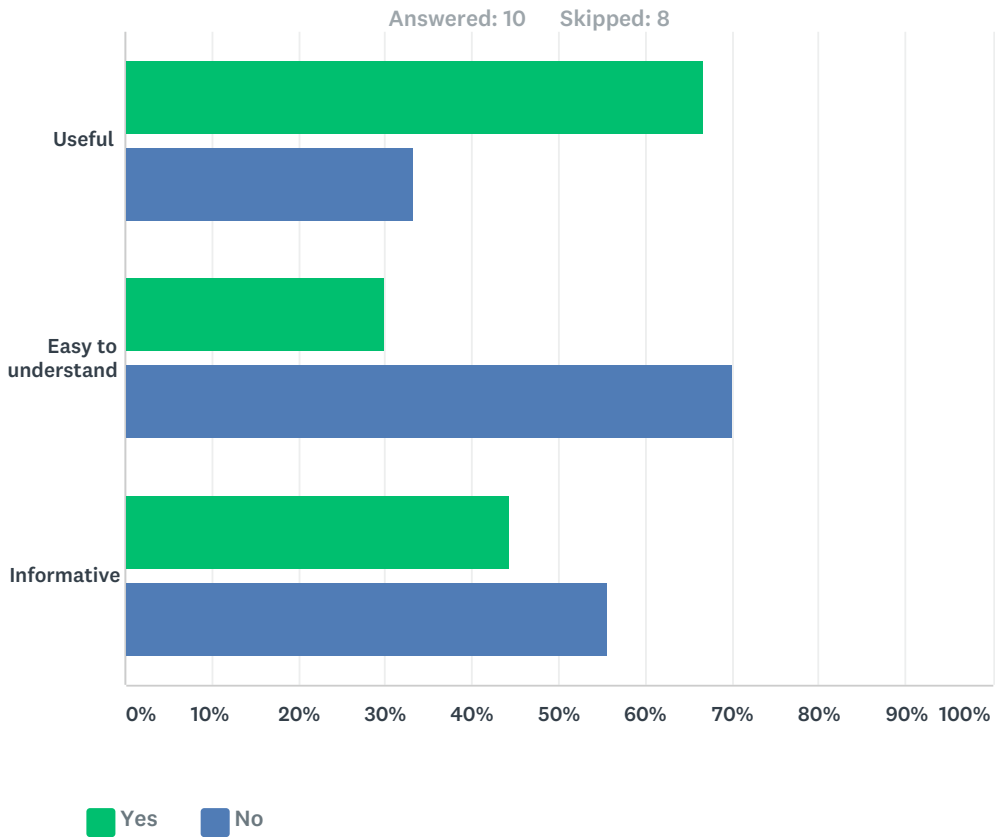
## Q11 Do you feel the advice and guidance regarding Direct Payments provided by WBC is sufficient?



Answer Choices	Responses
Yes	44.44% 4
No	55.56% 5
Total	9

#	Please tell us the reasons for your response	Date
1	Everyone is great with advice, but what good is that if there are no services!	6/15/2017 1:51 PM
2	I don't know	6/14/2017 4:06 PM
3	It's not clear	6/14/2017 2:10 PM

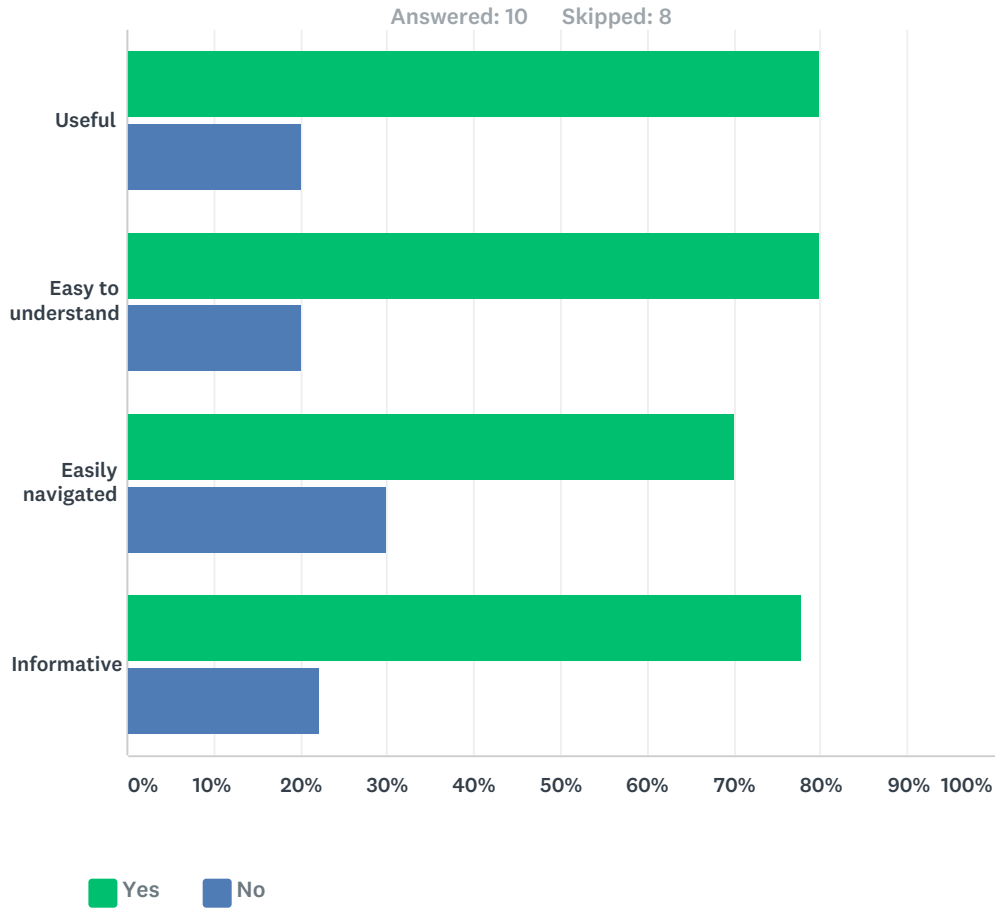
## Q12 Do you feel the Short Breaks Statement is ...?



	Yes	No	Total
Useful	66.67% 6	33.33% 3	9
Easy to understand	30.00% 3	70.00% 7	10
Informative	44.44% 4	55.56% 5	9

#	Please tell us the reason for your responses	Date
1	I have a 9 year old disable son and have only just found out about this Short Breaks Statement - says a lot doesn't it...	6/16/2017 11:16 AM
2	Should be at a glance....	6/14/2017 4:07 PM

### Q13 Do you feel the Local Offer website is ...?



	Yes	No	Total
Useful	80.00% 8	20.00% 2	10
Easy to understand	80.00% 8	20.00% 2	10
Easily navigated	70.00% 7	30.00% 3	10
Informative	77.78% 7	22.22% 2	9

#	Please tell us the reason for your responses	Date
1	Nothing useful on it for children who are wheelchair users that also have high medical and care needs.	6/15/2017 1:55 PM
2	In the main	6/14/2017 4:07 PM

## Q14 Any further comment

Answered: 1 Skipped: 17

#	Responses	Date
1	For us the local offer is completely pointless, and limited to what we can access.	6/15/2017 1:55 PM

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## Business Rates Discretionary Rate Relief Policy Review Report

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<b>Committee considering report:</b>	Executive on 21 December 2017
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	7 December 2017
<b>Report Author:</b>	Iain Bell
<b>Forward Plan Ref:</b>	EX3403

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### 1. Purpose of the Report

- 1.1 The policy for discretionary rate relief requires updating – some forms of rate relief no longer exist.
- 1.2 To review and consider changes to the policy to ensure consistency and relevance.
- 1.3 To agree approach/criteria to how a new form of Discretionary Relief scheme introduced by government in April 2017 is to be administered.

### 2. Recommendation

It is recommended that the amended Discretionary Rate Relief Policy shown at **Appendix B** is adopted.

### 3. Implications

#### 3.1 Financial:

During 2016/17 the council awarded £122,000 in Discretionary Rate Relief. The cost to the Council in awarding the relief was £60,000. There are financial risks of reintroducing any form of discretionary relief but there is also potential to save costs.

This report will highlight the risks of introducing Part Occupied Rate Relief.

#### 3.2 Policy:

The Discretionary policy was last reviewed in March 2014. It is therefore considered that this is a timely review of the Policy to take account of current legislation and guidance.

#### 3.3 Personnel:

None

**3.4 Legal:**

Having a properly adopted policy will assist the Council in ensuring that it takes lawful decisions and will reduce the risk of successful challenge.

**3.5 Risk Management:**

None

**3.6 Property:**

None

**3.7 Other:**

None

Executive Summary

**4. Introduction / Background**

4.1 Discretionary Rate Relief has existed in a variety of forms since business rates were introduced in 1990. Since April 2013 the introduction of a rates retention scheme changed the funding arrangements whereby the Council has to meet 49% of the cost of all discretionary relief awards unless government has provided funding.

In April 2017 a Business Rates revaluation took place which saw significant changes in rates bills.

4.2 The Policy was last reviewed in March 2014. The table below shows which types of discretionary relief are currently available;

Type of Relief	Maximum award	Amount awarded 2016/17 (£)	Cost to Council (£)	Comments
Charitable relief (known as top up)	20%	41,805	20,484	For registered charities and Community Amateur Sports Clubs (CASCs)
Non Charitable relief	100%	35,114	17,205	For not-for-profit organisations such as Friendly Provident Societies or Community Interest Companies
Statutory Rural relief	50%	39,732	19,468	Rural post offices, pubs, food or general stores
Non Statutory Rural Relief	50%	7,773	3,808	As above
Part Occupied Relief	100%	0	0	Relates to properties where difficulties exist in occupying the whole property
Hardship Relief	100%	0	0	For those organisations who paying the business rates would cause financial hardship

4.3 In April 2017 Government also introduced 3 new types of relief to help those businesses who saw significant increases in their Business Rates bills as a result of the revaluation. These are in addition to the types shown above. They are as follows;

Type of relief	2017/ 2018 discount	How funded
Pub relief	£1000 off rates bill	Fully funded by government
Supporting Small Business	Limits increases to £600 for the next 5 years	Fully funded by government
2017 new discretionary relief	% of relief awarded based upon agreed set criteria	Financial Support provided by government over following 4 years

4.4 The purpose of this report is therefore to:

- (i) Update the Council's policy as some reliefs no longer exist.
- (ii) To review and consider changes to the existing reliefs to ensure consistency and relevance
- (iii) To agree approach/criteria as to how the new type of discretionary relief be administered

4.5 In relation to (iii) the financial support being given by government to West Berks to support this new discretionary relief over the next 4 years is;

2017/18 - £551,000

2018/19 - £272,000

2019/20 - £112,000

2020/21 - £16,000

The government's intention is to phase out and reduce this relief until the end of current valuation list which is due to end in 2021/22. Each year the council will therefore reduce the amount of relief to ensure that these amounts are not overspent.

## 5. Equalities Impact Assessment Outcomes

- The outcomes of this report relate to Business Rates and the assessment shown at **Appendix A** demonstrates that this policy is not relevant to equality issues.

## 6. Proposals

6.1 To remove from the policy those forms of rate relief which no longer apply.

6.2 To change 3 of the existing reliefs;

- (i) In terms of charitable relief, with effect from 1st April 2018 it is proposed to remove the automatic award of 20% rate relief to scout, girl guide and cadet groups. This would ensure consistency and clarity when dealing with all charitable organisations.
- (ii) In terms of not for profit organisations, with effect from 1st April 2018, it is proposed that the Council remove the automatic award of up to 100% rate relief to a sporting club or facility where the liable organisation have chosen not to apply Community Amateur Sports Club (CASC) status. The maximum amount of relief given to such organisation would be 20%. This would ensure that organisations are making full use of the reliefs available and therefore not incurring the Council with additional costs. This could potentially save the council £5,000.
- (iii) In relation to Partly Occupied Relief, it is proposed that this form of relief be reviewed. The Council must consider applications for this type of relief and the proposed criteria for doing so is therefore set out in the draft Policy. This proposal will have financial consequences although actual cost will depend upon the number of applications and the size of property. In 2013/14 £67,000 of rate relief was awarded costing the council £33,000.

