

AGENDA

Meeting: Cabinet
Place: Kennet Room - County Hall, Trowbridge BA14 8JN
Date: Tuesday 19 January 2016
Time: 9.30 am

Membership:

Cllr Keith Humphries	Cabinet Member for Health (including Public Health) and Adult Social Care
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Baroness Scott of Bybrook O.B.E	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Housing, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning (strategic and development management), Property, Waste and Strategic Housing
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Systems Thinking, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services), Heritage & Arts and Customer Care
Cllr Philip Whitehead	Cabinet Member for Highways and Transport

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

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Part I

Items to be considered while the meeting is open to the public

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

1 Apologies

2 Minutes of the previous meeting (*Pages 5 - 18*)

To confirm and sign the minutes of the Cabinet meeting held on 15 December 2015, previously circulated.

3 Declarations of Interest

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 Leader's announcements

5 Public participation and Questions from Councillors

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Wednesday 13 January 2016. Anyone wishing to ask a question or make a statement should contact the officer named above.

6 Delayed Transfer of Care (DTC) (Pages 19 - 28)

Report by Maggie Rae, Corporate Director.

7 Proposals for New Care Charges (Pages 29 - 100)

 Report by Maggie Rae, Corporate Director.

8 Wiltshire Highways Contract (Pages 101 - 122)

 Report by Carlton Brand, Corporate Director.

9 Urgent Items

Any other items of business, which the Leader agrees to consider as a matter of urgency.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

10 Exclusion of the Press and Public

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 11 and 12 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

11 Wiltshire Highways Contract (Part II)

Appendix is to follow.

12 Future Waste Management and Collection Services (Part II) (Pages 123 - 136)

 Report by Carlton Brand, Corporate Director.


The items on this agenda reflect the key goals of Wiltshire Council, namely 'To protect those who are most vulnerable', 'To boost the local economy – creating and safeguarding jobs' and 'To support and empower communities to do more for themselves'.

* These headings reflect the key goals of Wiltshire Council to achieve its vision to
'Create stronger and more resilient communities'

CABINET

DRAFT MINUTES of a MEETING held in COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 15 December 2015.

Cllr Baroness Scott of Bybrook O.B.E	Leader of the Council
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Keith Humphries	Cabinet Member for Health (including Public Health) and Adult Social Care
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Jonathon Seed	Cabinet Member for Housing, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning (strategic and development management), Property, Waste and Strategic Housing
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Systems Thinking, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services), Heritage & Arts and Customer Care
Cllr Philip Whitehead	Cabinet Member for Highways and Transport
Also in Attendance:	Cllr Glenis Ansell, Cllr Chris Caswill, Cllr Terry Chivers Cllr Jon Hubbard, Cllr David Jenkins, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard and Cllr Roy While

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

133 **Apologies**

There were no apologies for absence received.

134 **Minutes of the previous meeting**

The minutes of the meeting held on 10 November 2015 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 10 November 2015.

135 Declarations of Interest

There were no declarations of interest.

136 Leader's announcements

The Leader wished Tim Peake well on his trip to the International Space Station.

The Leader was pleased to announce that a number of Syrian Refugees had been housed in Wiltshire.

137 Public participation and Questions from Councillors

The Leader explained that those registered to speak on the Children's Centre item would be considered at that time.

The Leader drew the meeting's attention to the questions, submitted in advance of the meeting, responded to in writing and circulated in a supplementary paper. The Leader invited those in attendance to ask their questions.

a) Mr Richard Hames – Chippenham DPD

In response to a supplement to question 5, Cllr Toby Sturgis stated that a list of sites would be published once the evidence had been produced and agreement reached with the Inspector.

In response to a supplement to question 6, Cllr Toby Sturgis confirmed that of the course, the Council would proceed with an open mind.

In response to a supplement to question 7, Cllr Toby Sturgis stated that the Council would look at evidence would be looked at for all sites.

b) Mr Steve Perry – Chippenham DPD

In response to a supplement to questions 2 and 3, Cllr Toby Sturgis stated that he understood that Chippenham 2020 intended to submit a planning application.

c) Mr Ian James – Chippenham DPD

In response to a supplementary question, Cllr Jonathon Seed stated the Council continued to work with the Environment Agency and would listen to their advice. In addition, Cllr Toby Sturgis stated that Council would wish to consider the

advice of the Environment Agency with regard to the whole catchment area of the river Avon and made reference to the fact that one of the criteria for modern developments is that they should reduce water run-off from the site.

- d) Mrs Anne Henshaw – Chippenham DPD
- e) Mrs Anne Henshaw – Chippenham DPD

In response to a supplementary question regarding consideration as to whether the Cabinet Member's responsibility for both Property and Strategic Planning represented a conflict of interest, the Council's Monitoring Officer stated the he continued to take the view there is no conflict, as both roles are separate. In addition, the Leader asked that the Monitoring Officer write to Mrs Henshaw to further explain his advice on this matter. Cllr Sturgis added that the decision to adopt a plan was not his to take alone, and that the final decision rested with Full Council.

In response to a supplementary question regarding consideration as to whether the views of the public could be fully considered without a masterplan for the Chippenham Area, Cllr Toby Sturgis stated that Council was responding to the Inspector's request for additional information and that the Council should only answer those questions put by the Inspector rather than providing additional information that had not been requested.

In response to a supplementary question regarding the changes to CIL and s106 arrangements, Cllr Toby Sturgis stated that the central government had changed the rules how monies were collected and agreements had to be negotiated, leading to some delays in the Chippenham area.

- f) Mrs Isabell McCord – Chippenham DPD

In response to a supplementary question regarding the reputational damage to the Council caused by the delay, The Leader stated that she was not embarrassed by the delay, and commended the hard work of the officers who were responding to the requests of the inspector who wanted additional information and information presented in a different way.

- g) Mrs Marilyn Mackay – Chippenham DPD

Mrs Mackay noted the response, and additionally stated that the Inspector had, in her opinion, levelled serious criticism and concern at the Council.

- h) Ms Helen Stuckey – Chippenham DPD

In response to a supplementary question regarding the funding for a potential link road, Cllr Toby Sturgis stated that the Council did not have information to enable to answer further.

- i) Mr Malcolm Toogood – Chippenham DPD

Mr Toogood expressed frustration with the process, and stated that the community remained concerned that delays in adopting plans left Chippenham vulnerable to speculative development.

j) Cllr Chris Caswill – Chippenham DPD

In response to a supplement to question 1, Cllr Toby Sturgis stated development on brownfield sites was prioritised, in accordance with the National Planning Policy Framework, but that other sites would have to be considered to meeting the needs. Furthermore, the Leader stated that officers had liaised with Cllr Caswill regarding the list of brownfield sites already taken into account.

In response to a supplement to question 3, Cllr Toby Sturgis and the Leader would provide a written response as to why they were unable to attend the Examination in Public Inquiry in person. Furthermore, the Leader stated that she had been kept up to date, regularly, by officers.

In response to a supplement to question 6, Cllr Toby Sturgis stated that the inspector had previously stated that he was happy to proceed with the hearing and had only suspended proceedings to request further evidence. Furthermore, officers had followed the process agreed with the Inspector who had considered the Core Strategy, but they had not been told that this new Inspector disagreed with this process. In Cllr Sturgis's opinion, every Inspector is an individual and need to be treated as such.

In response to a supplementary question regarding consideration as to whether the Cabinet Member's responsibility for both Property and Strategic Planning represented a conflict of interest, Cllr Sturgis reiterated that he had no individual decision making powers in this regard, and that any final decision would rest with Full Council.

In response to a supplement to questions 9 and 10, Cllr Toby Sturgis stated that current work was being undertaken on the A350 to reduce existing congestion, and that further funding would be needed to undertake other work.

Cllr Chris Caswill thanked the Leader for dealing with his questions at this meeting.

k) Cllr Jon Hubbard - Webcasting

Cllr Jon Hubbard, in noting the written reply, expressed his support for the webcasting of meetings and asked that the system be used to broadcast more meetings.

Cllr Stuart Wheeler stated that he would provide a further update on webcasting arrangements. Furthermore, the Leader stated that, upon reviewing the trial


footage in the Kennet Room, the Cabinet had been reluctant to webcast proceedings as the quality of the footage had not been deemed acceptable.

I) Cllr Bob Jones, MBE – Wiltshire Good Neighbour Scheme

Cllr Bob Jones, in noting the written reply, stated that he remained concerned as to the impacts of the loss of the scheme, and reiterated that it did not just impact on the elderly.

Cllr Keith Humphries stated, in response, that the change in service was a part of a wider piece of work that looked at advice services to older people across Wiltshire, and that proposals would be presented for consultation in the new year.

138 **Children's centre services - proposals for future service delivery following public consultation**

 Councillor Laura Mayes presented a report which provided information on the proposals for future delivery of children's centre services, a summary of feedback gained during the public consultation on these proposals and recommendations for future service delivery.

Issues highlighted in the course of the presentation and discussion included: That government advice is that councils should look beyond the buildings when delivering services; that the proposals aimed to achieve savings by reducing management and building cost; the proposals to move from a universal service to more targeted provision; the feedback that had been given during the review, and how the initial proposals had been changed in response; the process by which views had been sought; how data, particularly on deprivation, had been used to inform the review; the current make-up of the service and the range of providers currently delivering services; how the new services would be tendered for and operated in four geographical areas; that negotiations would take place with providers covering Wilton and Chippenham as to whether centres there could remain open; and how volunteering and fundraising could be encourage.

Jeremy Kent spoke in objection to the proposals, specifically the closure of the centre in Bradford-on-Avon, and queried the financial assumptions of the review.

Natasha spoke in objection to the proposals, specifically the lack of suitable alternative locations in the Bradford-on-Avon area.

Cllr Alison Craddock, from Bradford-on-Avon, spoke in objection to the proposal, specifically highlighting the benefits of early years help that she was concerned would be lost; and expressed dismay as to the perceived lack of consultation with the Town Council.

Cllr Simon Killane made reference to the approach taken in Malmesbury where discussions were already taking place to look for alternative venues.

Cllr Jeff Osborn, whilst he welcomed the change to the proposal regarding Trowbridge, said that he considered that the effect of the proposed cuts in other communities would have a detrimental effect given the scale of cuts in other areas.

Cllr Jon Hubbard, in his capacity as Chair for the Children's Select Committee, expressed annoyance that views of the Select Committee had not been adequately referenced in the report. He went on to state that whilst he believed that there should be some consolidation of provision, no town should be left without a centre. Furthermore, the benefits of the universal service had not been given due weight in the proposals, and many good aspects would be lost.

In response, Cllr Laura Mayes stated that she could not defend continuing to spend money on some centres that had low contact levels with families, and that a targeted approach, working in partnership with universal services such as Health Visitors should be an improvement.

The Leader, in response to the issue raised on Select Committee documentation, asked officers to investigate and report back to her. Furthermore, Cllr Laura Mayes thanked the Select Committee for their input which had informed the proposals.

Cllr Magnus MacDonald and Cllr Gordon King expressed concern that the cuts to the service would mean that a lot of time and money invested in setting up and maintaining the children's centres would be lost, and that targeted work may not be as effective as a universal service.

Cllr Alan Macrae thanked for the officers for visiting the Corsham Area as part of the consultation process, and stated that it was clear that some of the views expressed there had been considered and responded to within the report. Furthermore, he highlighted the importance of transport in ensuring good access, and stated that whilst staff and parents appeared not wedded to buildings, they were looking for minimum of 2 days and additional drop in sessions to continue out-reach work.

In response, Cllr Laura Mayes asked local members to work closely with officers to ensure that the right hours are included in tender documents to address, as much as possible, the community's needs.

Cllr Fleur de Rhé-Philippe and Cllr Philip Whitehead expressed support for the proposals, especially as the changes should result in increased access for rural communities and for those who do not currently attend the centres.

Cllr Caswill expressed concern that a higher burden was being placed on Health Visitors who were already under pressure, and asked whether more

work should have been done to explore how underused centres could have been used better.

In response, Cllr Laura Mayes stated that the review had afforded the Council the opportunity to draw up new contracts with providers which would specify increased networking with other services, including Health Visitors.