In relation to points (i) and (ii) those organisations potentially affected will be contacted or written to to explain the changes.

6.3 In terms of agreeing an approach to administer the new discretionary relief scheme it is being proposed to award relief to organisations who meet the following criteria;

- the rateable value of the occupied property is under £150,000
- the organisation has seen an increase in their rates bill of more £600
- the organisation is not part of a national chain or occupies many properties in many areas of the country
- the property is not a doctor's surgery or occupied by the NHS
- the property is not a school or other relevant educational establishment.

## **7. Conclusion**

7.1 It has been more than 3 years since the policy was last updated and a review is required to ensure that it remains relevant.

7.2 In April 2017, the Government introduced a new Discretionary Relief Scheme which was aimed at those organisations who were facing the largest increases as a result of the revaluation. The revised draft policy includes a set of new criteria which provides support for businesses that the Council believes contribute to the local economy.

## **8. Appendices**

8.1 Appendix A – Equality Impact Assessment

8.2 Appendix B – Draft revised Policy

8.3 Appendix C – New 2017 Discretionary Scheme workings and models considered

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>		Amendments to current policy	
<b>Summary of relevant legislation:</b>		Local Government Finance Act 1988	
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>		No	
<b>Name of assessor:</b>		Iain Bell	
<b>Date of assessment:</b>		18 <sup>th</sup> September 2017	
<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>Yes</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>Yes</b>		
<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>			
<b>Aims:</b>	To review and update the current Business Rates Discretionary Rate Relief Policy		
<b>Objectives:</b>	To review and update the current Business Rates Policy		
<b>Outcomes:</b>	To produce a revised policy		
<b>Benefits:</b>	To be able to provide Business Rate Payers with advice on the criteria to qualify for rate relief		
<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)			
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>	
Age			
Disability			
Gender Reassignment			
Marriage and Civil			

Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		
Rate relief is awarded to charities, non profit making organisations and other commercial companies. The criteria for qualification does not relate to any of the above groups.		
<b>3 Result</b>		
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>		<b>No</b>
<b>Please provide an explanation for your answer:</b> These are 'business' organisations where qualification is based upon other criteria		
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>		<b>No</b>
<b>Please provide an explanation for your answer:</b> These are 'business' organisations		

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Iain Bell

Date: 18<sup>th</sup> September 2017

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.



# Discretionary Rate Relief Policy

## Document Control

<b>Document Ref:</b>	DRR 2017	<b>Date Created:</b>	15 <sup>th</sup> November 2017
<b>Version:</b>	1	<b>Date Modified:</b>	
<b>Revision due</b>			
<b>Author:</b>	Iain Bell	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>			
<b>Equality Impact Assessment: (EIA)</b>	Date undertaken:		
	Issues (if any):		

<b>Chief Executive</b>	Sign & Date:	
<b>Corporate Director (Communities)</b>	Sign & Date:	
<b>Corporate Director (Economy and Environment)</b>	Sign & Date:	

## Change History

Version	Date	Description	Change ID
1			
2			
3			



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## 1. Purpose

The purpose of this policy is to provide the criteria by which Discretionary Rate Relief will usually be considered and applied by West Berkshire Council for organisations that are liable to pay Business Rates.

## 2. Discretionary relief where mandatory, charitable relief (80%) is in place

This form of relief applies to charities and community amateur sports clubs (CASC's) and allows the Council to award up to 20% discretionary relief from liability to Business Rates.

Legislation has provided that where the rated property is wholly or mainly used for the purpose of a relevant organisation, they are entitled to 80% mandatory relief. The Council can top this relief up by a further 20% thereby removing the rate liability.

The Council will consider awarding discretionary relief of up to 20%, if the organisation seeking the relief is:

- Registered Charity or CASC
- Voluntary sector organisation
- Not conducted for profit
- Provides services to the local community
- Provides support or facilities which support the Council Plan

Relief is not provided if the organisation has free reserves (i.e. not legally restricted) in excess of 12 months expenditure unless there is evidence of a business plan detailing how those reserves are to be used for the benefit of the local community.

In considering the extent of "local" provision, the Council will usually allow the full 20% top-up relief where the organisation operates solely in West Berkshire. This is reduced to 10% if the provision extends beyond the district boundaries and includes provision elsewhere in Berkshire. No relief will normally be allowed to national organisations and to those whose work extends beyond Berkshire.

## 3. Discretionary rate relief for other organisations (where charitable relief not applicable)

This form of relief may be granted to organisations which are not profit making and the rated property is used for purposes which are;

- charitable, philanthropic or religious; or
- concerned with social welfare, science, literature or the fine arts; or
- used wholly or mainly for recreation by a not-for-profit club or society

The Council policy requires that any organisation seeking this relief should be:

- voluntary sector
- not for profit
- Providing services to the local community

- Providing support or facilities which support the Council Plan

The types of organisations that may fall into this category include Community Interest Companies (CIC) and Friendly Provident Societies.

Relief is not provided if the organisation has free reserves (i.e. not legally restricted) in excess of 12 months expenditure unless there is evidence of a business plan detailing how those reserves are to be used for the benefit of the local community.

Where there is a bar or gaming machine on the premises the level of the relief awarded will normally be reduced proportionally if the net income from the bar and gaming machines, expressed as a percentage of total income, is 30% or greater.

If the organisation requires a membership or entry fee the Council will take account of whether:-

- The subscription or fees are set at a high level which excludes the general community
- Fee reductions are offered for certain groups such as under 18s or over 60s
- Membership is encouraged from particular groups such as young people, older age groups, persons with disabilities or ethnic minorities
- Facilities are available to people other than members, e.g. schools, public sessions.

In order to qualify for Discretionary Rate Relief clubs must be able to show that all facilities are available to members without any discrimination.

A club may, however have different classes of membership depending on:-

- The age of the member
- Whether the member is a student
- The member's employment status
- Whether the member is a playing or a non-playing member
- How far from the club the member lives or
- The presence of a restriction on the days or times when the member has access to the club's facilities.

*From the 1<sup>st</sup> April 2018, where a sports club can apply for CASC status but have not chosen to do so, the maximum amount of relief that can be applied will be 20%. An organisation in obtaining CASC status will then be entitled to apply for the 80% Mandatory or Charitable Relief.*

#### **4. 50% discretionary relief & 50% mandatory relief for properties in rural settlements (Rural Rate Relief).**

Specified properties in rural settlements such as Post Offices, food shops, general stores, petrol filling stations and public houses may be given relief provided that they are;

- located within rural settlements with a population below 3,000,

- the sole such property within the settlement and
- below rateable value limits.

These properties will receive 50% mandatory relief and the Council may allow further discretionary relief of up to a further 50%.

A site visit may be undertaken by officers to verify applications such as these.

Where a property falling within this section is the only one of its type in the area of the settlement, Government Guidance has suggested that there should be a presumption in favour of granting the full discretionary relief in addition to any mandatory relief.

## **5. Discretionary rate relief to other properties in rural settlements**

Subject to rateable value limits the Council may allow discretionary rate relief to other businesses which fall outside the scope of the Rural Rate Relief scheme and which are located in rural settlements with populations of fewer than 3,000.

The Council will consider applying this relief to village post offices, village shops, general stores and petrol stations and public houses where the business fails to qualify for mandatory relief because there is another business of the same type within the settlement. In such cases, discretionary relief will be granted up to a maximum of 50%, but this may be reduced where there is more than one business of the same type within the settlement seeking the same relief.

The Council will have regard to the need to support local rural businesses when considering applications for this type of relief.

## **6 Hardship Relief**

The Council may grant hardship relief where it is satisfied that;

- the ratepayer would sustain hardship if the authority did not do so
- it is reasonable for the authority to do so, having regard to the interests of the persons subject to its council tax.

The Council's policy is to allow relief where –

- It is in the interest of West Berkshire council tax payers to grant relief;
- there is proof of hardship evidenced by accounts
- the business is of special amenity value, or cessation would have an adverse effect on local employment; and the applicant is an existing, and not newly established business. The Council considers that it is reasonable to expect rate liability to have been taken account of in the business plan for a new business.

This form of hardship relief will only be allowed for temporary periods.

## **7. Section 44A Local Government Finance Act 1988 - part occupation relief**

*This form of relief applies where a business is occupying part only of the rated property.*

*Section 44a relief may be applicable in the following circumstances;*

- *Where the occupied and unoccupied parts of the property can be easily segregated*
- *Where there are short term practical and financial difficulties in occupying. Phased vacations maybe considered if moving within the West Berkshire area.*
- *For example - where the business is relocating heavy machinery or where fire/flood or some other exceptional event has rendered part of a property unoccupied for a short period.*

*Once a decision is made to award the relief a certificate is requested from the Valuation Office Agency (VOA) as to the rateable value of the occupied element and the charges are revised accordingly.*

*Relief should not normally be given where:*

- *Part occupation is likely to exceed a short time*
- *Part occupation is seasonal*
- *It appears there is no effort being taken to let, sell, re-occupy or totally vacate*
- *It is for a retrospective period*

*The duration of relief is defined by legislation as:*

- *Six months for industrial premises*
- *Unlimited for listed buildings*
- *Three months for other types of property*

*All applications should be made in writing and should include the following information;*

- *The period for the relief*
- *The reasons for why relief should be given and the circumstances leading to the partial occupation*
- *A plan of the rated premises which clearly identifies the occupied and the unoccupied areas.*
- *Its declaration as to the amount of de minimis state aid it receives is under the EU thresholds.*

*Normally the premises will need to be inspected to verify applications for this type of relief.*

## **8. 2017 Revaluation and the new discretionary schemes**

Following the 2017 Revaluation the Government introduced 3 new relief schemes;

### **Supporting Small Businesses**

#### **New Pub Relief**

#### **New Discretionary Scheme**

These schemes were aimed at those organisations that faced substantial increases in their 2017 Business Rates bills due to the revaluation.

### 8.1 Supporting Small Business relief.

Supporting Small Businesses relief will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills. A limit of £600 will be placed on the increase.

### 8.2. Pub Relief

The Government also recognised the role that pubs play in communities across the country. They also announced a £1,000 discount for public houses with a rateable value of up to £100,000 for one year from 1 April 2017.

Some pubs may also qualify for either Supporting Small Business relief or the new Discretionary relief.

Central government will reimburse billing authorities and those major precepting authorities for the actual cost to them under the rates retention scheme of the Supporting Small Businesses relief and the Pub Relief

### 8.3 New 2017 Discretionary Relief

This is a new form of relief which provides support for businesses that are facing the largest increases as a result of the revaluation. The scheme has been designed to;

- Minimise bureaucracy for the council and for businesses. For example it is not based on affordability
- Take into account the council's allocation of government funding
- Take into account other existing reliefs
- Minimise the potential of breaching state aid limits
- Take account of businesses likely 'ability to pay'
- Provide support only for businesses that contribute to the local economy

A short application is required. Businesses will be asked to confirm where they operate, to what extent they support the local economy and that if relief is awarded they do not breach any state aid rules

The following properties will not be eligible for this form of relief;

Ineligible property type	Reasons
Any property that has not seen an above £600 increase in bills following the 2017 revaluation	Proposed government condition for the grant
Any property with Rateable Value over £150,000	Properties occupying these size of properties tend to be large organisations such as supermarkets or national

	companies  Providing relief for such properties could quickly reach state aid limits
Properties occupied by a national chain or other such organisation.  Any organisation which is known to occupy many properties in many areas of the country.	Minimises risk of state aid limits being reached.  National organisations including charities are able to absorb or cope with increased costs better than more independent or local organisations
Doctors Surgeries & other NHS properties	Doctor's surgeries have recently seen a significant reduction in their bills due to a recent appeal.  NHS properties should contribute in full to their business rates bills just as precepting authorities do
Schools and other relevant educational establishments	Academies are entitled to charity relief and precepting authorities are liable to pay the full Business rates bill.
Empty properties	Empty property relief can be awarded for 3 months (6 months for industrial properties)

If eligible the following amount of relief will be awarded;

Year 1	Year 2	Year 3	Year 4
70% (of the increase)	35%	15%	2%

## 9. Application Process

The table describes the process in considering an application

Relief Type	Completed application required	Completed State Aid form required	Visit to property required
Mandatory (80%) & Discretionary Relief (20%)	Yes	Yes	No
Discretionary Relief only (100%)	Yes	Yes	No
Rural Rate Relief - statutory	Yes	Yes	Yes
Rural Rate Relief – non statutory	Yes	Yes	Yes
Hardship Relief (*)	No	No	No



Part Occupied Relief (*)	No	Yes	Yes
Supporting Small Business Relief	Yes	Yes	No
Pub Relief	Yes	Yes	No
New 2017 Discretionary Relief	Yes	Yes	No

(\*) in respect to Hardship Relief & Part Occupied Relief a written statement is required as to how the organisation meets the criteria.

## 10. Appeals

Legislation provides no appeals process for unsuccessful applicants for relief other than to challenge the issue of a liability order at the magistrate's court. Nevertheless it is good practice to have a procedure in place for internal review of decisions.

After the decision is reviewed by the Head of Finance and Property if the applicant remains dissatisfied then arrangements will be made for a councillor review panel to decide upon the matter. This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of Judicial Review.

## 11. Review

This policy will be reviewed to respond to any changes and at least every 3 years.

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## 2017 Discretionary Rate Relief scheme workings & models

### 10 options considered;

1. Rateable Value from £15,000 to under £200,000 + 12.5% increase
2. Rateable Value from £15,000 to under £200,000 + 15% increase
3. Rateable Value from £15,000 to under £150,000 + 12.5% increase
4. Rateable Value from £15,000 to under £150,000 + 15% increase.
5. Rateable Value from £0 to under £200,000 + more than £600 increase
6. Rateable Value from £0 to under £150,000 + more than £600 increase
7. Rateable Value from £0 to under £200,000 +12.5% increase
8. Rateable Value from £0 to under £200,000 + 15% increase
9. Rateable Value from £0 to under £150,000 +12.5% increase
10. Rateable Value from £0 to under £150,000 + 15% increase

### Removed ;

- Precepting bodies ie Schools, crematorium etc
- Doctor surgeries and other NHS bodies
- National chains including utility companies.
- Empty properties

### Number of properties affected and relevant cost;

	<u>Max % of year 1 award</u>
1. 132 properties increase of £590,000	93
2. 73 properties increase of £492,000	100
3. 123 properties increase of £429,000	100
4. 68 properties increase of £ 351,000	100
5. 317 properties increase of £902,000	61
6. 282 properties increase of £700,000	78
7. 155 properties increase of £631,000	87
8. 97 properties increase of £540,000	100
9. 147 properties increase of £480,000	100
10. 87 properties increase of £385,000	100

### Government funds - yearly awards;

Year 1 - £551,000  
Year 2 - £272,000  
Year 3 - £110,000  
Year 4 - £16,000

### Suggested amount in year 1;

Option 1 = 80% relief	(80% x £612,000 = £490,000)
Option 2 = 100%	(£492,000)
Option 3 = 100%	(£429,000)
Option 4 = 100%	(£351,000)
Option 5 = 50%	(£902,000 x 50% = £451,000)

Option 6 = 70%                    (£700,00 x 70% = £490,000)  
Option 7 = 80%                    (631,000 x 80% = £504,800)  
Option 8 = 90%                    (£540,000 x 90% = £486,000)  
Option 9 = 100%                   (£480,000)  
Option 10 = 100%                   (£385,000)

Option	Year 1	Year 2	Year 3	Year 4
1	80	40	15	2
2	100	50	20	2
3	100	50	20	2
4	100	50	20	2
5	50	25	10	2
6	70	35	15	2
7	80	40	15	2
8	90	45	15	2
9	100	50	20	2
10	100	50	20	2

Need to have a contingency just in case the rateable value changes or levels of discount alters.

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## Amendments to the Adult Social Care Charging Policy

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<b>Committee considering report:</b>	Executive on 21 December 2017
<b>Portfolio Member:</b>	Councillor Rick Jones
<b>Date Portfolio Member agreed report:</b>	7 December 2017
<b>Report Author:</b>	Jo England
<b>Forward Plan Ref:</b>	EX3402

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### 1. Purpose of the Report

- 1.1 To amend the current Adult Social Care Policy to reflect the Care and Support (Charging and Assessment of Resources) Regulations 2014

### 2. Recommendations

- 2.1 The Executive resolves to delegate to the Head of Adult Social Care, in consultation with the Portfolio Holder for Adult Social Care as follows:
- (1) To consider the consultation responses received in respect of the proposal to amend the Adult Social Care Charging Policy.
  - (2) If appropriate having regard to the consultation responses, to make the amendments to the Adult Social Care Charging Policy to include the full element of Disability Living Allowance care or Attendance Allowance that is in payment to individuals where the Council are not providing night time care.
- 2.2 If the proposed amendments to the Scheme are approved, the Council will monitor and review the impact of this proposal on equalities.

### 3. Implications

- 3.1 **Financial:** Estimated additional income of £270,00.00 per annum into the Adult Social Care budget
- 3.2 **Policy:** This proposal seeks to revise the current policy
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** The legal implications are set out in the supporting information.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** The change will affect 216 individuals

#### **4. Other options considered**

- 4.1 Leave the Charging Policy as it is. This would mean that there was no additional income into the Adult Social Care budget
- 4.2 Implement the change for new clients only. There would be a small amount of additional income but it is hard to quantify as we don't know who the new clients will be
- 4.3 The Council considered whether funding for long-term support and prevention services could be reduced as an alternative to this proposal. However, such a proposal would impact on a greater number of individuals and may further increase demand on Adult Social Care services.

### **Executive Summary**

#### **5. Introduction / Background**

- 5.1 In the current charging policy the Council does not include the full amount of benefit income in financial assessments, where the Council does not provide an element of night time care.
- 5.2 However, under the relevant legislation and Guidance, it is permissible for the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, to be taken into account when considering what a person can afford to pay towards the cost of their care.

#### **6. Proposal**

- 6.1 To amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance or Disability Living Allowance in financial assessments in accordance with the recommendation.

#### **7. Conclusion**

- 7.1 Changing the Adult Social Care Policy will bring it in line with the Care and Support (Charging and Assessment of Resources) Regulations 2014 and will bring in additional income into the Adult Social Care budget.

#### **8. Appendices**

- 8.1 Appendix A – Equalities Impact Assessment
- 8.2 Appendix B – Supporting Information
- 8.3 Appendix C – Care and Support Statutory Guidance
- 8.4 Appendix D - Adult Social Care Charging Policy

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance or Disability Living Allowance in all financial assessments from 15 January 2018.
<b>Summary of relevant legislation:</b>	<p><u>Attendance Allowance and Disability Allowance:</u></p> <p>Under Care Act 2014, Annex C: Treatment of Income (point 16)<sup>i</sup>, the government allows for the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, to be taken into account when considering what a person can afford to pay from their income towards the cost of their care and support in a care home.</p> <p>Currently we do not include the full amount of benefit, where we don't provide an element of night time care. (See page 9, point 5.2.1 of our charging policy).</p>
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Jo England
<b>Date of assessment:</b>	13/11/17

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	Yes
Service	No		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To bring in additional income into the Adult Social Care budget
<b>Objectives:</b>	
<b>Outcomes:</b>	To bring in additional income of approximately £270,000 per annum
<b>Benefits:</b>	It will mitigate the need to reduce expenditure on some services that are currently funded by Adult Social Care.

**2 Note which groups may be affected by the proposed decision. Consider how**



<p><b>they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b></p> <p>(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)</p>		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	This proposal could affect any client over the age over of 18 who receives a non-residential Adult Social Care service as they may be required to pay more for the service that they currently receive.	
Disability	This proposal could affect any client who receives a non-residential service from Adult Social Care in particular individual who are in receipt of either the high rate care component of Disability Living Allowance or high rate Attendance Allowance where the council does not provide any night time care.	
<p><b>Further Comments relating to the item:</b></p>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<p><b>Please provide an explanation for your answer:</b> The change will bring the treatment of Attendance Allowance and Disability Care Allowance (care component) in line with the treatment of Personal Independence Payment</p>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>Yes</b>
<p><b>Please provide an explanation for your answer:</b></p> <p>Individuals who already receive an Adult Social Care service may be required to pay an increased contribution towards the cost of their care. These individuals will not have an increase in their income and will have already have budgeted for how they use their limited income.</p> <p>Some individuals may choose to reduce or cancel their care due to financial hardship. This may lead to hospital admissions.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	Yes
<b>Owner of Stage Two assessment:</b>	Jo England
<b>Timescale for Stage Two assessment:</b>	Before the 10 <sup>th</sup> January 2018

Name: Jo England

Date: 13/11/17

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

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<sup>i</sup> Annex C: Treatment of Income: <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#AnnexC>

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# Amendments to the ASC Charging Policy – Supporting Information

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## 1. Introduction/Background

- 1.1 In our current Adult Social Care Charging Policy we don't include the full amount of benefit income in financial assessments, where we don't provide an element of night time care.
- 1.2 However, under the Care and Support Statutory Guidance, Annex C, point 16, the government allows for the full amount of Attendance Allowance and Disability Living Allowance (care component) to be taken into account when considering what a person can afford to pay towards the cost of their care.
- 1.3 There is a national shortfall in the funding of Adult Social Care. The Council has previously included the Adult Social Care Council Tax precept in our annual budget, but there is still a significant gap between the available budget and our expenditure on Adult Social Care provision. This proposal will assist in reducing that gap by an estimated £270,000 per annum.

### **Equality Act 2010**

- 1.4 In considering any proposals that would result in changes to the existing Policy, the Council must additionally consider the public sector equality duty in accordance with section 149 of the Equality Act 2010.
- 1.5 The fundamental requirement on the Council imposed by s.149 is to take reasonable steps to inquire into the issues before it and to understand the impact, or likely impact of the decision it is being asked to make on those on the protected characteristics list who are potentially affected by the decision.
- 1.6 This proposal will directly affect over 200 clients of Adult Social Care. Some individuals will have to contribute more to their care costs, whilst others, who currently pay nothing, will now contribute towards the cost of their care.
- 1.7 Members will note that a Stage 2 Equalities Impact Assessment will be required in respect of this proposal and that will be completed once the consultation exercise has been completed.
- 1.8 It is necessary for the Council to be satisfied that the decision to discontinue with discretionary relief and the potential effects of that decision are proportionate and justified in the circumstances. In considering these issues, the Council can have regard to the steps which are being taken to mitigate the impact of the recommended proposals.
- 1.9 Members will also need to instruct and be satisfied that officers will properly monitor the impact of the proposals if implemented and report back, in particular if any unforeseen risks materialise. This is reflected in the recommendations.

## 2. Supporting Information

- 2.1 Under the Care Act 2014, a local authority is permitted to levy charges in specified circumstances for the care that it provides to meet an individual's eligible care needs. Further details about the circumstances in which charges can be applied is contained within the Care and Support (Charging and Assessment of Resources) Regulations 2014 and the Care and Support Statutory Guidance.
- 2.2 The Guidance at Annex A, point 16 states what benefits should be taken into account when undertaking a financial assessment. This states that the full amount of income benefits, including Attendance Allowance and Disability Living Allowance, can be taken into account when considering what a person can afford to pay towards the cost of their care, including support in a care home.
- 2.3 A local authority also has some discretion as to whether to include certain benefits when assessing how much an individual should contribute financially to the cost of their eligible care needs.
- 2.4 The Council's policy at present is not to include the full amount of benefit income in financial assessments, where it does not provide an element of night time care.
- 2.5 It is no longer considered appropriate for the Council to exercise its discretion routinely in this manner as it is no longer financially sustainable for it to do so.

## 3. Options for Consideration

- 3.1 Amend the charging policy to no longer disregard an element of Attendance Allowance or Disability Living Allowance (care component).
- 3.2 Leave the Adult Social Care Charging Policy as it is. This would mean that there would be no additional income into the Adult Social Care budget.
- 3.3 Implement the change for new clients only. There would be a small amount of additional income but it is hard to quantify as we don't know who the new clients will be.
- 3.4 The Council did consider as an alternative whether it would be possible to reduce funding for long-term support and prevention services as an alternative to this proposal. However, such a proposal would impact on a greater number of individuals and may further increase demand on Adult Social Care services.