Resolved

- 1. To note the feedback from the public consultation;**
- 2. To approve the recommendations for the future delivery of children's centre services set out in Option 3 within the Cabinet paper;**
- 3. To delegate authority to Councillor Laura Mayes, Cabinet Member for Children's Services and senior officers to develop and implement the proposals including completion of the tender process;**
- 4. To confirm that the equality issues and impact of the proposals in the decision making process have been considered and that the Council's Public Sector Equality Duties are being met (Appendix 1); and**
- 5. That officers continue to discuss options for alternative venues with stakeholders in the Bradford-on-Avon Community Area.**

Reason for Decision:

The proposals are made in the context of needing to find ways to continue to meet the needs of young children and their families through re-shaping service delivery whilst looking at opportunities to save money. The Council wants to ensure that it maximises support in the most deprived areas whilst retaining some access to children's centre services across the county

139 Changes to Family Support Services

 Councillor Laura Mayes presented a report which sought Cabinet approval for the proposal to bring the Wiltshire Families First service in-house.

Issues highlighted in the course of the presentation and discussion included: That the proposals aimed to improve access to and efficiency of services; the key areas of the Early Help Strategy; and how different department and partners will engage with the changes.

Resolved

- 1. To approve the creation of a single family support service to be provided by the Council.**

2. **That staff from the Wiltshire Families First Service will transfer into the Council to create a single intensive family and parenting support service.**
3. **That the family support service will be accessible to all families who require a more intensive form of support beyond that which is offered from the Council's Early Help Service and children's centres and will include support for families who meet the threshold for statutory social care intervention.**

Reason for Decision:

The contract for the Wiltshire Families First Service started in April 2012 and will end in March 2016. Since 2012, a number of changes to the way in which families receive support have taken place. These include establishing a multiagency Gateway Panel for allocation of family and parenting services. Improved recording of information received on Early Help Common Assessment Framework (CAF) referrals has been established and the intelligence provided by the Gateway Panel tracker is providing new information about the needs of the families in Wiltshire and also an insight into how well existing services are responding to this. This information suggests that the Council could improve its support for families by having a single family support service with the potential to re-design and re-shape the service to meet identified need.

In addition to this the expansion of the national Troubled Families programme and the change in criteria for Phase 2 of the programme in April 2015 means that more families are now eligible for intensive family and parenting support via the Gateway Panel. Now that Central Government has announced that funding for the Troubled Families programme will continue for a further five years, a single family support service will help to ensure that the Council and partners can continue to meet the requirements of the programme. The revised criteria for Phase 2 of the Troubled Families programme cover both families requiring early help and those in receipt of statutory interventions from Children's Social Care.

140 **Report on Treasury Management Strategy 2015-16 - Second Quarter ended 30 September 2015**

Councillor Dick Tonge presented a report which provided a quarterly review of the Treasury Management Strategy.

Issues highlighted in the course of the presentation and discussion included: That any movements were within the limits set by the agreed Strategy; the profile of the debts, and changes in the temporary deposits; and the implications of RBS and Lloyds credit rating.

Resolved

To note that the contents of the report presented were in line with the Treasury Management Strategy.

Reason for Decision:

To give members an opportunity to consider the performance of the Council in the period to the end of the quarter against the parameters set out in the approved Treasury Management Strategy for 2015-16.

141 Performance Management and Risk Outturn Report: Q2 2015/16

Councillor Dick Tonge presented a report which provided a quarter two update on outturns against the measures and activities compiled and reported through the council's website through the Citizens' Dashboard and other key measures, as well as latest outturns on the council's strategic risk register.

Issues highlighted in the course of the presentation and discussion included: That the level of risk recorded for data security had been increased; the risk of flooding; how the risks to safeguarding had been addressed in the Children's Centres decision; and that a discussion could take place as to whether obesity could be considered as a pandemic and dealt with accordingly in the Risk Register.

Resolved

- 1. To note updates and outturns against the measures and activities ascribed against the council's key outcomes.**
- 2. To note updates and outturns to the strategic risk register.**

Reason for Decision:

The performance framework compiles and monitors outturns in relation to the outcomes laid out in the Business Plan. The framework is distilled from individual services' delivery plans. In doing so, it captures the main focus of activities of the council against each outcome.

The strategic risk register captures and monitors significant risks facing the council: in relation to significant in-service risks facing individual areas, in managing its business across the authority generally and in assuring our preparedness should a national risk event occur.

142 Revenue Budget - Budget Monitoring Reports Period 7 2015/2016

Councillor Dick Tonge presented a report which advised members of the revenue budget monitoring position as at the end of period 7 (end of October 2015) for the financial year 2015/2016 with suggested actions as appropriate.

Issues highlighted in the course of the presentation and discussion included: That action had been taken to reduce budget gap down to £2.9m, and that further action should see a balance position reached by the end of the financial year; the proposal to draw down some funds from the reserves to reduce the overspend; and that there was no change in the Housing Revenue Account.

Cllr Glenis Ansell, in her capacity as Chair of the Financial Planning Task Group, noted that it was good to see action being taken to address the overspend, and that the task group would have the opportunity to discuss this further.

Resolved

- 1. To note the outcome of the period 7 (31 October 2015) budget Monitoring.**
- 2. To approve the drawdown of £0.6 million from General Fund reserves in line with the risk assessment and advice contained within this report in respect of Children's safeguarding. This was highlighted as a risk and potential need for reserves in setting the budget in February 2015.**

Reason for Decision:

To inform effective decision making and ensure a sound financial control environment.

143 Capital Budget Monitoring - Budget Monitoring Reports Period 7 2015/2016

Councillor Dick Tonge presented a report which informed Cabinet on the position of the 2015/2016 Capital Programme, as at Period 7 (31 October 2015), including highlighting budget changes and any additional funding that had been made available.

Resolved

- 1. To note the budget movements undertaken to the capital programme shown in Appendices A and B.**

Reason for Decision:

To inform Cabinet of the position of the 2015/2016 capital programme as at Period 7 (31 October 2015), including highlighting any budget changes.

144 Council Tax Base 2016/2017

Councillor Dick Tonge presented a report which asked Cabinet to set the Council Tax Base for 2016/2017. In his presentation, Cllr Tonge set out the procedure followed and outlined how the calculation of the tax base is undertaken.


Resolved

- 1. To approve the Council Tax Base 2016/2017 as set out in Appendix A of the report;**
- 2. To note that the recommended collection rate adjustments are set at 99.75% and 82.50% which reflects current expectations for collection.**

Reason for Decision:

Before the Council Tax can be set by the Council in February 2016 a calculation has to be made and approved of the Council Tax Base, which is an annual requirement as laid out in the Local Government Finance Act 1992.

145 A350 - A3102 Melksham Roundabout Improvement

 Cllr Philip Whitehead presented the report which recommended: that tenders for the improvement scheme at A350 - A3102 Melksham Roundabout, known locally as 'Farmers Roundabout', be invited; and that delegated authority be given to the Associate Director and Cabinet Member for entering into a contract.

Issues highlighted in the course of the presentation and discussion included: That this scheme was part of work to address pinch points and improve traffic flow; that the proposal aimed to improve capacity and safety; that the scheme was funded from capital funding and supported by grants from central government.

Cllr Jon Hubbard expressed his dismay that local members and the Melksham Town and Melksham Without Parish Councils had not been consulted on these proposals, and that as a result there was some consternation in the community. In response, Cllr Philip Whitehead stated the proposals would look to address revamp and resequence the whole stretch of road to increase the traffic flow along it; once proposals had been more fully worked up, these would be shared with the local Councils and Councillors – as per the approach taken in areas such as Chippenham.

Cllr Jeff Osborn expressed concern that, whilst he understood that the capital funding for these proposals had not come directly from Wiltshire Council's own budgets, the wider public may not make that distinction, and he argued that the Council would need to consider carefully how the message was communicated.

In response to concerns raised by Cllr Terry Chivers as to whether the proposals would address the problem, Cllr Philip Whitehead stated that he considered the proposals would address the problems in that area as a whole.

Cllr Roy While spoke in support of the proposals, particularly with reference to the economic benefits.

Cllr Jonathan Seed, in his capacity as recent Chair of the Community Area Transport Group, stated that the CATG had been made aware of the principles of the proposals

In addition, the Leader stated that this work had been identified as a priority by the Local Enterprise Partnership.

Resolved

- 1. To invite tenders from the select list of contractors identified; and**
- 2. To delegate authority to Cllr Philip Whitehead, Cabinet Member for Highways and Transport, and Parvis Khansari, Associate Director for Highways and Transport, to approve the award of the contract on receipt of suitable tenders.**

Reason for Decision:

Inviting tenders and delegating authority for award of the contract will enable timely decisions to be made with regard to entering into a contract and proceeding with the improvement scheme on the A350/A3102 Farmers Roundabout at Melksham.

146 Urgent Items

There were no urgent items.

147 Exclusion of the Press and Public


Resolved

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 16 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

148 **Corporate Geographical Information Solution**

 Councillor Dick Tonge presented a report which sought approval to purchase and implement a corporate Geographical Information System (GIS) to replace the existing contract which would expire in February 2016.

Resolved

- 1. To approve the awarding of the GIS contract to ESRI UK Ltd for the 7 year period at a total approx. contract cost of £1m allowing the new contract to commence on 6th February 2016.**
- 2. To work closely with partners with the objective of having a Wiltshire wide system.**

Reason for Decision:

To ensure the existing contract doesn't expire resulting in the council having to pay per license costs for the existing software which could amount to an annual cost of over £1m per year.

(Duration of meeting: 9.30 am - 12.36 pm)

These decisions were published on the 22 December 2015 and will come into force on 31 December 2015

The Officer who has produced these minutes is William Oulton of Democratic Services, direct line 01225 713935 or e-mail William.Oulton@wiltshire.gov.uk
Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council

Cabinet

20th January 2016

Subject:	Delayed Transfers of Care (DTOCs)
Cabinet member:	Keith Humphries Cabinet Member for Health (including Public Health) and Adult Social Care
Key Decision:	No

Executive Summary

The purpose of this Cabinet Report is to provide members with an update regarding Wiltshire Council's position in relation the number of people who are delayed in Hospital due to Social Care.

Delayed Transfers of Care (DTOCs) from hospitals is an issue which is frequently raised within the Department of Health and is also discussed within the National press. If the number of people who are delayed in hospital is high then this can impact on the ability of the hospitals to admit patients. The reason for people being delayed in hospital is frequently given as lack of Social Care provision within the community.

In Wiltshire, over the past 12 months, we have significantly reduced the number of people who are delayed in hospital due to Social Care provision. Wiltshire Council now has very low numbers of people who are delayed in hospital waiting for Social care and in some weeks we have had no people delayed at all.

In order to achieve this, our Adult Social Care Operational and Commissioning teams have worked closely with our care providers in order to coordinate the assessment and discharge planning process for people who require Social Care support when they leave hospital. In doing this we have significantly reduced the number of people who are delayed in hospital by decreasing the time it takes to arrange care in the community.

The results which Wiltshire has achieved over the last 12 months have been recognised both locally and nationally. We have significantly improved our performance which is reported by the Department of Health.

Wiltshire residents have acute healthcare provided across 3 hospitals – Great Western Hospital, Royal United Hospital and Salisbury Foundation Hospital. This makes the challenge to manage delayed transfers of care (DTOC) even greater compared to those who are just working with one acute hospital and healthcare system. We are also required to have three hospital based social care teams, one in each acute.

Proposals

This paper is for Information only

Reason for Proposal

To update Cabinet on progress and improved performance in reducing social care related delayed transfers of care

Maggie Rae
Corporate Director

Subject: Delayed Transfers of Care

**Cabinet member: Keith Humphries
Public Health and Adult Social Care**

Key Decision: No

Purpose of Report

1. The purpose of this Cabinet Report is to provide members with an update regarding Wiltshire Council's position and performance in relation the number of people who are delayed in Hospital due to Social Care.

Over the past 12 months significant improvements have been made which has not only improved our performance but has also ensured that people are discharged from hospital in a timely and safe way.

Relevance to the Council's Business Plan

2. Promoting Health and Wellbeing and protecting the most vulnerable is a key priority within the Council's Business Plan. By ensuring that people are not delayed in hospital, then we are enabling the hospitals to provide care for people who require hospital treatment.

Also by providing effective discharge planning from hospital we are enabling people to safely return to their own homes (or a care home if appropriate) whilst enabling them to have the opportunity to regain their independence through reablement and rehabilitation.

In order to achieve this we have worked in close partnership with NHS colleagues within the acute hospitals and community services. We have also worked closely with our private care providers (Help to Live and Home providers and care home providers).