## 4. Proposals

- 4.1 Subject to the results of the consultation and the stage 2 Equality Impact Assessment, to amend the Adult Social Care Charging Policy to include the full amount of Attendance Allowance and Disability Living Allowance.

## 5. Conclusion

- 5.1 By amending the Adult Social Care Charging Policy we will bring treatment of clients in receipt of Attendance allowance and Disability Living Allowance (care

component) into line with the treatment of clients in receipt of Personal Independence Payments.

5.2 We will also bring in additional income into the Adult Social Care budget.

## 6. Consultation and Engagement

6.1 We have written to each of the individuals who currently receive an adult social care service, who would be affected by the change to advise them how they personally would be affected by the change.

6.2 Information about the proposal is on the Council’s consultation portal.

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### Background Papers:

Care and Support Statutory Guidance, Annex C  
Adult Social Care Charging Policy

### Subject to Call-In:

Yes:  No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input checked="" type="checkbox"/>
Delays in implementation could compromise the Council’s position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All wards

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# Appendix C

## Care and Support Statutory Guidance

### Annex C: Treatment of income

This annex covers the treatment of income when conducting a financial assessment in all circumstances. This is divided into:

- care homes
- all other settings

The purpose of this annex is to provide local authorities with detailed guidance on how to apply to the Care and Support (Charging and Assessment of Resources) Regulations 2014, in terms of how to treat different types of income when calculating what a person can afford to contribute to the cost of their eligible care needs.

1) This section of the guidance only applies where a local authority has chosen to charge a person for the services it is arranging and therefore must undertake a financial assessment. When doing so, it must assess the income and capital of the person.

2) There are differences in how income is treated in a care home and in all other settings. Charging a person in a care home is provided for in a consistent national framework. When charging a person in all other settings, a local authority has more discretion to enable it to take account of local practices and innovations. The guidance sets out the common issues and then those particular to each setting. Local authorities must read this guidance in all circumstances.

3) This annex covers the treatment of income and should be read in conjunction with Annex B on the treatment of capital. The detail of the sources of income which local authorities must disregard are set out in the regulations which accompany this guidance.

### Common issues

4) The following section sets out the issues common to charging for all settings.

5) Only the income of the cared-for person can be taken into account in the financial assessment of what they can afford to pay for their care and support. Where this person receives income as one of a couple, the starting presumption is that the cared-for person has an equal share of the income. A local authority should also consider the implications for the cared-for person's partner.

6) Income is net of any tax or National Insurance contributions.

7) Income will always be taken into account unless it is disregarded under the regulations. Income that is disregarded will either be:

1. (a) partially disregarded
2. (b) fully disregarded

8) In all cases, irrespective of setting, employed and self-employed earnings are fully disregarded. [Regulation 13]

9) Earnings in relation to an employed earner are any remuneration or profit from employment. This will include:

1. (a) any bonus or commission
2. (b) any payment in lieu of remuneration except any periodic sum paid to the person on account of the termination of their employment by reason of redundancy
3. (c) any payments in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income
4. (d) any holiday pay except any payable more than four weeks after the termination or interruption of employment
5. (e) any payment by way of a retainer
6. (f) any payment made by the person's employer in respect of any expenses not wholly, exclusively and necessarily incurred in the performance of the duties of employment, including any payment made by the person's employer in respect of travelling expenses incurred by the person between their home and the place of employment and expenses incurred by the person under arrangements made for the care of a member of the person's family owing to the person's absence from home
7. (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal)
8. (h) any such sum as is referred to in section 112 of the Social Security Contributions and Benefits Act 1992 (certain sums to be earnings for social security purposes)
9. (i) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland
10. (j) any remuneration paid by or on behalf of an employer to the person who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because of illness
11. (k) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001

10) Earnings in relation to an employed earner do not include:

1. (a) any payment in kind, with the exception of any non-cash voucher which has been taken into account in the computation of the person's earnings – as referred to above
2. (b) any payment made by an employer for expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment
3. (c) any occupational/personal pension

11) Earnings in the case of employment as a self-employed earner mean the gross receipts of the employment. This includes any allowance paid under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the person for the purpose of assisting the person in carrying on his business.

12) Earnings in the case of employment as a self-employed earner do not include:

1. (a) any payment to the person by way of a charge for board and lodging accommodation provided by the person
2. (b) any sports award

13) Earnings also include any payment provided to prisoners to encourage and reward their constructive participation in the regime of the establishment, this may include payment for working, education or participation in other related activities.



## **Benefits**

14) Local authorities may take most of the benefits people receive into account. Those they must disregard are listed below. However, they need to ensure that in addition to the minimum guaranteed income or personal expenses allowance – details of which are set out below – people retain enough of their benefits to pay for things to meet those needs not being met by the local authority.

15) Any income from the following sources must be fully disregarded:

1. (a) Direct Payments
2. (b) Guaranteed Income Payments made to veterans under the Armed Forces Compensation Scheme
3. (c) War Pension Scheme payments made to veterans with the exception of Constant Attendance Allowance payments
4. (d) the mobility component of Disability Living Allowance
5. (e) the mobility component of Personal Independence Payments

16) Any income from the following benefits must be taken into account when considering what a person can afford to pay from their income towards the cost of their care and support in a care home:

1. (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
2. (b) Bereavement Allowance
3. (c) Carers Allowance
4. (d) Disability Living Allowance (Care component)
5. (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
6. (f) Income Support
7. (g) Industrial Injuries Disablement Benefit or equivalent benefits
8. (h) Jobseeker's Allowance
9. (i) Maternity Allowance
10. (j) Pension Credit
11. (k) Personal Independence Payment (Daily Living component)
12. (l) State Pension
13. (m) Universal Credit

17) Working Tax Credits must be taken into account when considering what a person can afford to pay from their income towards the cost of their care in a care home. However, they should be disregarded in the calculation of income for care and support arranged other than in a care home.

18) Where any Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), for example because of an earlier overpayment, the amount taken into account should be the gross amount of the benefit before reduction.

## **Annuity and pension income**

19) An annuity is a type of pension product that provides a regular income for a number of years in return for an investment. Such products are usually purchased at retirement in order to provide a regular income. While the capital is disregarded, any income from an annuity must be taken fully into account except where it is:

1. (a) purchased with a loan secured on the person's main or only home
2. (b) a gallantry award such as the Victoria Cross Annuity or George Cross Annuity

20) Where a person is in a care home and has a spouse or civil partner who is not living in the same care home and is paying half of the value of their occupational pension, personal pension or retirement annuity to their spouse or civil partner, the local authority **must** disregard this payment.

21) For those who have purchased an annuity with a loan secured on their main or only home, this is known as a 'home income plan'. Under these schemes, a person has purchased the annuity against the value of their home – similarly to a Deferred Payment Agreement.

22) In order to qualify for the disregard, one of the annuitants must still be occupying the property as their main or only home. This may happen where a couple has jointly purchased an annuity and only one of them has moved into a care home. If this is not the case, the disregard must not be applied.

23) Where the disregard is applied, only the following aspects may be disregarded:

1. (a) the net weekly interest on the loan where income tax is deductible from the interest
2. (b) the gross weekly interest on the loan in any other case

24) Before applying the disregard, the following conditions must be met:

1. (a) the loan must have been made as part of a scheme that required that at least 90% of that loan be used to purchase the annuity
2. (b) the annuity ends with the life of the person who obtained the loan, or where there are 2 or more annuitants (including the person who obtained the loan), with the life of the last surviving annuitant
3. (c) the person who obtained the loan or one of the other annuitants is liable to pay the interest on the loan
4. (d) the person who obtained the loan (or each of the annuitant where there are more than one) must have reached the age of 65 at the time the loan was made
5. (e) the loan was secured on a property in Great Britain and the person who obtained the loan (or one of the other annuitants) owns an estate or interest in that property
6. (f) the person who obtained the loan or one of the other annuitant occupies the property as their main or only home at the time the interest is paid

25) Where the person is using part of the income to repay the loan, the amount paid as interest must be disregarded. If the payments the person makes on the loan are interest only and the person qualifies for tax relief on the interest they pay, disregard the net interest. Otherwise, disregard the gross interest.

26) Reforms to defined contribution pensions came into effect from April 2015. The aim of the reforms is to provide people with much greater flexibility in how they fund later life. This may lead to changes in how people use the money in their pension fund. The rules for how to assess pension income for the purposes of charging are:

1. (a) if a person has removed the funds and placed them in another product or savings account, they should be treated according to the rules for that product
2. (b) if a person is only drawing a minimal income, or choosing not to draw income, then a local authority can apply notional income. This must be the maximum income that could be drawn under an annuity product. If applying maximum notional income, any actual income should be disregarded to avoid double counting
3. (c) if a person is drawing down an income that is higher than the maximum available under an annuity product, the actual income that is being drawn down should be taken into account

### **Mortgage protection insurance policies**

27) Any income from an insurance policy is usually taken into account. In the case of mortgage protection policies where the income is specifically intended to support the person to acquire or retain an interest in their main or only home or to support them to make repairs or improvements to their main or only home it must be disregarded. However, the income must be being used to meet the repayments on the loan. The amount of income from a mortgage protection insurance policy that should be disregarded is the **weekly sum of (a+b+c) listed below:**

1. a) the amount which covers the interest on the loan
2. b) the amount of the repayment which reduced the capital outstanding
3. c) the amount of the premium due on the policy

28) It should be remembered that Income Support and Pension Credit may be adjusted to take account of the income from the policy.

### **Other income that must be fully disregarded**

29) Any income from the following sources **must** be fully disregarded:

1. (a) Armed Forces Independence Payments and Mobility Supplement
2. (b) Child Support Maintenance Payments and Child Benefit, except where the accommodation is arranged under the Care Act in which the adult and child both live
3. (c) Child Tax Credit
4. (d) Council Tax Reduction Schemes where this involves a payment to the person
5. (e) Disability Living Allowance (Mobility Component) and Mobility Supplement
6. (f) Christmas bonus
7. (g) dependency increases paid with certain benefits
8. (h) Discretionary Trust
9. (i) Gallantry Awards
10. (j) Guardian's Allowance
11. (k) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme
12. (l) Payments made to Veterans under the War Pension Scheme with the exception of Constant Attendance Allowance
13. (m) Income frozen abroad
14. (n) income in kind
15. (o) pensioners Christmas payments
16. (p) Personal Independence Payment (Mobility Component) and Mobility Supplement
17. (q) personal injury trust, including those administered by a Court
18. (r) resettlement benefit
19. (s) savings credit disregard
20. (t) Social Fund payments (including winter fuel payments)
21. (u) war widows and widowers special payments
22. (v) any payments received as a holder of the Victoria Cross, George Cross or equivalent
23. (w) any grants or loans paid for the purposes of education; and
24. (x) payments made in relation to training for employment.
25. (y) any payment from the:
  1. (i) Macfarlane Trust
  2. (ii) Macfarlane (Special Payments) Trust
  3. (iii) Macfarlane (Special Payment) (No 2) Trust
  4. (iv) Caxton Foundation
  5. (v) The Fund (payments to non-haemophiliacs infected with HIV)

6. (vi) Eileen Trust
7. (vii) MFET Limited
8. (viii) Independent Living Fund (2006)
9. (ix) Skipton Fund
10. (x) London Bombings Relief Charitable Fund
11. (xi) Scottish Infected Blood Support Scheme
12. (xii) London Emergencies Trust
13. (xiii) We Love Manchester Emergency Fund

### **Savings credit**

30) For people receiving care and support other than in a care home, the savings credit the adult receives should be fully disregarded.

### **Charitable and voluntary payments**

31) Charitable payments are not necessarily made by recognised charity, but could come from charitable motives. The individual circumstances of the payment will need to be taken into account before making a decision. In general a charitable or voluntary payment which is not made regularly is treated as capital.

32) Charitable and voluntary payments that are made regularly **must** be fully disregarded.

### **Partially disregarded income**

33) The following income is partially disregarded:

1. (a) the first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, any War Disablement pension paid to non-veterans and payments to victims of National Socialist persecution (paid under German or Austrian law)
2. (b) a savings disregard based on qualifying is made to people as follows:

#### **For individuals:**

- where a person is in receipt of qualifying income of less than £133.82 per week there will be no Savings Disregard made
- where a person is in receipt of qualifying income between £133.82 and £155.60 per week the savings disregard is made, which will equal the actual amount of the savings credit received or a sum of £5.75 whichever is less
- where a person is in receipt of qualifying income in excess of £155.60 per week, and a savings credit reward is in payment, a flat rate savings disregard of £5.75 per week is made irrespective of how much the savings credit payment is
- where a person has qualifying income above the limit for receiving a savings credit reward (around £190.00 but could be higher if the person is severely disabled, has caring responsibilities or certain housing costs) a flat rate savings disregard of £5.75 is made

#### **For couples:**

- where a person is part of a couple (including a civil partnership) and is in receipt of qualifying income of less than £212.97 per week there will be no savings disregard made
- where a person who is part of a couple (including a civil partnership) and is in receipt of qualifying income between £212.97 and £237.55 per week the savings disregard is made, which will equal the actual amount of the savings credit received or a sum of £8.60 whichever is less
- where a person who is part of a couple (including a civil partnership) and is in receipt of qualifying income in excess of £237.55 per week, and a savings credit reward is in payment, a flat rate savings disregard of £8.60 per week is made irrespective of how much the savings credit payment is
- where a person who is part of a couple (including a civil partnership) and has qualifying income above the limit for receiving savings credit (around £278.00 but could be higher if the person is severely disabled, has caring responsibilities or certain housing costs) a flat rate savings disregard of £8.60 is made

The values of £155.60 and £237.55 above represent the standard minimum guarantee for an individual and couple respectively. These amounts are increased to an appropriate minimum guarantee where individuals and couples qualify as severely disabled or as carers because of receipt of qualifying benefits.

### **Notional income**

34) In some circumstances a person may be treated as having income that they do not actually have. This is known as notional income. This might include for example income that would be available on application but has not been applied for, income that is due but has not been received or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care. For guidance on deprivation of assets, see Annex E. In all cases the local authority must satisfy itself that the income would or should have been available to the person.

35) Notional income should also be applied where a person who has reached pension credit qualifying age and has a personal pension plan but has not purchased an annuity or arranged to draw down the equivalent maximum annuity income that would be available from the plan. Notional income should be applied in line with paragraph 25 above. Estimates of the notional income can be received from the pension provider or from estimates provided by the Government Actuary's Department.

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### **Example of notional income**

Andrew is 70 and is living in a care home. He has not been receiving his occupational pension to which he would have been entitled to from age 65. After contacting his former employer, they state Andrew will be paid the entire pension due from age 65. The local authority can therefore apply notional income from age 65.

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36) Where notional income is included in a financial assessment, it should be treated the same way as actual income. Therefore any income that would usually be disregarded should continue to be so.

37) Notional income should be calculated from the date it could be expected to be acquired if an application had been made. In doing so, a local authority should assume the application was made when it first became aware of the possibility and take account of any time limits which may limit the period of arrears.

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### **Example of notional income in relation to new pension flexibilities**

Ben has a pension fund worth £30,000. He has taken the opportunity to access this flexibly and as a result is only drawing down £5 a week as income at the point he begins to receive care and support. The equivalent maximum annuity income would be £120 per week. For the purposes of the financial assessment, the local authority can assume an income £120 per week.

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38) However, there are some exemptions and the following sources of income must not be treated as notional income:

1. (a) income payable under a discretionary trust
2. (b) income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for
3. (c) income from capital resulting from an award of damages for personal injury that is administered by a court
4. (d) occupational pension which is not being paid because:
  1. (i) the trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources
  2. (ii) the trustees or managers of the scheme have insufficient resources available to them to meet the scheme's liabilities in full
5. (e) Working Tax Credit

### **Disability-related expenditure**

39) Where disability-related benefits are taken into account, the local authority should make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by the local authority.

40) In assessing disability-related expenditure, local authorities should include the following. However, it should also be noted that this list is not intended to be exhaustive and any reasonable additional costs directly related to a person's disability should be included:

1. (a) payment for any community alarm system
2. (b) costs of any privately arranged care services required, including respite care
3. (c) costs of any specialist items needed to meet the person's disability needs, for example:
  1. (i) Day or night care which is not being arranged by the local authority
  2. (ii) specialist washing powders or laundry
  3. (iii) additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt)
  4. (iv) special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability
  5. (v) additional costs of bedding, for example, because of incontinence
  6. (vi) any heating costs, or metered costs of water, above the average levels for the area and housing type
  7. (vii) occasioned by age, medical condition or disability
  8. (viii) reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services

9. (ix) purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the local council
10. (x) personal assistance costs, including any household or other necessary costs arising for the person
11. (xi) internet access for example for blind and partially sighted people
12. (xii) other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for a council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, for example, council-provided transport to day centres is available, but has not been used
13. (xiii) in other cases, it may be reasonable for a council not to allow for items where a reasonable alternative is available at lesser cost. For example, a council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS

41) The care plan may be a good starting point for considering what is necessary disability-related expenditure. However, flexibility is needed. What is disability-related expenditure should not be limited to what is necessary for care and support. For example, above average heating costs should be considered.

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### **Example of disability related expenditure**

Zach is visually impaired and describes the internet as a portal into the seeing world – in enabling him to access information that sighted people take for granted. For example he explains that if a sighted person wants to access information they can go to a library, pick up a book or buy an appropriate magazine that provides them with the information they need.

The internet is also a portal into shopping. For example without the internet if Zach wanted to shop for clothes, food or a gift he would have to wait until a friend or family member could accompany him on a trip out, he would be held by their schedule and they would then have to explain what goods were on offer, what an item looked like, the colour and would inevitably be based on the opinion and advice of said friend. A sighted person would be able to go into a shop when their schedule suits and consider what purchase to make on their own. The internet provides Zach with the freedom and independence to do these things on his own.

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# Adult Social Care Charging Policy

## Document Control

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<b>Corporate Director (Community Services)</b>	Sign & Date:	R Wardell – 30.3.15	
<b>Corporate Director (Children &amp; Young People)</b>	Sign & Date:		
<b>Corporate Director (Environment)</b>	Sign & Date:		

## Change History

Version	Date	Description	Change ID
1	March 2015	New Policy due to the Care Act	
2	March 2016	Revision due to change in Care Act Guidance	
3	March 2017	Revision due to change in Care Act Guidance	
4	November 2017	Audit recommendation	

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## Glossary

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

**Capital Thresholds** levels are set by Government and reviewed annually. A person with capital above the upper threshold will be deemed to be able to afford the full cost of their care. Any capital below the lower threshold will be disregarded.

**Care Home** refers to either a residential home, nursing home or residential college.

**Community Support** is support to access the community.

**Couple Minimum Income Guarantee** is the couple level of income set by Government that someone in a non care home setting must be left with after charges have been deducted.

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

**Deferred Payment** is a means of delaying the cost of care and support until a later date.

**Direct Payments** are payments made to a person to allow them to arrange 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.

**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** (including reablement) 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 a person eligible for social care support based on an assessment of need. The person 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.

**Personal Care** (sometimes known as Home Care) services can include for example:

- Intimate personal care
- Prompting to take medication
- Preparation and cooking of food
- Specialised help for service users suffering from specific long term conditions.

**Personal Expense Allowance** is the level of income set by Government that someone in a care home must be left with after charges have been deducted

**Minimum Income Guarantee (MIG)** is the level of income set by Government that someone in a non care home setting must be left with after charges have been deducted. Applicable to people who have capital below the upper capital threshold level, the MIG ensures that a person is left with a minimum level of 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** is the where a person with capital between the lower and upper capital level (£14,250 and £23,250 based on the 2017-18 rates) will be deemed as able to make a contribution known as "tariff income" from their capital.

## 1. **Purpose**

- 1.1 The purpose of this policy is to set out how West Berkshire Council (WBC) will ask people for a contribution towards the cost of the adult social care support they receive and how that contribution will be calculated.
- 1.2 The Chief Executive and Corporate Board have approved the Charging Policy.

## 2. **Applicability**

- 2.1 This Policy applies to:
  - 2.1.1 Adult Social Care Services.

## 3. **Policy**

It is the Policy of the Council to ensure that it uses a consistent and fair approach to assessing and collecting contributions. This approach will promote affordable, sustainable support for people who require Adult Social Care Services.

## 4. **Implementation**

- 4.1 This Policy will be supported and implemented by the development and publication of Standards (requirements), Procedures (how to) and Guidance (advice).

## 5. **Roles and Responsibilities**

- 5.1 The overall responsibility for charging adults for care within WBC rests within Client Financial Services.
- 5.2 The responsibility for day-to-day management of charging adults for care throughout West Berkshire Council rests with the Head of Care Commissioning, Housing & Safeguarding, who is also responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.
- 5.3 All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas and for the adherence of their staff and others.
- 5.4 All personnel detailed at 2.1.1 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

## 6. **Failure to comply with WBC Charging Policy**

- 6.1 This document provides staff and others with essential information regarding charging and sets out conditions to be followed. It is the responsibility of all to whom this policy document applies to adhere to these conditions.

7. **Review**

7.1 This policy will be reviewed to respond to any changes and at least every 5 years.

7.2 The Service/Committee/Group responsible for reviewing and maintaining this policy is Client Financial Services.

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## Charging for Adult Social Care Services

### 1. Introduction

The purpose of this policy is to establish when and how West Berkshire 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** explains the contribution principles,  
**Sections 3, 4 and 5** explains how a contribution is calculated in a non care home setting,  
**Section 6 and 7** explains how a contribution is calculated in a care home,  
**Section 8 to 15** explains issues that are common to all contributions including 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 away from “traditional” services always being arranged by the Council following a care assessment towards other means of arranging care and support including a person receiving a Direct Payment to pay directly for support they have chosen. In both cases the Council may require the person 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. This approach will promote affordable, sustainable support for people who require Adult Social Care Services.

### 2. Contribution Principles

The Council adopts the following over-arching principles to ensure that both the amount of any contribution sought and the manner in which it is paid is fair:

- In order to act reasonably throughout the process the Council will consider the circumstances of each person through an individual financial assessment and on the merits of each case.
- People not living in a care home will be asked to contribute only what they can reasonably afford based on a financial assessment. The financial assessment will ensure that anyone who has capital of less than the upper threshold retains the minimum income guarantee (MIG - see 5.3) as set by the Department of Health before they are asked to make any contribution.
- People living in a care home will be asked to contribute based on a financial assessment. The financial assessment will ensure that anyone who has less than the upper capital threshold retains the personal expenses allowance (PEA – see 7.3) from their income before they are asked to make any contribution.
- Regardless of how support is delivered, the financial assessment will be conducted in the same way.
- In general, contributions will be applied to the total cost of the service funded by the Council for example in the case of a live-in carer. However in some cases, for

example personal care and community support, the contribution will be applied to the average cost incurred by the Council.

- Contributions will not exceed either the cost of the service or a person's Direct Payment (if they receive one).
- Contributions will not normally be required for the cost of the Council's assessment or administration processes for the service provided, except in the case of administration for a person with eligible needs who has assets above the upper capital limit and who has asked the Council to arrange their care and support on their behalf.
- Benefits advice will be available throughout the assessment process to ensure that people have access to their full benefits and entitlements.
- If an appeal is lodged against the assessed contribution, the Council will not refuse or withdraw services which meet a person's assessed needs.
- If invoices for assessed contributions are not paid the Council will follow the principles outlined in the Care Act 2014 in seeking recovery of the debt, including initiating court proceedings where appropriate.

### **3. Charges other than in a care home**

Charges for permanent residential accommodation in a care home are covered in sections 6 and 7. Short-term placements in a care home of less than 56 consecutive nights and residential respite care will be treated in the same way as contributions for non residential support.