Wiltshire residents have acute healthcare provided across 3 hospitals – Great Western Hospital, Royal United Hospital and Salisbury Foundation Hospital. This makes the challenge to manage delayed transfers of care (DTC) even greater compared to those who are just working with one acute hospital and healthcare system. We are also required to have three hospital based social care teams, one in each acute.

Main Considerations for the Council

3. Delayed Transfers of Care is an area where all NHS and Social Care organisations are closely monitored by the Department of Health. Prior to 2015, Wiltshire Council was under scrutiny regarding the high numbers of people who were delayed within the acute hospitals.

A delayed transfer of care from acute or non-acute (including community and mental health) care occurs when a patient is ready to depart from such care and is still occupying a bed.

A patient is ready for transfer when:

- a. A clinical decision has been made that patient is ready for transfer **AND**
- b. A multi-disciplinary team decision has been made that patient is ready for transfer **AND**
- c. The patient is safe to discharge/transfer.

The main reasons for delays attributable to social care relate to the timely availability of a care home placement or a package of care at home.

Delayed Transfers of Care is also a Key Performance Indicator within the Better Care Plan.

Customer satisfaction – if people can be discharged quickly with the appropriate care, then this is a better quality of service for our customers.

By decreasing the number of people who are delayed in hospital, Wiltshire Council is supporting the whole local Health Care System.

Background

4. In 2014, Wiltshire was in the top 10 highest in England for the number of Delayed Transfers of Care. This was not good as this meant that we have considerable more people delayed in hospitals than other areas of England. A work programme was put in place at the end of 2014 to ensure improved and sustained performance. That work programme was overseen by the Corporate Director with visible leadership from the two Associate Directors (Adult Care Operations and Commissioning) and the relevant Heads of Service for Operations and Commissioning. The programme was also supported and monitored by the Chair of the Health and Wellbeing Board and Cabinet member for Adult Social Care. This added support ensured focus and delivery of the programme.

In January 2015 Wiltshire Council, along with other Councils, was awarded a grant (Delayed Transfers of Care and Helping People Home Grant) from Central Government with an aim to reduce the number of people who were delayed within the acute hospitals.

The Adult Social Care Team within Wiltshire Council utilised this Grant to significantly reduce the number of people in the acute hospitals whose discharge was delayed due to Social Care provision.

The Grant (£425,000) was originally provided to cover the period from January 2015 to March 2015 to cover the period of Winter pressures. However this Grant was then extended to cover April 2015 (an additional £140,000).

The Grant was used for the following

- Purchase of care home placements for people being discharged from hospital
- Increase in Social work capacity in the acute hospital teams and the Intermediate Care Team
- Additional “Help to Live at Home” provider capacity
- Purchase of additional domiciliary care capacity
- Increase in “Urgent Care at Home” capacity
- Increase in Intermediate Care bed capacity

In addition to the Grant funding there has been intensive input into this work by both the operational and commissioning staff within Adult Social Care. We have also worked closely with our external providers and our colleagues from the NHS.

During January to April, the Social Care delays within all 3 acute hospitals (Great Western Hospital, The Royal United Hospital and Salisbury Foundation Trust) were reduced to very minimal level and in some weeks there were no reportable Social Care delays.

Despite the Grant ending in April, the Adult Social Care teams have continued to maintain the excellent performance throughout 2015. This has significantly improved the performance of Wiltshire Council which is clearly recognised within the figures collated and produced by the Department of Health.

Table 1 below shows the rates for Delayed Transfers of Care for 2014-2015 and 2015 – 2016 (year to date)

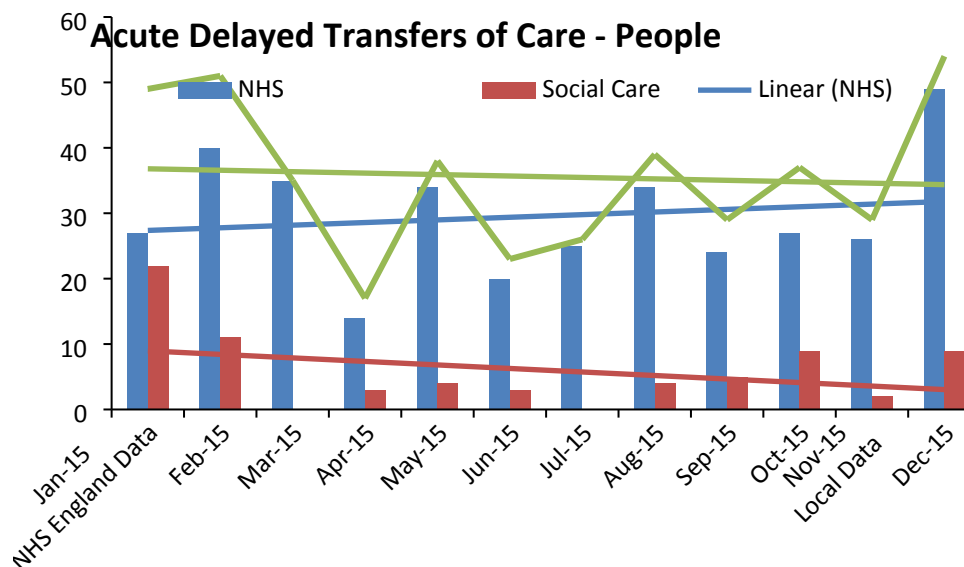
	All Delays		Social Care Delays	
	2014-15	2015-16 (to Oct)	2014-15	2015-16 (to Oct)
Wiltshire	18.1	14.6	9.7	4.3
England	11.1	11.7	3.7	3.6

Table 1 – DTOC Delays rates per 100,000

This shows that in England the average for all delays has increased while in Wiltshire there has been a substantial decrease in rate. The reduction in all delays can be wholly attributed to improvements in Social Care delays. Wiltshire has seen a substantial reduction in social care delays.

Wiltshire is no longer in the top (worst) quartile in England for the number of Delayed Transfers of Care. However having 3 acute hospitals means that Wiltshire will always be challenged to keep the delayed transfers of care numbers low.

The Graph below shows the improvement in the numbers of reportable Social Care delays within the 3 acute hospitals. (Please note: data up to October 2015 is the most up-to-date data available. NHS England are still processing the local data and will sign off in the next month).



The table below identifies the actual numbers of social care delays in 2015.

Acute Hospitals Social Care DToC Delays – 2015

	RUH	GWH	SFT	Totals
15/01/2015	2	0	17	19
22/01/2015	1	0	8	9
29/01/2015	2	2	8	12
05/02/2015	7	2	13	22
12/02/2015	3	1	12	16
19/02/2015	4	2	7	13
26/02/2015	1	1	5	7
05/03/2015	0	0	2	2

	RUH	GWH	SFT	Totals
12/03/2015	2	0	4	6
19/03/2015	0	0	0	0
26/03/2015	0	0	0	0
02/04/2015	0	0	1	1
09/04/2015	0	0	0	0
16/04/2015	0	0	0	0
23/04/2015	0	0	0	0
30/04/2015	0	0	1	1
07/05/2015	0	0	1	1
14/05/2015	0	0	0	0
21/05/2015	0	1	2	3
28/05/2015	0	0	2	2
04/06/2015	0	1	3	4
11/06/2015	2	0	2	4
18/06/2015	0	0	1	1
25/06/2015	0	0	1	1
02/07/2015	0	0	2	2
09/07/2015	0	0	0	0
16/07/2015	1	0	1	2
23/07/2015	1	1	0	2
30/07/2015	0	0	0	0
06/08/2015	0	0	2	2
13/08/2015	1	2	1	4
20/08/2015	3	0	4	7
27/08/2015	1	1	2	4
03/09/2015	0	0	0	0
10/09/2015	1	0	3	4
17/09/2015	1	1	5	7
24/09/2015	0	0	5	5
01/10/2015	1	3	3	7
08/10/2015	1	0	2	3
15/10/2015	0	0	4	4
22/10/2015	1	0	2	3
29/10/2015	3	0	6	9
05/11/2015	2	0	4	6
12/11/2015	2	0	2	4
19/11/2015	1	1	6	8
26/11/2015	1	0	2	3
03/12/2015	2	1	1	4
10/12/2015	3	0	5	8
17/12/2015	2	0	1	3
24/12/2015	1	2	2	5
31/12/2015	4	1	2	7

Overview & Scrutiny Engagement

- Scrutiny has taken a close interest in the development of improvements for Wiltshire through a number of activities including a dedicated task

group and progress reports to the Health Select Committee. Current monitoring falls to the Better Care Plan Task Group where there is regular dialogue, support and challenge.

Safeguarding Implications

6. It is important to discharge people from hospital in a timely and safe way. If someone is delayed in hospital waiting for Social Care then they are at risk of hospital acquired infections and may also lose some independence

It is also important that Hospital beds are freed up quickly when the person no longer requires hospital in-patient treatment.

Public Health Implications

7. It is important to facilitate safe and timely discharge from hospital for people to avoid hospital acquired infections.

Procurement Implications

8. Procurement of Help to Live at Home and Wiltshire Home First aim to reduce social care DTOC.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

9. Ensuring equality is one of the key objectives of the Better Care Plan.

Environmental and Climate Change Considerations

10. Not applicable as this is for information only

Risk Assessment

11. DTOC is part of the risk plan for Adult Social Care.

Risks that may arise if the proposed decision and related work is not taken

12. Not applicable as this is for information only

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

13. Not applicable as this is for information only

Financial Implications

14. There are financial implications relating to the DTOCs. In order to keep DTOCs to a minimum then we do have to purchase care (Both domiciliary care and care home placements) quickly. The DTOC Grant totalled £565,000. Keeping DTOCs low does have put a financial pressure on the Adult Social Care budget.

Legal Implications

15. Not applicable as this is for information only

Options Considered

16. Not applicable as this is for information only

Conclusions

17. Not applicable as this is for information only

Maggie Rae
Corporate Director

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31st December 2015

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Wiltshire Council

Cabinet

19 January 2016

Subject: Adult Care Charging Policy

Cabinet member: Keith Humphries Cabinet Member for Health (including Public Health) and Adult Social Care

Key Decision: Yes

Executive Summary

The Care Act (2014) represents the largest change to health and social care legislation since the introduction of the NHS. The Care Act was successfully implemented in Wiltshire in April 2015 when the new law came into effect.

The significant changes to the legislative framework and guidance has prompted a review of adult care policies so that the Council can ensure it complies with the terms of the Act.

This cabinet paper explains the proposals for changes to the Charging Policy. The proposals will bring Wiltshire Council in line with the majority of other Councils and ensure people who can pay for their care and support, pay as much as it is reasonable to ask them to contribute.

The policy will need to go through a period of public consultation.

Proposals

1. To approve the changes to the proposed charging policy, pending consultation, to include;
 - a. A clear statement for customers and officers that people will be expected to contribute for social care services
 - b. Continue to provide carers services free of charge, along with other prevention services as set out in the care act (equipment and intermediate care)
 - c. All of a person's disposable income will be taken into account when calculating contributions towards their care and support.
 - d. The actual rate of attendance allowance will be taken into account when calculating contributions.
 - e. The range of costs incurred by people, called Disability Related Expenditure, that can be disregarded in a financial assessment will be updated. (full DRE list changes are listed at appendix 2)
 - f. Contributions towards respite care will be based on a person's personal budget and ability to pay, rather than a standard charge for everyone.

- g. Charge an administration fee on a cost recovery basis for arranging care for self-funding customers.
2. To acknowledge that the consultation will be on the basis of establishing if there is reason to believe that people in Wiltshire would be impacted any differently to people in other areas where this approach is already in place.
3. Cabinet is asked to delegate to the Corporate Director following consultation with the Cabinet member for Health (including Public Health) and Adult Social Care to approve the policy, or any minor changes, following the consultation period. If a significant issue is highlighted during consultation it will come back for further consideration by Cabinet.

Reason for Proposal

The Care Act introduced a series of changes to legislation that must be reflected in the Councils policies. The policies have not been reviewed for some time and were due to be updated. The revised policy will ensure clarity and equity for customers and officers who will be operating within the new policies.

The proposed changes will align Wiltshire Councils charging policy with the national and regional trend.

The proposed changes to the charging policy will increase the amount of income generated through client contributions, which will allow the Council to continue to support the most vulnerable customers in Wiltshire.

Maggie Rae
Corporate Director

Subject: Adult Care Charging Policy

Cabinet member: Keith Humphries Cabinet Member for Health (including Public Health) and Adult Social Care

Key Decision: Yes

Purpose of Report

1. The Care Act gives local authorities the power to charge for certain social care services. The Charging policy sets out how contributions will be calculated and should be in line with National Guidance and the Care Act regulations.
2. The significant changes to the legislative framework and guidance has prompted a review of adult care policies so that the Council can ensure it complies with the terms of the Act.
3. The purpose of this report is to set out proposals to update the adult care charging policy, following implementation of the 2014 Care Act.

Relevance to the Council's Business Plan

4. The Care Act 2014 requires the Council to comply with all relevant legislation. The proposed charging policy includes a number of discretionary items related to the proposal to charge an arrangement fee for brokering care for self-funders and the way contributions are calculated.
5. The proposals have been drafted to ensure compliance with the Care Act but equally to provide the service area with a clear framework within which to deliver the goals set out in the Councils business plan. By ensuring people pay what they can afford to contribute towards social care services the Council will ensure that it can continue to meet the needs of the most vulnerable customers in our communities.

Background

6. The Care Act makes care and support clearer and fairer. The Act introduces a number of new duties that Councils must adhere to and includes a number of discretionary items which Councils can choose to enforce in the delivery of care and support services.
7. The proposals around charging are a key decision for the Council as they represent significant changes which will directly impact everyone paying for

care and support. The principle behind the policy is that people will be asked to pay the maximum they can afford to contribute so that the Council can continue to support the most vulnerable customers.

Main Considerations for the Council

8. The proposed changes will align Wiltshire Councils charging policy with the national and regional trend.
9. The proposed policy (Appendix 1) also reflects that the Council believes it is fair and reasonable to ask people to pay what they can reasonably afford to pay towards the costs of any care and support they require.
10. The proposed policy will also mean that people in residential care are financially assessed in the same way as people supported to live independently in the community.
11. The following proposals are being made to revise the Charging Policy.

Disposable Income

12. Disposable income is the amount of money a person has to spend once general living costs have been taken away from a person's total income.
13. The Council currently only takes into account 80% of an individual's disposable income when charging for care and support services for people living in the community. The Council takes into account 100% of a person's income if they live in residential care.
14. The policy proposes that 100% of a person's income will be taken into account for everyone. This change will mean that most people who pay for care and support, living independently in the community, will be required to pay a higher contribution for care.
15. Table 1 sets out the current approach that is taken by Councils across the South West in relation to disposable income and benefits. However, following the Care Act, most Councils are reviewing arrangements on all aspects of charging.

County	% of disposable income taken into account	Attendance allowance
Wiltshire (current)	80%	Lower Only
Wiltshire (proposed)	100%	Actual
Devon	100%	Actual Amount
South Gloucestershire	100%	Actual for services involving night time care Lower for care at home without night-time care
Dorset	100%	25% of the lower rate of Attendance Allowance
Gloucestershire	100%	Actual Amount

Torbay	75%	All disregarded
Bournemouth	100%	Actual
Plymouth	100%	30% disregarded
Bristol	75%	Actual
Cornwall	100%	Actual for services involving night time care Lower for care at home without night-time care
BANES	100%	Actual
Somerset	100%	Actual for services involving night time care Lower for care at home without night-time care
Poole	100%	Actual
Brighton and Hove	100%	Actual

Attendance Allowance and Benefits

16. Many people who receive care and support funded by the Council also receive benefits, the most common one being Attendance Allowance. People will either receive attendance allowance at a low or a higher rate depending on their needs.
17. The Council currently only includes the lower attendance allowance rate when calculating a person's disposable income. The policy proposes that the Council will take into account the full amount of attendance allowance when calculating contributions.

Disability Related Expenditure

18. Disability related expenditure is when people incur additional costs as a result of their disability. These costs are then not included in calculations to establish what disposable income a person has.
19. The Council has discretionary powers to decide what items it considers appropriate to include within their policy and what range of costs it would consider reasonable expense. However, there is guidance in the Care Act to suggest to Councils what it should allow as a minimum.
20. The policy proposes to update the list of Disability related expenditure (DRE) items (see appendix 2) in line with the 2014 Care Act guidance with some exceptions;
- the removal of any allowance for continence products, as these costs should be met by the Health commissioned continence service.
 - The addition of costs related to use of the internet, where they directly support a person's independence

Respite Care Contributions

21. The current policy applies a standard contribution for respite based on a customer's age. The new policy will mean all contributions for Respite will be calculated in the same way contributions for any other forms of care and support is made.

Arrangement Fees

22. The Care Act allows people with eligible needs to ask the Council to arrange their care. However, Councils can charge people the costs they incur. The power to do this for people in residential care has been deferred until 2020, so this will only apply to people supported in the community.
23. The policy proposes to take up this discretionary charging power if;
- a. they have eligible needs, but
 - b. are deemed to be full-cost payers, as they are assessed as having enough income to pay the full costs of their care

Consultation Approach

24. The consultation process will involve informing people currently funding their care and support through a letter. People will also be invited to workshops that will be facilitated by Healthwatch Wiltshire. These sessions will be open to people receiving care and support as well as those who are not.
25. The policy will be available through the consultation portal, for people to complete a questionnaire about changes to the policy.
26. Consultation will run for 90 days between January and May 2016
27. Discussions have already taken place with voluntary sector partners, representing a wide range of people who will be affected by these changes. They have contributed to the design of the consultation approach and the format of the letter
28. A full report of the consultation will be prepared, to support a delegated decision to be made.

Overview and Scrutiny Engagement

29. Changes to policies have not been discussed with Overview and Scrutiny but will be scheduled in as part of the consultation.

Safeguarding Implications

30. Like all policies affecting customers who receive care and support, this policy and any officers or individuals involved in delivering the policy shall be subject to Wiltshire Council's safeguarding procedures.

Public Health Implications

31. The policy is likely to mean that people will need to pay more towards the cost of their care and support. This could mean people have less disposable income to pay for activities that support their health and well-being and prevent a need for further support in the future.

Corporate Procurement Implications

32. There are no immediate Procurement implications. The policies will provide the service area with a framework within which contracts will be commissioned. Future procurement exercises will need to take into account the principles and statements included within the policy statements.

Equalities Impact of the Proposal

33. The proposed policy will have an impact on a wide range people, but primarily those that currently pay towards their care and support, or will do so in the future.
34. The financial assessment team have looked at recent assessments to apply the new policy and gauge what impact the changes would make on the amount a person contributes to their care and support. It is important to point out that the impact will be different for each person, so the figures arrived at are an average of the increases that resulted from applying the proposed policy.
- a. The change to 100% of eligible disposable income resulted in a £12 per week increase in what a person would contribute.
 - b. The change in attendance allowance resulted in a £27 per week increase.
 - c. Averages for the impact of changes to DRE could be established as every person was affected differently.
35. The total potential increase for a person is therefore expected to be between £12 and £40 per week. (In some cases it could be higher than this)
36. The actual amount a person would need to pay under the proposed policy will depend on
- a. how much they are already paying
 - b. what the value of their care and support is
37. If a person is paying £80 towards a support plan that costs £90, although the overall impact could be a £40 increase, their contribution would only go up by £10, as they are paying nearly the full cost of their care and support already.
38. Each year the financial assessment team assess 1340 new people who require support in the community. Typically 55% of those people need to make a contribution towards the cost of their care.

39. An equalities impact assessment has been started and will be completed as part of the consultation process. The working draft of the equalities impact assessment is included as Appendix 3. This assessment will help provide the evidence as to whether any parts of the proposed policy need to be changed as a result of the consultation process.
40. Although the change in policy will mean vulnerable adults will have to pay more for their care and support, the financial assessment will always mean they are never asked to pay more than they can afford.

Environmental and Climate Change Considerations

41. There are no considerations related to the charging policy.

Risk Assessment

42. The charging policy is being changed to ensure compliance with the Care Act and will align Wiltshire Councils charging policy with the national and regional trend.

Risks that may arise if the proposed decision and related work is not taken

43. There would be continued inequity between the way people in residential care are assessed compared to people living in the community.
44. The Councils charging policy will be out of date and there will be a lack of fairness and transparency in how social care is paid for in Wiltshire, as well as not being aligned to most parts of the region and country.
45. Pressures increase on resources to support vulnerable people in Wiltshire.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

46. Changes to the charging policy may be unpopular amongst those people who are required to pay more for their care and support. The consultation process will highlight that this change is about aligning charging for care and support with other councils in the region and country. The consultation process has been designed to identify the impact changes would have so that appropriate support mechanisms can be developed.
47. There is a risk that if all of a person's income is taken into account there will be no incentive to maximise other benefits they could be entitled to, as additional income will be used to pay for increased contributions for care and support. This risk will be mitigated by the financial assessment team working with people to ensure they claim all benefits they are entitled to.
48. By charging an arrangement fee for setting up care at home services it is possible customers will arrange care independently without taking proper advice, which could lead to them buying unnecessary support which uses up their financial assets quicker, leading to them requiring the council to fund

future care and support. This risk will be mitigated through the development of effective information and advice.

Financial Implications

49. The Council already has a charging policy in place and charges for care and support services in accordance with this policy and relevant legislation. The Council does not charge for carers services or any services prohibited in legislation such as Section 117 aftercare, intermediate care or community equipment.
50. The proposal will increase the amount customers have to pay for care and support based on the principle that customers should contribute the maximum reasonable amount that they can afford.
51. The full year impact will depend on
 - a. the number of new people requiring care and support in the community who are assessed as having to make a contribution
 - b. the number of people currently making a contribution who stop making a contribution
 - c. the number of people currently making a contribution who can be financially re-assessed during the year.
52. The Council has built into the budget for 2015/16 an increase in income of £300,000, based on only assessing new people requiring care and support and that only a partial year impact will be achieved. The full year impact will be closely monitored as financial assessments are completed in the first year.
53. The new policy will mean more people would have to make a contribution. Additional income could be generated if people currently receiving care and support were re-assessed against the new policy. There is no capacity in the team to currently conduct these reassessments but the Adult Care teams are working on a business case that balances investment in the staff to assess people against the likely additional income that could be collected.
54. The ability to charge for arranging care will not have a financial impact as the Council can only collect the costs incurred from making those arrangements.

Legal Implications

55. Section 14 of the Care Act gives Local Authorities a general power to make a charge for meeting needs for care and support under sections 18 – 20 of the Act. Detailed provisions in respect of charging and the assessment of resources are set out in section 19 of the Care Act, the Care and Support (Charging and Assessment of Resources) Regulations 2014 and relevant chapters of the Care and Support Statutory Guidance. Failure to implement the Care Act 2014 leaves the Council open to challenge by way of Judicial Review, however the Council was advised that it should ensure there was a period of consultation before any decisions are made as it has consulted previously on similar policy changes.

56. A comprehensive equalities impact assessment (EIA) should be carried out to ensure any decision was based on the impact it could have on any stakeholder group. The EIA will be completed following the consultation.
57. Where the Council is proposing to exercise discretionary powers this has been highlighted.

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Report Author

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December 2015

Background Papers

None

Appendices

Appendix 1 – Draft Charging Policy
Appendix 2 – Disability Related Expenditure List
Appendix 3 – Equalities Impact Assessment

Adult Social Care

Appendix 1

Draft Charging Policy

‘Determining Contributions to Personal
Budgets’



Consultation Document

This draft policy has been prepared as part of the consultation process, annotations have been added to the proposed policy to highlight key changes and to explain how the proposals differ from the current policy. Please take note of the ‘key changes’ and ‘key statement’ boxes included in the document when considering your response to the consultation questionnaire.