### **4. Types of Non-residential Services**

The Council funds a wide range of Adult Social Care services. The following describes what is provided without charge and what might incur a contribution:

#### **4.1 Services Provided Free of Contributions**

The Council can not apply any contribution towards:

- Intermediate Care services including reablement provided for a period of up to 6 weeks. If these are in addition to an established (albeit in some cases interrupted) package of support, contributions will continue against the established package. The person's assessment will identify those services provided under Intermediate Care arrangements.
- Community equipment (aids and minor adaptations) including assistive technology and in the case of an adaptation costing less than £1,000. These would be supplied as a result of an assessment. Examples include commodes, stair rails and grab rails.
- Care for sufferers of Creutzfeldt-Jacob Disease.
- After-care services provided under section 117 of the Mental Health Act 1983.
- Any service or part of service that the NHS is under a duty to provide for example Continuing Health care.
- Assessment and care planning services – such as supported self assessment, needs assessment, support planning and care management.
- Carers services provided direct to the Carer.

#### **4.2 Services where a contribution will be sought**

For most other Adult Social Care services people will be assessed in order to determine whether or not they need to make a contribution towards the service. This includes

circumstances in which the service is taken by way of a direct payment. The types of service in this category include but are not limited to:

- Care and support in a person's own home (including the cost of two carers where this is necessary to meet need)
- Support to access the community (Community Support)
- Day Care and Outreach support,
- Transport,
- Employment Support
- Respite care in a residential/nursing home (not exceeding 56 consecutive nights)
- All services arranged within a Direct Payment, including the cost of brokerage services provided outside the Council

#### **4.3 Services Outside of this Charging Policy**

The Council provides a number of other support services which are not subject to this policy because they are not care and support services provided under the Care Act including:

- 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.
- Issue of Blue Badges

### **5. The Financial Assessment: non-residential services**

#### **5.1 Overview of the financial assessment**

**5.1.1** A full financial assessment will be undertaken for anyone who receives services for which a contribution can be made, including those who are in receipt of a Direct Payment. This is in order to establish their individual ability to contribute towards the total cost of the services they receive which the Council can charge for.

**5.1.2** The financial assessment will ensure that people:

- Have sufficient money to meet their basic housing costs and some disability related expenditure
- Retain their basic "Minimum Income Guarantee". Where their capital is below the upper threshold the MIG is not included in the assessment calculations.

**5.1.3** The assessment calculation is summarised as:

Assessable Income (see 5.2)

- Minimum Income Guarantee (see 5.3)
- Housing Costs (see 5.4)
- Disability Related Expenditure (see 5.5 to 5.5.7)
- Other allowable expenses

= Assessed contribution

**5.1.4** Where a person has capital this may affect the assessed contribution. This is explained in section 5.7.2



**5.1.5** The Care Act 2014 states that each person receiving care must be treated individually and that a local authority has no power to assess couple or civil partners according to their joint resources. The Department of Health has permitted an extension to current couple assessments until April 2016.

**5.1.6** The treatment of jointly paid income and capital held in joint names is explained in section 5.9.

**5.1.7** The Council has set a minimum contribution, currently £1.25 per week. If an assessed contribution is less than this minimum, no charge will be made as it is not financially viable to collect a contribution below this level.

**5.1.8** Examples of calculated contributions are provided at *Appendix 1*.

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

## **5.2 Assessable Income**

The assessment process will look at the total income a person has available to make a contribution and will follow the Care Act 2014 and the statutory guidance issued under it.

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

Armed Forces Independence Payments and Mobility Supplement

Charitable and voluntary payments made on a regular basis.

Child Support Maintenance Payments and Child Benefit

Child Tax Credit

Christmas bonus

Council Tax Reduction Schemes where this involves a payment to the person

Dependency increases paid with certain benefits

Disability Living Allowance(DLA) (Mobility Component) and Mobility Supplement

Discretionary Trust

Earnings (as per Care Act 2014 guidance.)

Gallantry Awards

Guardian's Allowance

Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme

Income frozen abroad

Income in kind

Night time element of the care component of Disability Living Allowance and Attendance Allowance, unless night time care/support is provided by the Council.

Pensioners Christmas payments

Personal Independence Payment (PIP) (Mobility Component) and Mobility Supplement

Personal injury trust, including those administered by a Court

Resettlement benefit

Social Fund payments (including winter fuel payments)

Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance.

War Disablement Pension or Armed Forces compensation Scheme: Guaranteed Income Payment and War Widows Pension or Armed Forces Compensation Scheme

War widows and widowers special payments

Any payments received as a holder of the Victoria Cross, George Cross or equivalent

Any grants or loans paid for the purposes of education; and  
Payments made in relation to training for employment.

Any payment from the:

- a) Macfarlane Trust
- b) Macfarlane (Special Payments) Trust
- c) Macfarlane (Special Payment) (No 2) Trust
- d) Caxton Foundation
- e) The Fund (payments to non-haemophiliacs infected with NW)
- f) Eileen Trust
- g) MFET Limited
- h) Independent Living Fund (2006)
- i) Skipton Fund
- j) London Bombings Relief Charitable Fund.

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

- Survivors Guaranteed Income Payment (The first £10 per week will be disregarded)
- Sub tenants – Treatment of any income from sub tenants will be in accordance with the Care & Support (Charging & Assessment of Resources) Regulations 2014 (The first £20 per week will be disregarded)
- Boarders - Treatment of any income from boarders will be in accordance with the Care & Support (Charging & Assessment of Resources) Regulations 2014 (The first £20 per week plus half of any income over £20 per week will be disregarded).

**5.2.3** Where a person has assets between the lower and upper capital levels the Council will apply a tariff income (see glossary of terms). This will assume that for every £250 of capital or part thereof, a person is able to afford to contribute £1 per week towards the cost of their support.

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

### **5.3 Minimum Income Guarantee**

Someone whose capital is below the upper capital threshold will retain income equivalent to either basic Income Support or Pension Credit Guarantee as a minimum income which is not included in the assessment calculation. This amount will depend on a persons age and benefit entitlement as per Department of Health guidance.

### **5.4 Housing Costs**

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

- Rent (net of housing benefits)
- Mortgage (net of income support or pension credit assistance)
- Board and lodgings (as defined and managed in The Care Act 2014)
- Council Tax (net of Council Tax Support)
- Building insurance (not including contents)
- Essential service charges and ground rent (net of assistance funding)

### **5.5 Disability Related Expenditure**

**5.5.1** Disability Related Expenditure (DRE) is any reasonable additional cost that a person incurs to meet their specific needs due to age, a medical condition or disability. To

ensure that the person retains appropriate funding to meet these costs, an allowance for DRE is included in the assessment process where applicable.

**5.5.2** Disability related expenditure is not restricted to the national eligibility criteria for care and support prescribed by the Care Act 2014.

**5.5.3** DRE will be considered when:

- the extra cost is needed due to age, a medical condition or disability as identified in the person'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.

**5.5.4** Careful consideration will be given to requests that expenses are accepted as being disability related. Voluntary unpaid support from family and/or friends is not a disability-related expense.

**5.5.5** In assessing disability-related expenditure consideration will be given to the following list of items. However, it should also be noted that this list is not intended to be exhaustive and any reasonable additional costs directly related to a person's disability may be considered:

(a) Payment for any community alarm system.

(b) Costs of any privately arranged care services identified as necessary by the care team, including respite care.

(c) Costs of any specialist items needed to meet the person's disability needs, for example:

- i. Day or night care which is not being arranged by the local authority;
- ii. Specialist washing powders or laundry;
- iii. Additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt);
- iv. Special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability;
- v. Additional costs of bedding, for example, because of incontinence;
- vi. Any heating costs, or metered costs of water, above the average levels for the area and housing type;
- vii. Reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the person's disability and not met by social services;
- viii. Purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability; reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the local council;
- ix. Personal assistance costs, including any household or other necessary costs arising for the person;
- x. Internet access for example for blind and partially sighted people
- xi. Transport costs necessitated by illness or disability, including costs of transport to daycentres, over and above the mobility component of Disability Living Allowance or Personal Independence Payments, if in payment and available for these costs. Where fuel is being claimed the current HMRC business rate mileage will be used. In some cases, it may be reasonable for WBC not to take account of claimed transport costs — for example, if a suitable, cheaper form of transport (e.g. council-provided transport to a daycentre) is available, but has not been used.

As with transport costs (noted at 5.5.4(c)(xi) above) there may be other items of DRE (whether in the above list or otherwise) which the Council will not allow for if there is a reasonable alternative available at a lesser cost. This could include, for example, where an item is available from the NHS – e.g. the private purchase cost of incontinence pads where these are available from the NHS. The fact of whether there is a reasonable alternative available at a lesser cost will be considered by WBC on a case by case basis taking into account all of the relevant circumstances.

**5.5.6** The Council has a schedule of reasonable DRE costs (see *Appendix 4*). This lists the amounts that will be allowed for certain items where a decision is taken to allow a particular item of DRE. These amounts will be reviewed each year in accordance with the National Association of Financial Assessment Officers guidelines.

**5.5.7** 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 person's specific need can be allowed. For example hair washing is allowed if the person could not do this task themselves and it is not included in the support plan. However, hair cutting would not be allowed for as this is a service used by the general population and is not a disability related expense.

**5.5.8** Receipts will be requested in support of all expenses claimed. If receipts have not been kept prior to the initial financial assessment, receipts should be kept in support of future expenses. Receipts or evidence is not 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 person's age, medical condition or disability. These amounts will be reviewed annually. If receipts are not provided despite requests to do so then the Council will decide that the expense should not be allowed.

## **5.6 Special Equipment**

Costs for purchasing special equipment (e.g. stair lifts) will be allowed if they meet the person'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 person, 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 person's specific need due to a disability or condition. The weekly amount allowed will be the annual cost over 52 weeks.

## **5.7 Other factors that affect the financial assessment**

### **5.7.1 Shared costs**

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

### **5.7.2 Capital**

The value of capital and assets is as defined in the Care Act 2014 and the regulations made under the Act. The value of a person's main or only home will be disregarded.

**5.7.3** A person with capital above the Care Act 2014 upper limit (including property but excluding the value of their main home) is liable to pay the full cost for services supplied

(or towards a Direct Payment). When a person moves out of a property that they own and becomes ordinarily resident in alternative accommodation, for example, Extra Care Housing, the owned property will no longer be deemed their main home and will be regarded as capital for the purposes of the contribution assessment.

**5.7.4** The capital limits will be reviewed annually in accordance with the Care Act 2014.

### **5.7.5 Deprivation of assets**

Deprivation of assets means where a person has *intentionally* deprived or decreased their overall assets in order to reduce the amount that they are charged towards their care. This means that they must have known that they needed care and support and have reduced their assets in order to reduce the contribution they are asked to make towards the cost of that care and support.

**5.7.6** There may be many reasons for a person depriving themselves of an asset. The Council will follow the guidance set out in the Care Act 2014 to decide whether deprivation for the purpose of avoiding care and support charges has occurred and whether or not to treat that person as still having the asset for the purpose of a financial assessment.

**5.7.7** Where an asset has been transferred to a third party to avoid the charge, that third party is liable to pay the Council the difference between what it would have charged and has charged the person receiving care.

### **5.7.8 Deprivation of income**

It is possible for a person to deliberately deprive themselves of income. For example they could give away or sell the right to an income from an occupational pension. The Council will follow the guidance in the Care Act 2014 to make a decision on whether to treat someone as receiving a notional income in their financial assessment.

## **5.8 Couples**

Only the income of the cared-for person can be taken into account in the financial assessment. However people will be required to identify any income or capital (such as a welfare benefit) that both members of a couple are entitled to jointly.

**5.8.1** A couple is defined as follows:

- Two people who are legally married or in a civil partnership
- Two people who have lived together as though they are married or in a Civil Partnership for at least twelve months but who are not legally married or in a Civil Partnership

**5.8.2** When assessing one member of a couple:

- 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 cared-for person will be considered
- An allowance will be made for 50% of the couple's total joint basic household expenditure;
- An allowance will be made for the person's Disability Related Expenditure

**5.8.3** Implications for the cared-for person's partner:

If the result of the financial assessment would leave the couple with a weekly income of less than the couple rate of minimum income guaranteed an additional allowance will be included in the assessment.

**5.8.4** In these circumstances described above a “Couple Minimum Income Guarantee” (see Glossary) allowance will be included in the assessment. In order to calculate the allowance, which will vary on a case to case basis, the partner must be willing to disclose their financial details.