Key Change-

Key Statement

Glossary

Policy	Is a document that explains how Wiltshire Council will make decisions about a particular area or areas. Policies are used to make it clear to everyone what they can expect from Wiltshire Council.
Consultation	Is when the Council shares its ideas about a proposal to gather the views of communities and people who may be affected if the changes are agreed. Wiltshire Council will consider feedback gathered during the process and may make changes before submitting the proposal to elected members who make decisions.
Care Act (2014)	This is the law that sets out how local authorities must deliver care and support services in England. The draft policy has been developed so as to comply with the requirements of the Care Act, the Care and Support Statutory Guidance and The Care and Support (Charging and Assessment of Resources) Regulations 2014.
Wellbeing	<p>This concept is central to the Care Act and must inform all of Local authority's activities. There is no one definition of wellbeing and it is a broad concept. Considerations of wellbeing will take the following into account;</p> <ul style="list-style-type: none"> •Personal dignity •Physical and mental health and emotion well-being •Protection from abuse •Control by the individual over day-to-day life •Participation in work, education, training, or recreation •Social and economic well-being •Domestic, family and personal •Suitability of living accommodation •The individual's contribution to society
Carer	A carer is someone (aged 18 or over) who helps another person in their day to day life, usually a relative or friend, who could not manage without that support. This is not the same as someone who provides care professionally or through a voluntary

	organisation
Eligible Needs	Care and Support needs that meet the criteria set out in the Care Act and as such must be met by the Council based on your financial situation
Information	Means the communication of knowledge and facts regarding care and support.
Advice	Means helping a person to identify choices and/or providing an opinion or recommendation regarding a course of action in Relation to care and support.
Duty	This means that the Council is legally required to do what it sets out in the legislation.
Discretionary Power	These are powers Wiltshire Council can choose to use but are not legally required to do so.

Terms included in this Policy

Personal Budget	Is the agreed amount of funding required to meet an individual's assessed needs. The Council's contribution to this is always paid minus the individual's own contribution.
Financial Assessment (Means Test)	A meeting to establish your assets and income so as to determine how much (if anything) you will need to pay for care and support services. The purpose is to establish what it is reasonable for a person to pay towards the cost of their support
Disposable Income	The amount of money you have available to spend once daily living costs have been deducted from the total income you have.
Upper Capital Limit	Is the maximum amount of capital a customer can have to receive financial support from Wiltshire Council. Customers with more than the upper capital limit will be required to pay the full cost of their care and support.
Lower Capital Limit	Is the amount of capital you must have for your savings to be considered in accordance with this policy. If you have assets below the Lower Capital limit only your income will be taken into account.
12 week property disregard	Is available to customers who have eligible needs with a property valued at above the upper capital limit but with savings below the upper capital limit. For a period of up to 12 weeks the Council will fund care and support services in a care home based on the rate the Council can commission care and support services. If you choose a service that charges more than the Council can buy this care for you will be required to pay a top up.
Deferred Payment	Is a loan from the Council secured against the equity in your home so that you can pay for Care and Support services. By entering into a deferred payment agreement, a person can 'defer' or delay paying the costs of their care and support until a later date. The Council will charge an administration fee for setting up the loan and interest will be charged.
Contribution	This is the amount of money you need to pay for your care and support service based on your assessed income and capital assets.

Indicative Budget	If it is identified that you have eligible care and support needs you will be informed of an amount of money which you can use to help create a support plan. Indicative budgets are just a ball park figure and are not a guarantee of funding this is your 'personal budget' (see above)
Welfare Benefits Check	A check completed as part of a financial assessment to make sure you are getting all the benefits you are entitled to.
Income	All of the money you get on a regular basis (except Disability related expenditures)
Disability Related Expenses (DRE)	These are expenses that are disregarded from your income for the purpose of calculating your contribution. Please see the policy for details about what DRE items it is proposed will be allowed.
Arrangement fee	A fee charged by the Council to people with assets above the maximum threshold who ask the Council to arrange care at home on their behalf.
Third Party Top Up	An amount of money paid by a friend, relative or organisation to a care provider that charges more than the Council would reasonably expect to pay based on identified care and support needs. The Council will always offer people a choice of providers where no top up is required.
Non residential services	Care and support services provided in your own home, this includes sheltered housing and supported living.
Residential services	Services in a care home or care home with nursing.

Policy Cover Information

Policy number	4	Version number	2	Status	Draft
Implementation lead	All adult social care managers			Implementation date	Winter 2016
Policy approved by	Officers with delegated authority to approve annual fee charges and uplifts			Date approved	Autumn 2015
Next review date	April 2017				

Policy Control Sheet

Policy title	Charging Policy
Purpose of policy	To explain how Wiltshire Council works out how much a person should contribute towards the cost of their care and support
Policy author(s)	Olly Spence, Andrew Osborn and David Bowater
Lead Director	James Cawley, Strategy & Commissioning
Target audience	Frontline staff and members of the public
This policy supersedes	Charging Policy for non residential services 2014-15.
This policy should be read alongside	Personalisation Policy Prevention Policy Deferred Payment Policy Provision of Social Care Policy
Related Procedures	
Monitoring and review lead	Executive Office
First year review date	April 2017
Subsequent review date	April 2018
Internet link	

This policy can be made available in a range of accessible formats if required.

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a) **The Charging Policy – ‘Determining Contributions to Personal Budgets’**

Following an assessment of need, Wiltshire Council may agree a care or support plan to address an individual's unmet eligible needs in accordance with the Care Act 2014 and financial regulations issued annually. The cost of the care in the support plan forms the basis of an individual's personal budget which can be used either to pay for council commissioned services, or managed directly by the individual themselves, in the form of a direct payment, or a combination of both. This personal budget will, from April 2020, accrue within an individual's Care Account; which after reaching an upper limit of £72,000, the council will be responsible for meeting in its entirety.

As resources are limited, Wiltshire Council undertakes a financial assessment to determine the individual's (and the council's) contribution to their personal budget before the cap on care is reached. This is undertaken in line with national guidance on charging. Financial Assessment shall only be completed after an eligibility determination has identified a customer has unmet eligible needs.

In accordance with the Prevention Policy some support services will be provided to reduce, delay or prevent customers developing eligible needs. In these cases the Council may also conduct a proportionate financial assessment to establish a customers' ability to pay for preventative services.

Key Statement- The Care Act requires that all Local authorities make sure everyone who gets care and support services is given a personal budget. Personal budgets are the cost of an individual's care and support service. Personal budgets can be managed by the Council on behalf of a person, provided through direct payments, or a combination of both. The amount an individual needs to contribute to care and support is based on an individual's personal budget.

b) **What Does It Cover?**

This policy applies to all people who have been assessed as having an eligible need. This Policy is designed to provide everyone with care and support needs and those without needs with information regarding charging that will help them to make decisions regarding care and support.

All services will be subject to normal charges in accordance with this policy

Exceptions: Individuals will NOT be charged for:

- 1) Assessment of needs and care planning will not be charged for, since these processes do not constitute “meeting needs”.
- 2) Services identified in the Care Act including community equipment aids adaptations under the value of £1000

- 3) After-care services and support provided under section 117 of the Mental Health Act 1983
- 4) Care and support provided to people with Creutzfeldt-Jacob Disease.
- 5) Carers: 'carers services' that have been provided after a carer's assessment has identified a carer has eligible needs for support
- 6) Preventative Services: The Prevention Policy outlines preventative services that may not be charged for based on the likelihood a service will prevent the following.
 - a person from being admitted to hospital
 - a person from needing to move into residential care
 - a need from developing and/ or escalating; and so supporting a person to remain independent at home
- 7) Intermediate care services will also be provided through the Councils Prevention approach. These services shall not be means tested and support will be free for a period of up to six weeks. If a customer remains in intermediate care services over six weeks then a financial assessment may be required to determine charges in accordance with this policy.

c) Key Principles

The principles for this policy sit alongside the overarching principles set out in the Personalisation Policy. The details specific to the Charging Policy are as follows:

- Individuals will be asked to complete a financial assessment to enable the Council to calculate their contribution.
- The contributions will be calculated openly and transparently with individuals treated in a fair and consistent manner.
- Contributions will not exceed the full cost of the care.
- Contributions will be calculated on the basis of current income and savings and the charge will initially be based on that amount. If after a welfare benefits check it is identified that the customer may be entitled to more benefits, charges will be recalculated and backdated on the basis of the additional income.
- Individuals will be offered a welfare benefits check to ensure that they are receiving all of the benefits to which they are entitled.
- A reassessment of contributions will be carried out annually for residential care or following a request arising from a change of circumstances, such as moving address or significant change in financial circumstances.
- A reassessment of contributions will be carried out for customers in receipt of non residential care services whenever there is a significant change in financial circumstances or following a request arising from a change in circumstances or annually if this is deemed to be appropriate and proportionate.

- If a person does not wish to, or refuses, to disclose financial information they will be required to pay the full cost of the service.

Key Statement- The overarching principle behind the development of this policy is that people who need care and support should contribute what they can reasonably afford to pay. The proposed policy explains how the Council will calculate what is reasonable, based on a person's income and capital assets such as property.

d) National Context

This policy is written in accordance with the statutory regulations and guidance set out in the Care Act (2014). The principles behind the legislation have informed the development of this policy.

Local authorities have discretionary powers to charge adults who receive care and support services and have been assessed as having capital and /or property assets below the national minimum thresholds.

The Care Act gives Local Authorities the discretionary legal power to charge for care and support services based on an individual's assets and income.

e) Charging - the Process in Practice

Wiltshire Council will exercise the discretionary powers set out in the Care Act and will charge for care and support services (excluding services for carers, some prevention services, intermediate care services and other exceptions set out above)

The amount Wiltshire Council will charge shall be in accordance with this policy and all applicable legislation.

1. Information

Information will be provided to all individuals required to pay towards their care and support, explaining this policy. The appropriate rates of contributions and allowances for all individuals will be updated annually to reflect changes.

All care and support plans will cover financial matters and the charges that a customer may need to pay. This will include to an explanation of personal budgets and the ways in which a personal budget can be taken. All customers will be informed that the Council can arrange care on their behalf but that there will be a charge for this service for customers who are assessed as having assets above the maximum threshold.

After the eligibility determination people will be given an indicative budget. Indicative budgets are a 'ball park' figure and provide a range within which it is estimated an individual's personal budget is likely to be. An indicative budget is not a guarantee of funding but is intended to help a person plan their care and support in the context of

the money that is likely to be available to them.

Key Statement- The way in which the Council calculates personal budgets explained in this policy has been agreed in the Council's personal budget policy which was subject to a period of consultation and has been formally adopted by the Council. This does not constitute a change to current policy. More information about personal budgets and the personal budget policy can be found at

<http://www.yourcareyoursupportwiltshire.org.uk/paying-for-care/personal-budgets.aspx>

2. Financial Assessment

A financial assessment (means test) will be undertaken for all individuals who need care at home or residential care and request financial help or direct payments (when applicable) from Wiltshire Council or other services to meet that need.

The financial assessment will be carried out by specialist financial assessment officers as soon as possible following the completion of the care and support plan. This will usually be a personal visit if care at home is required, and a provisional indication of the level of contribution will be indicated immediately where possible. This will be confirmed in writing as soon as possible following the completion of the financial assessment and any checks that may be necessary.

For residential care the financial assessment would normally be completed by post and a provisional contribution will apply until a confirmed contribution is calculated.

The assessed contribution shall then be backdated to the start date of the service or placement.

In assessing what a person can afford to contribute Wiltshire Council will apply the upper and lower capital limits as set out in the regulations. These limits will change over time in accordance with legislation. In these instances Wiltshire Council will apply the revised lower and upper capital limits.

An individual's contribution can be known as the client contribution and shall mean the amount the person has been assessed as needing to pay for their care and support.

Individuals will be advised that they can be supported by a relative, friend or other representative during any financial assessment visit.

3. Welfare Benefits

All individuals who are subject to a financial assessment will be offered a welfare benefits check and where appropriate will be assisted in completing a claim for benefits to which they appear to be entitled.

A financial re-assessment will be undertaken following the award of benefits to re-calculate the contribution payable.

4. Date of Commencement of Charges

For care at home a charge will start from the date of commencement of service, the individual having been informed of the potential full cost beforehand (unless specifically informed that a period of free care applies).

Any subsequent financial assessment that then indicates a customer has assets above the maximum threshold shall mean that the customer will be required to pay the full cost of the care backdated to the commencement of service.

If an individual is eligible for additional welfare benefits, there may initially be a provisional charge that will be adjusted to reflect any increase in benefits. The revised contribution would be backdated to the date of the award of the benefits or commencement of service whichever was appropriate. For residential care any charge will apply from the date the placement begins.

5. Calculating the Charge

Personal Budgets

As set out in this policy and the personalisation policy a personal budget is the agreed amount of funding required to meet an individual's assessed needs. The amount an individual has to contribute towards care and support services is based on their personal budget. Personal budgets include the costs of any care and support services that have been agreed to meet an individual's needs including day care, respite and any other services. Personal budgets do not include services that are excluded by this policy such as intermediate care services.