## **5.9 Contributions Payable and the Contribution Period**

The assessed contribution will apply to any services (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 a person receives only respite care, when the contribution will be apportioned over the number of nights of respite care.

### **5.9.1 Direct Payments**

The following points relate to contributions payable where a person is in receipt of a Direct Payment:

- The contribution payable will be either the amount of the gross personal budget or the assessed contribution, whichever is lower;
- The contribution should be paid from a person’s income, therefore the Direct Payment amount will be paid in full and the Council will raise an invoice for a person’s contribution;
- Invoices will be raised every twenty eight days in arrears.
- Contributions will apply from the date the personal budget commences.
- Contributions must not be paid from the Direct Payment funds.

### **5.9.2 Other Services**

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

- The contribution payable will be either the actual chargeable cost of services supplied or the assessed contribution, whichever is lower
- Invoices will be raised in arrears after every twenty eight day period.
- Where a service was supplied or was available but the person 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 person’s control. Where someone 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 or credited towards the cost of future services.
- Charges will apply from the date the service commences.

## **6. Charges in a care home**

The following sections applies to people who receive care and support in a care home including respite care that exceeds 56 consecutive nights (8 weeks).

Charges for respite care of less than 56 consecutive nights are assessed under the section of the Council’s policy for non-residential care (as set out at 3 to 5 of this policy) .

### **6.1 Services and circumstances where no charge is made**

The Council can not apply any contribution towards:

- After-care services under the Mental Health Act (Section 117).
- Any services funded by the local Health Authority under NHS continuing care.

All other residential services will be chargeable, including any residential element funded by community services for placements at a residential college.

## 7. The Financial Assessment: charges in a care home

### 7.1 Overview of the financial assessment

**7.1.1** People in a care home will contribute most of their income, excluding any earnings, towards the cost of their care and support. The person will, however, be left with a specified amount of their own income, which is known as the personal expense allowance (PEA) (see 7.3 below).

**7.1.2** The assessment calculation is summarised as follows:

- Assessable Income (see 7.2)
  - Personal Expense Allowance (see 7.3)
  - Allowable expenses (see 7.4)
- = Assessed contribution

**7.1.3** Where a person has capital this may affect the assessed contribution and this is explained in section 7.5

**7.1.4** The treatment of jointly paid income and capital held in joint names is explained in section 7.5.

**7.1.5** Examples of calculated contributions are provided at *Appendix 1*.

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

### 7.2 Assessable Income

The assessment process will look at the total income a person has available to make a contribution and will follow the Care Act 2014 and the statutory guidance issued under it.

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

Armed Forces Independence Payments and Mobility Supplement  
 Charitable and voluntary payments made on a regular basis.  
 Child Support Maintenance Payments and Child Benefit  
 Child Tax Credit  
 Christmas bonus  
 Dependency increases paid with certain benefits  
 Disability Living Allowance(DLA) (Mobility Component) and Mobility Supplement  
 Discretionary Trust  
 Earnings (as per Care Act 2014 guidance.)  
 Gallantry Awards  
 Guardian's Allowance

Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme

Income frozen abroad

Income in kind

Pensioners Christmas payments

Personal Independence Payment (PIP) (Mobility Component) and Mobility Supplement

Personal injury trust, including those administered by a Court

Resettlement benefit

Savings Credit disregard

Social Fund payments (including winter fuel payments)

Statutory Sick Pay, Statutory Adoption Pay and Statutory Maternity Pay or Allowance

War Disablement Pension/Armed Forces Compensation Scheme (Constant Attendance allowance will be included in full)

War widows and widowers special payments

Any payments received as a holder of the Victoria Cross, George Cross or equivalent

Any grants or loans paid for the purposes of education; and

Payments made in relation to training for employment.

Any payment from the:

k) Macfarlane Trust

l) Macfarlane (Special Payments) Trust

m) Macfarlane (Special Payment) (No 2) Trust

n) Caxton Foundation

o) The Fund (payments to non-haemophiliacs infected with NW)

p) Eileen Trust

q) MFET Limited

r) Independent Living Fund (2006)

s) Skipton Fund

t) London Bombings Relief Charitable Fund.

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

- Survivors Guaranteed Income Payment (The first £10 per week will be disregarded)
- War Widows Pension (the first £10 per week will be disregarded)
- Up to 50% of any Private/Occupational Pension where a partner remains at home (although consideration needs to be given to the partners benefits)

**7.2.3** Where a person has assets between the lower and upper capital levels the Council will apply a tariff income (see glossary of terms). This will assume that for every £250 of capital or part thereof, a person is able to afford to contribute £1 per week towards the cost of their support.

**7.2.4** Where a person is a temporary resident any element of Income Support or Pension Credit that is payable for a partner should not be included and the needs of the partner should be considered so that they are left with the single person's Minimum Income Guarantee (see glossary of terms). Any adjustment to the assessment under these circumstances will be shown as an expense.

### **7.3 Personal Expense Allowance**

Someone whose capital is below the upper capital threshold must retain a personal expense allowance (PEA) from their income for personal items such as clothes and toiletries that are not part of their care. The PEA amount is set out in the charging regulations made under the Care Act 2014 and anything above this prescribed amount may be taken into account in determining charges.



**7.3.1** WBC will apply a higher allowance in individual cases in the following circumstances:

- Where a person has a dependent child, the needs of the child should be considered
- Where a person is paying half their occupational or personal pension or retirement annuity to a spouse or civil partner who is not living in the same care home
- Where a person is temporarily in a care home and is a member of a couple (see 7.12.1)
- Where a person's property has been disregarded the local authority should consider whether the PEA is sufficient to enable the person to meet any resultant costs. For example mortgage, rent, Council Tax, building insurance, utility costs and reasonable property maintenance costs.
- Where a person has a deferred payment agreement (DPA) in place, the local authority should ensure that the person retains sufficient resources to maintain and insure the property.

## **7.4 Allowable expenses**

Allowable expenses for temporary residents can include:

- Accommodation cost - rent less Housing Benefit  
mortgage less any Housing Support benefit payment
- Service charges - Any charge for housing services not covered by benefit
- Water Rates/Charges
- Council Tax (less Council Tax Reduction)
- Household Insurance
- Partner's MIG - where a person is a temporary resident the needs of the person's partner should be considered so that they are left with the single person's Minimum Income Guarantee. This amount will vary and depend on the partner disclosing their finances during the assessment.

**7.4.1** Where the expenditure is a joint expenditure then 50% of the expenditure will be allowed, unless it can be shown that only one person is responsible for 100% of the expenditure.

**7.4.2** Permanent residents are not normally considered to have outgoings as they no longer have a home in the community. However, it maybe that a person still has outgoings for example, during the 12 week property disregard period (see 7.9) or during the notice period for a rented property. In these cases the expenses can be allowed.

## **7.5 Capital**

The value of capital and assets is as defined in the Care Act 2014 regulations and guidance. Where capital is held jointly the value will be divided equally unless there is evidence to prove otherwise.

**7.5.1** Capital and savings can include cash, funds held in a bank, building society and Post Office accounts, saving bonds, premium bonds, stocks and shares, ISAs, Peps, Value of land or property (other than the home in which they live). This list is not exhaustive.

**7.5.2** Any person who has capital/savings in excess of the upper threshold level (see glossary of terms) as set out in the Care Act 2014 will be charged the cost of the service received. If savings/capital is held in joint names, an equal proportion will be assumed unless there is evidence to prove otherwise.

**7.5.3** The capital limits will be reviewed annually in accordance with The Care Act 2014.

## **7.6 Temporary Resident/Trial Period**

All temporary residents who are placed for a trial period will be financially assessed from their date of admission but will have allowable expenses included in their assessment.

**7.6.1** Temporary residents who are in receipt of Attendance Allowance (AA), Disability Living Allowance (DLA) (Care component) or Personal Independence Payments (PIP) (Daily Living component) will have this benefit disregarded from any financial assessment while they are classed as a temporary resident.

## **7.7 Permanent Resident**

Permanent Residents may be subject to several financial assessments in the first few months of becoming resident. This is due to changes in benefit income which will result in the need for a new financial assessment for each change.

**7.7.1** In the first four weeks any element of AA, DLA (care component) or PIP (Daily Living component) and the Severe Disability Premium of Income Support/ Employment Support Allowance/Pension Credit in payment will be included as income in the financial assessment. The Enhanced Disability Premium of Income Support will also be included.

## **7.8 Property**

The treatment of property ownership will be in line with the Care Act 2014.

**7.8.1** The value of a person's main or only home will be disregarded in the financial assessment when:

- The person's stay in a care home is temporary and they:
  - i. intend to return to that property and that property is still available to them; or
  - ii. are taking reasonable steps to dispose of the property in order to acquire another more suitable property to return to.
- Where the person no longer occupies the property but it is occupied in part or whole as their main or only home by any of the people listed below, this disregard only applies where the property has been continuously occupied since before the person went into a care home:
  - i. the person's partner, former partner or civil partner, except where they are estranged;
  - ii. a lone parent who is the person's estranged or divorced partner;
  - iii. a relative as defined within the Care Act 2014 of the person or member of the person's family who is:
    - a) aged 60 or over, or
    - b) is a child of the resident aged under 18, or
    - c) is incapacitated

### **7.8.2 Discretionary property disregard**

The Council may also use its discretion to apply a property disregard in other circumstances. However this will be balanced with ensuring that a person's assets are not maintained at public expense. An example of where it may be appropriate to apply the disregard is where it is the sole residence of someone who has given up their home in order to care for the person who is now in a care home or is perhaps the elderly companion of the person. The Council will consider such cases on the individual circumstances of each case.

## **7.9 12 Week Property Disregard**

The Council must disregard the value of a persons main or only home when the value of their non-housing assets is below the upper capital threshold for 12 weeks in the following circumstances:

- When they first enter a care home as a permanent resident; or
- When a property disregard other than the 12 week property disregard unexpectedly ends because the qualifying relative has died or moved into a care home.

**7.9.1** The Council has discretion to choose to apply the disregard when there is a sudden and unexpected change in the person's financial circumstances, for example, a fall in share prices or an unanticipated debt. The Council will consider such cases on the individual circumstances of each case.

**7.9.2** After 12 weeks any property that has been disregarded will either need to be subject to a continuing disregard where there is a remaining resident as defined in the Care Act 2014 or if the property has not been sold a revised assessment will need to be done and a deferred Payment under the Deferred Payment Scheme will be offered.

## **7.10 Deferred Payments**

In accordance with the Care Act 2014 the Council operates a Deferred Payments Scheme to allow people to defer the sale of their home where it is needed to fund care home fees (see the Deferred Payment Policy).

## **7.11 Deprivation of assets**

Deprivation of assets means where a person has *intentionally* deprived or decreased their overall assets in order to reduce the amount that they are charged towards their care. This means that they must have known that they needed care and support and have reduced their assets in order to reduce the contribution they are asked to make towards the cost of that care and support.

**7.11.1** There may be many reasons for a person depriving themselves of an asset. The Council will follow the guidance set out in the Care Act 2014 to decide whether deprivation for the purpose of avoiding care and support charges has occurred and whether or not to treat that person as still having the asset for the purpose of a financial assessment.

**7.11.2** Where an asset has been transferred to a third party to avoid the charge, that third party is liable to pay the Council the difference between what it would have charged and has charged the person receiving care.

## **7.11.3 Deprivation of income**

It is possible for a person to deliberately deprive themselves of income. For example they could give away or sell the right to an income from an occupational pension. The Council will follow the guidance in the Care Act 2014 to make a decision on whether to treat someone as receiving a notional income in their financial assessment.

## **7.12 Couples**

A couple is defined as follows:

- Two people who are legally married or in a civil partnership
- Two people who have lived together as though they are married or in a Civil Partnership for at least twelve months but who are not legally married or in a Civil Partnership

**7.12.1** Where a person is a temporary resident any element of Income Support or Pension Credit that is payable for a partner should not be included and the needs of the partner should be considered so that they are left with the single person's Minimum Income Guarantee (see glossary of terms). Any adjustment to the assessment under these circumstances will be shown as an expense.

**7.12.2** Where a person is a permanent resident for benefit and financial assessment purposes they are treated as individuals.