All contributions are calculated based on an individual's agreed personal budget amount in accordance with this policy.

Direct Payments

Direct Payments are a way in which a person can receive their personal budget when they are given the personal budget amount and are able to arrange care and support services independently. This charging policy will apply to individuals who choose to receive a direct payment as well as those that use services commissioned by Wiltshire Council. The individual's contribution will be deducted from the direct payment.

Current legislation does not allow people to use Direct Payments to pay for residential care services. If legislation changes to allow this the Council will apply the same standards set out in this policy for all Direct Payments.

Intermediate Care Services

This section applies to all bed based and home intermediate care services.

Intermediate Care services are short term periods of support provided to prevent an admission to an acute (hospital/health) service or to facilitate a quick discharge from hospital.

These services are not means tested and no charges shall be made for these services for a period of up to six weeks. If intermediate care services are provided for a period of more than six weeks Wiltshire Council may exercise its right to charge for this support. The decision to charge for intermediate care services extending beyond six weeks shall be in accordance with the Prevention Policy. It will be based on the preventative benefits and the likelihood the service will prevent admission to hospital, permanent residential care or significant impact on a customer's independence at home.

Residential Services

In accordance with the Care Act, individuals are expected to pay for this type of service (residential care), in line with their ability to pay as determined under Regulations.

The calculation to identify the charge that will apply will be as follows for residential services:

Savings

If an individual has more than the upper capital limit defined in the regulations in savings and capital (including the value of their home or other property) they will normally be required to pay the full cost of their care, and will not be entitled to financial assistance from the council (see below regarding property). Individuals will be advised of the options available for arranging their care including requesting Wiltshire Council to arrange if for them

If you have saving/capital below the lower capital limit this will be disregarded (i.e. you will be assessed on the basis of your income alone) but if you have savings between the Lower Capital Limit and Upper Capital Limit the council will add £1.00 per week to your income (called tariff income) for each £250.00 or part thereof between these amounts (i.e. £15,000 savings would attract a tariff income of £3.00 per week as this is £750 over the disregarded savings presuming the Lower Capital Limit is £14,250).

Income that accrues to any sum of capital derived from an award of damages for personal injury that is administered by the High Court, a County Court or the Court of Protection or that can only be disposed of by order or direction of any such court and any income that accrues to such capital shall not be included in tariff income calculations in accordance with the Care Act.

Tariff Income will be revised if there are any changes to the lower or upper capital limits.

Income

All of an individual's income (including benefits) is included in a financial assessment in accordance with the charging regulations to determine the contribution they will be asked to make towards their care home fees. Some income is disregarded from the financial assessment, as set out in the Care Act and associated regulations such as mobility allowance, and a figure for their personal allowance, presently £24.90 per week.

Key Statement- There is no change to the way in which contributions are calculated for customers who are supported in residential care homes (with or without nursing) on a permanent basis.

Deferred Payments-

A Deferred Payment is a loan from the Council secured against the equity in an individual's home so that they can pay for care and support services. By entering into a deferred payment agreement, a individual can 'defer' or delay paying the costs of their care and support until a later date.

The Council will offer deferred payments to all eligible individuals in accordance with the deferred payments policy. The policy will charge an administration fee for setting up the loan and interest charges will be incurred against the loan.

Key Statement- Deferred Payments were introduced by the Care Act 2014. The Council has a responsibility to offer deferred payments to everyone who is eligible. The Council has consulted on a separate deferred payment policy which explains the Council will exercise its power to charge interest on any money borrowed from the Council and an administration fee to cover the costs of setting up the payment.

Temporary Residents

Respite Care

Respite care is often provided to allow a carer a break from there caring role. Respite care means that the person who needs care and support services is supported in a care home or at home for a short period.- The calculations for contributions for respite are based on the cared for persons personal budget.

Key Change- The current policy applies a standard contribution for respite care. The revised policy proposes that contributions for respite care will be based on an individual's personal budget and the calculations based on a full

financial assessment.

Temporary Placements

Temporary placements are short term residential or nursing care home placements. Individuals in receipt of a temporary placement shall be subject to a full assessment and charged in accordance with this policy.

A financial assessment will be undertaken taking an individual's income and savings between the lower capital limit and upper capital limit into account; but allowances to maintain their home will be included in any assessment.

Arrangement Fees

Individuals who have capital above the threshold and have assessed eligible needs can ask the Council to arrange their care and support services at home. Wiltshire Council will arrange care on their behalf but will charge an arrangement fee for doing this. Every time an individual asks the Council to arrange or revise their care and support services the fee will be charged.

Key Change- The Care Act introduced a legal responsibility for Councils to arrange care and support services for people with assets above the maximum threshold who have care and support needs that meet the national eligibility criteria and want care at home services. The Council is proposing that in meeting this responsibility they will exercise the optional power to charge an arrangement fee for providing this service. The fee is based on the actual costs the Council would incur in delivering this service. The fee is currently set at £56.00 and will apply each time an individual asks the Council to arrange a care package for them. The fee will be reviewed based on any changes to costs.

Choice

If an individual qualifies for financial assistance from the council they will be given details of care homes that provide care able to meet their needs in order for them to choose a care home that suits them.

Individuals have a right to choose accommodation in line with the council's policy on the provision of social care. However, if the care home they choose charges a fee above the rate the Council can commission their care and support for, they will need to arrange a top up or deferred payment agreement to meet the shortfall.

Any contribution that an individual is asked to make towards their care will form an aspect of their total personal budget for example if their personal budget is £600 per week and they have been assessed to contribute £240 per week, the individual will pay £240 and the Council will pay £360 per week. Any top ups an individual chooses

to pay shall not form a part of their personal budget.

'First party Top ups' where an individual pays additional amount for their care and support fees are currently not allowed under the regulations, apart from for 12 week property disregards. If the regulations in the future change to allow first party top ups, the Council will permit them to be made

Property

If an individual only owns the home they live in, this is normally regarded as an asset but can be disregarded in the following circumstances if it is occupied by a:

- spouse
- relative aged over 60
- disabled relative
- dependent child under 16

If an individual own their home only (or has an interest in it valued at more than the upper capital limit) but they have savings of less than the upper capital limit, they may be entitled to financial assistance from the council for up to 12 weeks called a '12 week property disregard' to assist with their care home fees. At the end of the 12 weeks, although the individual will then be liable to meet the full cost of their care, they can ask the council for a deferred payment to help meet care fees pending the sale of their property (see the Deferred Payment Agreement policy).

If an individual does not wish to sell their property immediately, the council can still offer a loan which is termed 'a deferred payment'. This is when the council will place a legal charge against an individuals' property to secure the loan. In both instances they will have to make a contribution towards the full fee based on a financial assessment of their income as indicated under 'INCOME/ SAVINGS' above and the council will loan the difference to make up the full cost of the care fee

Deferred Payments shall only be offered in accordance with the deferred payment policy after a valuation of the property has been completed. An administration charge and interest charges will be made against deferred payment loans in line with the deferred payment policy.

- [Paying for residential or nursing care where people own their property.](#)

Payment/Contract Arrangements

Once a care home has been identified, placement date agreed and contributions determined, the council will draw up a contract for an individual's care with the care home provider. Any third party arrangement will need to be subject to formal agreement between the third party and the Council. The individual's contribution should be paid direct to the care home and the council will pay its share direct to the

care home as well.

Calculating the Charge

Calculating the Charge for Non-Residential Services

Personal budget amounts will be used as the basis for all calculations of contributions to care and support.

If the council considers an individual can afford to pay in full for these services, it will in general not provide them without charging an arrangement fee as well as the cost of care.

In deciding if you can afford to pay the council applies the following rules to your capital (including savings) and income:

Capital

The council will not take into account the value of an individual's interest in their only or principal home – but it will take into account the value of their interest in any other property.

In addition the council will not take into account:

- capital the total value of which is below the upper capital limit
- any other capital that the Department of Health's guidance on Charging for Residential Accommodation, requires it not to take into account - unless there is good reason to take it into account, for example where you have received personal injury compensation (held now in trust or administered by the courts) for the same services that you ask the council to provide.

The council will take into account all other capital.

Income

The council will, to begin with, take into account all income, including pension income, and any other income.

The council will then make deductions from this income (see below) and treat the remaining income as disposable income. Disposable income is the amount of money you have available including any tariff income after all deductions for essential living costs and disability related expenditures (see appendix 1) have been deducted.

The Council will take into account one hundred percent of an individual's disposable income when calculating how much they will have to contribute for Care and Support services.

The Council will take into account the full amount of any benefits when calculating contributions including the full rate of Attendance allowance received.

The council will then take all disposable income as income that you can be expected to use to pay for any services it provides for you, or to use to contribute to their cost.

Key Change- The Council currently takes into account eighty percent of an individual's disposable income when calculating how much people need to pay for care. As described above disposable income is the amount of money left over after all essential living expenses and disability related expenses (DRE) have been paid for. The policy proposes that Wiltshire Council will increase the amount of disposable income it takes into account from eighty to one hundred percent. This will mean that people who receive care and support services at home will need to contribute more for these services.

The current policy states that the Council will only take into account the lower rate of attendance allowance. The proposal means that the Council would take into account all of a person's attendance allowance when calculating contributions. For individuals who receive the lower amount this would not represent a change but individuals who receive the higher amount would be required to contribute more for their care and support services.

Savings

If an individual has more than the upper capital limit defined in the regulations in savings they will normally be required to pay the full cost of their care, and will not be entitled to financial assistance from the council. Individuals will be advised of the options available to them for their care arrangements, including requesting Wiltshire Council to arrange it on their behalf.

If an individual has savings /capital below the lower capital limit this will be disregarded (i.e. they will be assessed on the basis of their income alone) but if they have savings between the Lower Capital Limit and Upper Capital Limit the council will add £1.00 per week to their income (called tariff income) for each £250.00 or part thereof between these amounts (i.e. £15,000 savings would attract a tariff income of £3.00 per week as this is £750 over the disregarded savings presuming the Lower Capital Limit is £14,250).

Income that accrues to any sum of capital derived from an award of damages for personal injury that is administered by the High Court, a County Court or the Court of Protection or that can only be disposed of by order or direction of any such court and any income that accrues to such capital shall not be included in tariff income calculations in accordance with the Care Act.

Tariff Income will be revised if there are any changes to the lower or upper capital limits.

Deductions

The following deductions will be made from income.

- For people under 60 years a sum equal to basic Income Support Personal Allowance plus premiums for age, level of disability or family status (but not Severe Disability Premium) plus 25% buffer. This is the General Living Allowance.
- For people over 60 years a sum equal to the Pension Credit Guaranteed Credit (but not Severe Disability addition) plus 25% buffer. This is the General Living Allowance.
- The Savings Credit Reward.
- Any housing costs such as mortgage and rent that is net of any housing benefit.
- Any council tax payable net of council tax benefit.
- The additional expenditure incurred as a result of a disability (Disability Related Expenditure) NB – appropriate evidence will be required to confirm expenditure and qualify for an allowance. Payments to family members will not be allowed as DRE unless there are exceptional circumstances Please see Appendix a details all disability related expenditure that will be disregarded and the evidence required.
- Any support provided by family members to a client in their own home will be expected to be provided free of charge.

Key statement- this section explains what essential living expenses such as housing costs will be deducted from an individuals' income so that they never have to contribute more than they can afford to pay. Contributions will always be calculated so as to leave an individual enough income to pay for all their essential items.

Minimum and Maximum Charges

The minimum charge is £2 a week, i.e. an individual will not have to pay anything unless the council considers they can afford to pay at least £2 a week.

There is no maximum charge; an individual may be required to pay in full for the services provided.

Treatment of Couples

A partner's income/savings does not affect the charge applied to an individual.. However the council does seek information from a partner in order to apportion 'housing costs' incurred by the couple. If a partner chooses not to disclose, housing

costs will not be allowed. If a partner has more than the upper capital limit, no housing costs will be allowed. The Council will also ensure that both individual and their partner have at least the appropriate General Living Allowance rate plus 25% buffer, before any contributions are applied.

Payment/Contract Arrangements

Any contribution an individual is asked to make should be paid direct to the Provider and the council will pay its share direct to them as well. If an individual requests a direct payment, any contribution will be deducted from the direct payment and they will be expected to enter into a formal direct payment agreement and pay any assessed contribution into the direct payment account.

Intermediate Care/ Reablement

Charges will be waived for a period of up to 6 weeks or longer in accordance with the Prevention Policy where the specific eligibility criteria are met for intermediate care/ reablement. If an individual remains in a service after intermediate care services have been concluded and an assessment of need has identified care and support needs the terms of this policy shall apply in terms of charges and choice.

Respite Care

Contributions for respite care will be based on an individual's personal budget in accordance with the terms described in this policy.

Day Care Services

If an individual has more than the upper capital limit they are expected to meet the full cost of day care. If an individual has assets below the Upper Capital limit contributions for day care will be based on an individual's agreed personal budget .If transport is arranged and provided by the Council then the cost of the transport is calculated on the basis of the cost of travel to the nearest suitable facility. Transport costs can include the costs of any transport assistants. If the day centre provides meals the individual will be asked to make a contribution towards the meal.

Pet Care

The Council will arrange for suitable care for pets if due to an unforeseen event an individual is not able to look after a pet. In the first instance the Council will identify family, friends or local charities that may be able to care for the animal. If this is not possible or appropriate the Council will arrange for pet care. The individual will be charged for all pet care costs incurred.

f) Monitoring, Evaluation and Review of this Policy

The individual is at the centre of everything we do. We will regularly ask people for their views about the services they receive and respond by shaping those services accordingly.

Individuals may wish to challenge various decisions, such as: the amount of their contribution or decisions regarding community or residential care. In such cases, they will be provided with a full and clear audit trail to explain why decisions were made. First of all, individuals should discuss and negotiate the decisions with the financial assessment team while the decisions are still being made. If an individual is still unhappy their case can be referred to the team manager for further discussion and negotiation.

Our [complaints procedure](#) can also be used at any time. Advocacy and support on complaints is available from SWAN advocacy services (<http://swanadvocacy.org.uk> / 01722 341851).

Feedback on the Council's policies in general is welcome. Please email the document author.

Together with individual feedback, complaints information and feedback from staff, the information will be used to improve the Council's policies and procedures in future.

A review of this policy will take place in April 2017.

Appendix A- Disability Related Expenditure (DRE)

The following sums may be disregarded from an individuals' income based on the provision of the required evidence.

Expense	Maximum weekly allowance	Evidence Required	Notes
Personal care arranged privately	£0	Personal care costs to meet eligible needs form part of a personal budget, so are not included in the DRE list. Cost to meet needs not considered eligible are also excluded	Included on list only to make clear that we do not disregard costs on this area
Domestic help	Actual Cost up to 2 hours	No change to current policy – split per household if appropriate	Only included if in support of an assessed eligible need and replaces need for funded support
Day or night care that is part of supported living accommodation	Actual Cost up to £25.00 per week	Evidence that the requirement for day or night care support, included in the costs of supported living accommodation, is required to address eligible needs	
Specialist Items	N/A	Evidence of Purchase	Items of specialist equipment are listed below, but if agreed other items can be considered
a) Bed (Powered)	£4.20	Evidence of Purchase	
b) Turning Bed	£7.20	Evidence of Purchase	
c) Hoist	£2.88	Evidence of Purchase	
d) Reclining chair (powered)	£3.30	Evidence of Purchase	
e) Stair lift	£5.88	Evidence of Purchase	
f) Wheelchair (Manual)	£3.75	Evidence of Purchase	

g) Wheelchair (powered)	£9.12	Evidence of Purchase	
Community Alarm system/lifeline	£4.20	Social worker confirms requirement as part of care plan, supported Care is reduced accordingly	
Laundry/ Specialist washing powder	£3.65	Care plan will have identified incontinence problem. Identify more than four loads per week	
Gardening	Actual cost up to £10.00 per household	Signed receipts for at least four weeks.	
Additional household costs related to provision of personal care	Actual costs up to £3.00 per week	Evidence of Purchase	Reasonable household expenses related to additional costs incurred due support being provided due to a persons disability, illness
Heating- extra heating for medical reasons- check average costs against heating bills	£9.10	Annual fuel bills	
Medication	Actual Cost	Letter from doctor confirming	
Food or special diet for medical reasons e.g. diabetic	Actual cost up to £8.39	Shopping receipts	
Home Maintenance	Up to £5.49	Receipts from contractors	
Additional transport costs necessitated by illness or disability	Reasonable cost	Travel Receipts	
Clothing(Heavy wear and tear)	Up to £5.60 per week	Receipt of purchase	
Metered Water- above the average for their area and	Actual cost above local average	One years' worth of bills from provider and related to eligible need	

house type			
Internet Access	Actual weekly cost	Bills from provider, but only included if supporting well-being and eligible outcomes	
Court of protection fee(In House)	£5.00 for appointee ship £15.00 for deputyship	In house service	only included if eligible needs identify a requirement for this support
War Pension	This is a benefit paid by Department for Work and Pensions	Customers must have an entitlement prior to 2005. Verification required from Department for Work and Pensions	

Key Change- The list above details essential expenses that are related to a disability. These expenses will be considered on a case by case basis and will require evidence of the expenditure so that they are considered. The proposal includes a number of changes including removing continence products over and above those supplied by health and medication products.

The revised list proposes that the Council will take into account the actual amount of attendance allowance received (if any) currently only the lower rate of attendance allowance is considered.

Appendix 1 - Disability Related Expenditure Items

13/11/15

EXPENSES	MAXIMUM WEEKLY ALLOWANCE	EVIDENCE REQUIRED DURING FINANCIAL ASSESSMENT	CONSIDERATIONS	DECISION
Personal Care arranged privately	£0		Personal care costs to meet eligible needs form part of a personal budget, so are not included in the DRE list. Cost to meet needs not considered eligible are also excluded	Included on list only to make clear that we do not disregard costs on this area.
Domestic help	Actual Cost up to 2 hours	Receipts from provider	No change to current policy – split per household if appropriate	Only included if in support of an assessed eligible need and replaces need for funded support
Day or night care that is part of supported living accommodation	Based on actual but up to £25 per week	Invoices for accommodation	Evidence that the requirement for day or night care support, included in the costs of supported living accommodation, is required to address eligible needs	Inclusion will allow core costs, such as those within sheltered or extra care schemes, to be disregarded
Specialist Items		Evidence of purchase	Items of specialist equipment are listed below, but if agreed other items can be considered	
a) Bed (Powered)	£4.20	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
b) Turning Bed	£7.20	Evidence of purchase		Addition to DRE list as in national list
c) Hoist	£2.88	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
d) Reclining chair (powered)	£3.30	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
e) Stair lift	£5.88	Evidence of purchase	No change to current policy rates set by Naffao	No Change
f) Wheelchair (Manual)	£3.75	Evidence of purchase	No change to current policy rates set by Naffao	No Change
g) Wheelchair (powered)	£9.12	Evidence of purchase	No change to current policy rates set by Naffao	No Change
Community Alarm system/lifeline	£6.95	Social worker confirms requirement as part of care plan, supported Care is reduced accordingly		Remain in policy but will be capped at £4.20 in line with personal budget policy
Laundry/ Specialist washing powder	£3.61	Care plan will have identified incontinence problem. Identify more than four loads per week	No change to current policy rates set by Naffao	Remain in policy but will be capped at £3.65
Gardening	Actual cost up to £10.00 per household	Signed receipts for at least four weeks.	Naffao states based on individual cost with no cap of £10.00- possibly amend	No Change
Additional household costs related to provision of personal care	Actual costs up to £XX	Evidence of receipts	Reasonable household expenses related to additional costs incurred due support being provided due to a persons disability, illness	Addition to DRE list as in Care Act guidance
Heating- extra heating for medical reasons- check average costs against heating bills	£9.05	Annual fuel bills	Naffao states based on individual cost with no cap of £9.05- possibly amend	Remain in policy but will be capped at £9.10
Medication	Actual Cost- No cap	Letter from doctor confirming	No medication in National Policy- health need	No Change
Food or special diet for medical reasons eg diabetic	Actual cost up to £8.39	Shopping receipts	No food allowed in National policy but rarely included in assessments	No change
Home Maintenance	Up to £5.49	Receipts from contractors	No home maintenance in national policy	No Change
Additional transport costs necessitated by illness or disability	Reasonable cost	Travel Receipts	No travel in national policy	No Change
Clothing(Heavy wear and tear)	Up to £5.57	Receipt of purchase	No wear and tear in national policy	Remain in policy but would be capped at £5.60
Metered Water- above the average for their area and house type	Actual Cost	One years' worth of bills from provider and related to eligible need	No water charge in National Policy- not included in current policy.	Agreed this would be added to policy. We need to establish what is average usage. This will be based on the amount of people per household.

EXPENSES	MAXIMUM WEEKLY ALLOWANCE	EVIDENCE REQUIRED DURING FINANCIAL ASSESSMENT	CONSIDERATIONS	DECISION
Incontinence pads/ Purchase of additional or new bedding due to incontinence	Actual Cost	Verification that client is not able to receive them from NHS	No incontinence in National Policy or local policy. Health Need	Remove from DRE list
Internet Access	Actual weekly cost	Bills from provider, but only included if supporting well- being and eligible outcomes	No internet in National Policy. Not included in Local Policy	To be added the DRE list
Court of protection fees (In House)	£5.00 for appointee ship £15.00 for deputyship	In house service	No COP fees in National policy not included in current local policy	To be added, but only included if eligible needs identify a requirement for this support
War Pension	This is a benefit paid by Department for Work and Pensions	Customers must have an entitlement prior to 2005. Verification required from Department for Work and Pensions	Currently included in local and National Policy and attracts a £10.00 disregard. There is no change to this in the Care Act	No Change

**Charging Policy Changes
not part of DRE**

Attendance Allowance	This is a benefit paid by Department for Work and Pensions	This is not means tested but based on the clients need for help with Personal Care. There is a Higher and Lower rate. The higher rate is payable when the client has night time needs.	Currently included in National and Local Policy. Our local Policy only takes the lower rate into account even if the client is receiving the higher rate. The Care Act suggests that Attendance Allowance of whatever rate should be taken fully into account.	Change to consider higher rates in line with the Care Act
Percentage of disposable income taken into account	Policy currently set at 80%		It could lead to an increased number of complaints or unpaid client contribution. There is also no incentive to claim any benefit entitlement as this will be taken fully into account and not make the client better off in any way However the general view is that you then need to consider a wider range of Disability Expenditure if you are taking 100% of the income.	Change from 80% to 100%

Equality Analysis Evidence Document					
Title: What are you completing an Equality Analysis on?					
<p>This Equalities Impact Assessment has been completed as part of the proposal to consult on a number of changes to the adult care charging policy. The policy was last updated in 2003 and is in need of an update to reflect the revised guidance published in the 2014 Care Act and so as to align Wiltshire Councils approach to that of other Local Authorities across the South West.</p> <p>The policy once in effect will provide the Council with a clear framework within which to operate and deliver its statutory functions.</p> <p>This Equality Impact Assessment (EIA) is a working document. It details the equality analysis work undertaken so far and identifies the future work needing to be undertaken to ensure that Wiltshire Council meets its statutory obligations under the Public Sector Equality Duty. It is updated at various points as the proposal progresses.</p>					
Why are you completing the Equality Analysis? (please tick any that apply)					
Proposed New Policy or Service	Change to Policy or Service	MTFS (Medium Term Financial Strategy)		Service Review	
Version Control					
Version control number	1.0	Date	04/01/2016	Reason for review (if appropriate)	Updated based on December 2015 contribution figures.
Risk Rating Score (use Equalities Risk Matrix and guidance) **If the Risk Score is 1 or 2, an Impact Assessment does NOT have to be completed. Please check with equalities@wiltshire.gov.uk for advice				Inherent risk score on proposal	
				Residual risk score after mitigating actions have been identified	
Section 1 – Description of what is being analysed					

a. Introductory note:

This document has been prepared to supplement a cabinet paper setting out the proposed changes and seeking delegated authority to proceed with a consultation on those changes. Based on the feedback generated through this consultation process and after due consideration of this feedback the policy will be adopted or revised. Any significant revisions will be approved by Wiltshire Councils cabinet. The document will be published as part of the public consultation process.

b. What is being Impact Assessed:

This Equality Impact Assessment (EIA) has been produced to review the potential impact that the changes to the charging policy will have. The charging policy sets out how the Council will calculate care contributions for adults who are eligible for care and support for care and support services. The policy also explains when the Council will exercise its discretionary powers to charge for care services and when services will be delivered without any means testing.