### **7.13 Contributions Payable and the Contribution Period**

A charging week starts on a Monday and ends on a Sunday. Where a person enters or leaves a care home part way through a week the contribution will be apportioned over the number of nights of care.

**7.13.1** Invoices will be raised four weekly in arrears.

**7.13.2** Where the person is absent from the care home for a period, for example, in hospital they will still be liable to pay a contribution until the placement is terminated.

## **8. Common issues for all care settings**

### **8.1 Non disclosure of Financial Details**

People have the right to choose not to disclose their financial details. If this right is exercised they will be required to pay the full cost of their care or amount of their Direct Payment.

### **8.2 Delays in completing the Financial Assessment**

**8.2.1** The Council will commence the financial assessment process within 3 weeks of Care Management notifying the need for an assessment.

**8.2.2** If a person unreasonably delays completing the financial assessment they will be required to pay the full cost of services supplied (or value of their Direct Payment) 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.

**8.2.3** 'Unreasonable delay' will be determined on a case by case basis, however as a general rule the Council will expect a person or their representative to be available for a visit within 2 weeks of contact from the Welfare Benefit team. Where the person or their representative prefers to complete the financial statement by post, 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 person will provide this within 2 weeks of the date it was requested.

**8.2.4** If the person concerned cooperates with the assessment within 28 days of service commencement, any reduction in contribution will be reimbursed or credited against future service costs.

## **9. Debt Recovery**

New powers are provided under section 69 of the Care Act 2014 that provides equal protection to both the Council and the person receiving care in the recovery of unpaid care charges.

**9.1** The Council will discuss with the person or their representative at the outset that care and support is a chargeable service and that where the person has been assessed as being able to do so, they will be required to contribute towards the cost of the care.

**9.2** As a first step, the Council will contact the person or their representative in an effort to ascertain why the contribution towards their care and support costs has not been made.

**9.3** Where a person has capacity to make financial decisions, the Council can proceed to the County Court if an agreement regarding settlement of the debt cannot be reached.

**9.4** Where a person lacks capacity to make financial decisions and has an attorney or a deputy for property and financial affairs the Council will negotiate with the attorney or deputy including if appropriate, taking legal action through the County Court.

**9.5** Where a person who lacks capacity to make financial decisions has no attorney or deputy an application for a deputy is required. Where there are family involved with the person, they may make the application to become the deputy. However, where there is no family then the Council will make the application to become a deputy. During the application process the account for the accruing debt will be put on hold and no recovery action will be taken until it has been established who has the legal authority to make financial decisions.

## **10. Review of Financial Circumstances**

**10.1** People must inform the Council as soon as their financial circumstances change as this may affect their assessed contribution. This specifically includes receipt of additional income or if they believe that a change will result in a reduction to their financial assessment and want it to be applied immediately.

**10.2** Following notification of a change or a review visit, a new financial assessment will be completed and written notification of the outcome will be sent.

**10.3** If the revised assessment results in an increase in the weekly contribution, the revised contribution will be backdated to the date of the change in circumstance.

**10.4** 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 circumstances changed, whichever is the later date.

**10.5** The assessed contribution may be reviewed at any time. Occasions that may instigate a review include:

- A request from the person receiving care or their authorised representative
- Following an award or withdrawal of a benefit
- When new information is received as to the person's income and expenditure
- When the Department of Work and Pensions increases benefits

- As a result of any changes to the cost of a service, for example, as part of the Council's budget setting process
- At the request of the appropriate Service Manager

## **11. Annual Review**

In addition to the reviews described above, the financial assessment will be revised annually in April to take account of the annual changes in benefits and other incomes. Where a person is in receipt of benefits paid at standard rates, the revised amount will be used in the new financial assessment. Benefits paid at non standard rates will be increased by the same rate used by the Department of Work and Pensions to increase benefits.

**11.1** For other income 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.

**11.2** Changes resulting from the annual increases or the application of a revised Minimum Income Guarantee will apply from the date assigned to these changes. An explanation and full details of the revised assessment will be sent to the person receiving care or their financial representative who will be asked to check the figures and contact the Council if they believe it is not an accurate representation of their circumstances.

## **12. Challenges to Financial Assessments**

WBC aims to ensure all assessed contributions for services are fair and reasonable. The Council acknowledges that at times some people may experience difficulties or exceptional circumstances which should be considered on an individual basis and treated with dignity and respect. To ensure that people are provided with an opportunity to have any change in their individual circumstances taken into account, the Council offers two ways they can formally request that their assessed contribution is reconsidered, through:

- waivers; or
- reviews and appeals procedure.

### **12.1 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 apply a contribution would have a detrimental impact on the person or a family member. All waivers have to be agreed by the Head of Adult Social Care.

**12.2** If it is decided that the contribution would have a detrimental impact the contribution will be suspended for up to three months and then reviewed. Each case will be considered on a case by case basis. Examples of reasons to issue a waiver may, in some circumstances, include but are not limited to:

- Vulnerable adults at risk of abuse and where Adult Social Care is closely monitoring the situation;
- People at risk of self-harm or neglect e.g. through drug or alcohol abuse or mental health problems;
- People who are experiencing trauma (e.g. bereavement of a close relative or family breakdown and where their financial or other circumstances are temporarily unstable);

- People in severe financial difficulty and to incur a further debt would have a detrimental impact on them.

### **12.3 Reviews and Appeals**

The Council has robust processes for carrying out reviews and dealing with appeals to ensure people can express their views, request a review or lodge an appeal against their assessed contribution. The Review and Appeals Procedure is a separate document from the Charging Policy for Adult Social Care which is available on request.

**12.3.1** The Review and Appeals procedure can be used where:

- A person is 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

**12.3.2** If a person is not satisfied with the outcome of the Review and Appeal procedure they can ask the Local Government Ombudsman to look at their case.

## **13. Independent Living Fund**

The Independent Living Fund (ILF) was 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 but it closed on 30 June 2015.

**13.1** From 1 April 2016 clients care packages will be wholly funded by Adult Social Care and any ILF contribution previously in payment will no longer be included in the financial assessment.

## **14. 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. A person has the right to request to view their personal information held by the Council at any stage.

## **15. Equality Impact**

An equality impact assessment has been undertaken for WBC's Charging Policy to understand the likely impact of this policy on vulnerable people with the protective characteristics outlined in Equalities legislation.

## Appendices

### Appendix 1 Example Contribution Calculations

#### Charges other than in a care home

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

Examples use 2017/18 Benefit rates

#### Example 1 Single person pensionable age no disability-related benefit

Income	
State Pension	£122.30
Pension Credit	£ 33.65
-----	
Total Income =	£155.95

Allowances	
Minimum Income	
Guarenteed	£189.00

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

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

Income	
ESA (Income related)	£109.65
Disability Living Allowance	£ 55.65
-----	
Total Income =	£165.30

Allowances	
Minimum Income	
Guarenteed	£131.75
DRE	£ 30.00
-----	
Total Allowances =	£161.75

Assessed maximum contribution = **£3.55** per week (i.e. the difference between Total Income and Total Allowances)

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

Income	
Retirement Pension	£135.00
Occupational Pension	£ 25.00
Attendance Allowance	£ 55.65
Tariff income	



(on Capital of £18,000)      £ 16.00  
-----

Total Income =                      £231.65

Allowances

Minimum Income

Guarenteed                      £189.00

DRE                                      £ 5.50  
-----

Total Allowances =                  £194.50

Assessed maximum contribution = **£37.15** 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              £122.30

Pension Credit (Inc SDP)      £ 99.50

Attendance Allowance              £ 55.65  
-----

Total Income =                      £277.45

Allowances

Minimum Income

Guarenteed                      £189.00

DRE                                      £ 32.20  
-----

Total Allowances =                  £221.20

Assessed maximum contribution= **£56.25** per week (i.e. the difference between Total Income and Total Allowances)

### Charges in a care home

**Example 1** Single person pensionable age

Income

State Pension                      £122.30

Pension Credit                      £ 37.05  
-----

Total Income =                      £159.35

Allowances

PEA                                      £ 24.90  
-----

Total Allowances =                  £ 24.90

As the income is more than the PEA a contribution of **£134.45** per week will be payable by the person

## Appendix 2 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 the Care Act 2014 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 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 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 Adult Social Care on 01635 503050.

### Appendix 3 Disability Related Expenditure – guide amounts

ITEM	AMOUNT	EVIDENCE
Adaptations to property	Cost net of any Disabled Facilities Grant will be considered if they are critical to the persons 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
Bedding	Max £5.00 per week if need is identified by Care Management	Receipts
Care -privately arranged	Actual cost if included in care assessment to meet care need that is not met by West Berkshire Council	Signed receipts for at least 4 weeks using a proper receipt book
Chiropodist	Actual cost if identified in Assessment and NHS chiropodist not available. Based on 6 weekly visits.	Receipts
Cleaning	Cleaning will be limited to the rooms necessary for the use of the person receiving support and at an hourly rate of up to £15 per hour	Receipts
Clothing	If the need is identified by Care Management	Receipts
Community Alarm System	Actual cost unless included in Housing Benefit or Supporting People Grant.	Bills from Provider
Dietary needs	Additional costs of special dietary needs due to illness or disability that are identified in a care or medical assessment	Receipts
Gardening	Basic gardening will be limited to prevent the property from appearing as though a vulnerable person lives there; grass cutting and minimal hedge trimming at an hourly rate of up to £18 per hour	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
Heating Allowance	Single Person – Flat / Terrace £1,129.28 per year Couple – Flat / Terrace £1,489.90 per year Single Person – Semi Detached £1,199.43 per year Couples – Semi Detached £1,580.80 per year Single Person – Detached £1,459.28 per year Couples – Detached £1,923.64 per year Difference between actual and average (above) will be divided by 52 to obtain a weekly expenditure. NB Where accommodation is shared, the allowance appropriate to the size of property needed will be used e.g. where 3 people share a property their share of the bills will be considered against those of a single person	Bills from Provider
Hoist	Actual cost divided over the expected life time of the equipment	Evidence of purchase without DFG input
Incontinence Aids	Not allowed unless identified in the care assessment that NHS supplies cannot be used or are inadequate.	Receipts

Laundry	£5 per week	Evidence of incontinence recorded in the care plan or confirmed by the care manager
Medical and pharmaceutical 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
Powered Bed	Actual cost divided over the expected life time of the equipment	Care manager or OT to confirm that this is an essential requirement. Evidence of purchase.
Powered reclining chair	Actual cost divided over the expected life time of the equipment	Evidence of purchase.
Stair-lift	Actual cost divided over the expected life time of the equipment	Evidence of purchase without DFG input
Travel costs	Costs net of any DLA Mobility Component may be allowed if they are incurred solely or mainly due to disability and the need has been identified in the care assessment. HMRC mileage rate will be used if claim is based on fuel usage.	Receipts
Turning Bed Actual	Actual cost divided over the expected life time of the equipment	Care manager or OT to confirm that this is an essential requirement. Evidence of purchase.
Wheelchair/Scooter	Actual cost divided over the expected life time of the equipment	Evidence of purchase. Care manager or OT to confirm that this is an essential requirement. No allowance if equipment is provided free of charge
Other Costs	Including those identified in the care assessment to meet unmet care needs.	Receipts

## **Appendix 4**

### **Legislative Context**

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

Prior to 1 April 2015 the legislation for determining charging for care was set out as follows:

Where residential care was provided contributions were assessed within the framework of the National Assistance (Assessment of Resources) Regulations 1992 and the Charging for Residential Accommodation Guide (CRAG) issued by the Department of Health. The Council applied these rules to people in permanent residential care.

Where care was provided in a non-residential setting or respite care in a residential setting, contributions were assessed within the framework of the National Assistance (Assessment of Resources) Regulations 1992 and the Fairer Contributions Guidance issued by the Department of Health.

From 1 April 2015, the statutory framework for charging is set out in the Care Act 2014 and The Care and Support (Charging and Assessment of Resources) Regulations 2014 pursuant to the Care Act 2014. In October 2014 the Department of Health issued the Care and Support Statutory Guidance which gives guidance to councils on charging for all types of care under the Care Act. As statutory guidance, councils must have regard to the guidance.

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# Agenda Item 15.

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