The Care Act (2014) which came into force in April 2015 represents the most significant change to health and social care legislation since the 1948 National Assistance Act. As well as introducing a range of new duties, the legislation contained detailed guidance, legislation and discretionary powers relating to charging for care and support services.

Key changes in the policy which form the focus of this analysis are

- Changes to how financial contributions are calculated as set out below.
- The proposal to take all of a person's eligible disposable income into account when calculating contributions. (Currently 80%)
- The proposal to Take into account the actual amount of Attendance Allowance paid to an individual (Currently only the lower amount is taken into account)
- Changes to what disability related expenses are taken into account when calculating client contribution (see point e in this section)

The proposed charging policy has the potential to have a significant impact on a number of people who receive social care support in Wiltshire. The policy has been updated in response to the Care Act (2014), which includes supplementary guidance about what Disability Related Expenses (DRE) should be allowed. The policy has also been revised as the existing policy is due for renewal (last reviewed 2003) and is out of date as a result the legislation mentioned above. The policy has been drafted so as to provide clarity for customers and so that the Council is able to continue providing statutory care and support services to those who need it most while investing in prevention and early help to reduce the number of people who need statutory care and support services.

The key proposed changes in the policy are that, Wiltshire Council will align its approach to that of other Local Authorities and will take into account one hundred percent of a person's eligible disposable income into account and will consider the full amount of any attendance allowance received when calculating contributions for care and support. The policy also lists a number of changes to DRE expenses that will be permitted. The Policy reiterates that the Council will exercise its power to charge customers for social care services but will not charge carers or for services that are precluded from charging in the Care Act including intermediate care for up to six weeks, equipment and adaptations under the value of £1000, services provided under section 117 of the Mental Health Act, information and advice services and assessment activity.

This document has been prepared to consider the impact these changes may have on people if the Council chooses to adopt the proposals. It is important to note the policies will be subject to a period of public consultation. All comments and feedback will be duly considered, if after consideration changes are made to the draft policy cabinet will be informed so that a decision can be made regarding adopting any changes.

c. Background to the decision making process so far:

The decision to make these proposals about changes to policy is based on the requirement to update Adult Social Care policy to ensure there is clarity about how Wiltshire Council will deliver social care in Wiltshire. Another key driver for the change is to ensure that the Councils policies are compliant with the Care Act (2014) which came into effect in April 2015.

The decisions have been made based on the requirement to make the best use of available resources, to ensure compliance with national legislation and so as to ensure there is clarity for customers and officers.

The revised charging policy is based on guidance produced by the National Association Of Financial Assessment Office (NAFAO) produced in response to the Care Act. This guidance sets out a series of recommendations regarding how the Care Act guidance should be implemented in the context of charging and Disability related expenses. Based on this guidance it was established that the current charging policy was in need of an update in line with the Care Act.

The decision to propose one hundred percent of disposable income is taken into account along with revisions to the DRE list have been made so as to ensure the Council can continue to deliver services to all those who need care and support and to ensure everyone is charged fairly and equitably for the care and support services they access. The proposed changes to the DRE list have also been made in consultation with legal advice and the latest best practice guidance.

The proposals have been discussed in advance of formal public consultation with key representatives of the voluntary community sector. As a result of this engagement a simple document was produced (see appendix 2) which highlights the key changes included within the policy and is intended to ensure customers are able to engage with the consultation process. An ongoing program of engagement with key stakeholder organisations has been established so as to maintain an effective dialogue with the sector and ensure effective public consultation.

d. Background to the consultation process:

A pre consultation session was held with key stakeholders on Monday the 17th of August 2015 in order to assess the impact these proposals could have on customers and communities and to establish how existing support networks can be used to ensure customers who are affected by any changes have support available to them to help them to manage any impact.

As a result of this session an ongoing dialogue was established with these stakeholder organisations and a document was produced to supplement the consultation documents setting out the main changes included within each proposal. (document attached at appendix 2) A further pre consultation engagement event was held with key partners on Friday the 4th of September in order to discuss the proposed documents and how best to engage with customers. Some of the key feedback at this event was that a glossary of terms should be developed so as to help people understand any technical terminology and the 'what's changed' document produced in response to the first session should be combined with the individual policies. It was agreed that the documents would be updated in line with these discussions so that the second drafts could be 'trialed' with target customers in order to gather feedback. This engagement was designed to ensure that the consultation is equitable and accessible. The consultation results will be used to target the second phase of this equality impact assessment.

In advance of the consultation phase the draft consultation documents which were developed in partnership with key VCS stakeholders as described above were circulated to partners so that they could make any additional commentary and so they could 'trial' the questions with small groups of customers. The purpose of this exercise was to establish if target customer groups felt as if the questions were engaging, the right questions and accessible in terms of language. This step was taken so as to ensure the maximum number of customers potentially impacted by these changes could engage effectively with the consultation process.

The consultation period will run for a minimum of twelve weeks in accordance with the Councils consultation process and will involve a combination of open consultation and more targeted interaction with key stakeholder groups. The Consultation will ensure that Wiltshire Council meets its statutory duties under the Equality Act 2010. Based on this consultation period feedback and comments will be collated and included in this equalities impact assessment. Comments and feedback will be considered and potentially included in the final cabinet proposal. Comments that are considered but do not result in changes to the policy will be summarized in this equality impact assessment and the subsequent proposal.

The consultation will involve a consultation questionnaire that will be available via the consultation portal and through a number of stakeholder and user led organisations which will include but will not be limited to Healthwatch Wiltshire, Wiltshire and Swindon Users network, Wiltshire Centre for Independent living. These key stakeholders will be encouraged to distribute the questionnaire to customers who are likely to be

affected by any changes to adult social care policies.

As the charging policy is likely to have a significant impact on customers, letters will be sent to all customers who may be affected by this policy setting out the proposals. They are invited to reply directly to the Council to help us understand the impact these proposals may have on customers. The letter will contain details about events which will be facilitated by Healthwatch Wiltshire across the county and will provide people with the opportunity to have their say about the proposed policies. A questionnaire will also be made available online for people who are not currently affected by any proposed changes but may be in the future or care for someone who is able to respond. The responses received will be collated and will form a significant part of this equalities impact assessment and shall be considered fully before the final proposals are submitted to cabinet for a decision.

The letter will be available in a range of formats on request and will be produced as an easy read document.

e. The proposed changes

Details of the proposed changes are included in the section above. The charging policy includes some specific changes as set out below that will be taken into account throughout the equality impact assessment.

The tables below details the DRE items that the policy will propose are include. If these changes are agreed they will be applied equitably to everyone who is required to contribute towards social care services. The table details items that will remain in the policy, those that will be removed and any changes to individual items.

EXPENSES	MAXIMUM WEEKLY ALLOWANCE	EVIDENCE REQUIRED DURING FINANCIAL ASSESSMENT	CONSIDERATIONS	DECISION
Personal Care arranged privately	£0		Personal care costs to meet eligible needs form part of a personal budget, so are not included in the DRE list. Cost to meet needs not considered eligible are also excluded	Included on list only to make clear that we do not disregard costs on this area.
Domestic help	Actual Cost up to 2 hours	Receipts from provider	No change to current policy – split per household if appropriate	Only included if in support of an assessed eligible need and replaces need for funded support
Day or night care that is part of supported living accommodation	Based on actual but up to £25 per week	Invoices for accommodation	Evidence that the requirement for day or night care support, included in the costs of supported living accommodation, is required to address eligible needs	Inclusion will allow core costs, such as those within sheltered or extra care schemes, to be disregarded
Specialist Items		Evidence of purchase	Items of specialist equipment are listed below, but if agreed other items can be considered	
a) Bed (Powered)	£4.20	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
b) Turning Bed	£7.20	Evidence of purchase		Addition to DRE list as in national list
c) Hoist	£2.88	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
d) Reclining chair (powered)	£3.30	Evidence of Purchase	No change to current policy rates set by Naffao	No Change
e) Stair lift	£5.88	Evidence of purchase	No change to current policy rates set by Naffao	No Change
f) Wheelchair (Manual)	£3.75	Evidence of purchase	No change to current policy rates set by Naffao	No Change
g) Wheelchair (powered)	£9.12	Evidence of purchase	No change to current policy rates set by Naffao	No Change
Community Alarm system/lifeline	£6.95	Social worker confirms requirement as part of care plan, supported Care is reduced accordingly		Remain in policy but will be capped at £4.20 in line with personal budget policy
Laundry/ Specialist washing powder	£3.61	Care plan will have identified incontinence problem. Identify more than four loads per week	No change to current policy rates set by Naffao	Remain in policy but will be capped at £3.65
Gardening	Actual cost up to £10.00 per household	Signed receipts for at least four weeks.	Naffao states based on individual cost with no cap of £10.00- possibly amend	No Change
Additional household costs related to provision of personal care	Actual costs up to £3.00 per week	Evidence of receipts	Reasonable household expenses related to additional costs incurred due support being provided due to a persons disability, illness	Addition to DRE list as in Care Act guidance
Heating- extra heating for medical reasons- check average costs against heating bills	£9.05	Annual fuel bills	Naffao states based on individual cost with no cap of £9.05- possibly amend	Remain in policy but will be capped at £9.10
Medication	Actual Cost- No cap	Letter from doctor confirming	No medication in National Policy- health need	No Change
Food or special diet for medical reasons eg diabetic	Actual cost up to £8.39	Shopping receipts	No food allowed in National policy but rarely included in assessments	No change
Home Maintenance	Up to £5.49	Receipts from contractors	No home maintenance in national policy	No Change
Additional transport costs necessitated by illness or disability	Reasonable cost	Travel Receipts	No travel in national policy	No Change
Clothing(Heavy wear and tear)	Up to £5.57	Receipt of purchase	No wear and tear in national policy	Remain in policy but would be capped at £5.60
Metered Water- above the average for their area and house type	Actual Cost	One years' worth of bills from provider and related to eligible need	No water charge in National Policy- not included in current policy.	Agreed this would be added to policy. We need to establish what is average usage. This will be based on the amount of people per household.
Incontinence pads/ Purchase of additional or new bedding due to incontinence	Actual Cost	Verification that client is not able to receive them from NHS	No incontinence in National Policy or local policy. Health Need	Remove from DRE list
Internet Access	Actual weekly cost	Bills from provider, but only included if supporting well-being and eligible outcomes	No internet in National Policy. Not included in Local Policy	To be added the DRE list
Court of protection fee(In House)	£5.00 for appointee ship £15.00 for deputyship	In house service	No COP fees in National policy not included in current local policy	To be added, but only included if eligible needs identify a requirement for this support

As part of the analysis and in order to determine how the proposals compared with policies used across the South West region commissioners contacted the 14 south west local authorities to assess the amount of attendance allowance and disposable income that is taken into account across the region.

It was identified that the majority of Local Authorities across the region already take into account the rate of attendance allowance and 100% of disposable income. The analysis made it clear that the widest disparity is in the items various authorities take into account as Disability related expenditures. Based on legal counsel and conversations with senior leaders it was decided that certain discretionary DRE items should be included such as internet use, medication, travel to medical appointments and other items.

Legal Counsel has read and reviewed the proposed policy and has advice it meets the requirements included in the new legislation.

A summary of the analysis is provided below

County	% of disposable income taken into account	Attendance allowance
Wiltshire	80%	Lower Only
Swindon		Disregard £27.20 of DLA care / PIP/ AA and any mobility element
Devon	100%	Actual Amount
South Gloucestershire	100%	Actual for services involving night time care Lower for care at home without night-time care
Dorset	100%	25% of the lower rate of Attendance Allowance
Gloucestershire	100%	Actual Amount
Torbay	100%	Attendance Allowance is excluded for the financial assessment
Bournemouth	100%	Actual
Plymouth	100%	Attendance Allowance is excluded from the financial assessment
Bristol	75%	Actual
Cornwall	100%	Actual for services involving night time care Lower for care at home without night-time care
BANES	100%	Actual
Somerset	100%	TBC
Poole	100%	Actual
Brighton and Hove	100%	Actual

Summary

% of disposable income	Number of authorities
Already at 100%	10
80 %	1 (Wiltshire)
75%	2
70%	1

Attendance Allowance	Number of authorities
Actual	7
Actual if 24 hour/night care- lower if care at home without 24 hour/night care	2
All disregarded	2
£27.20 disregarded	1
Lower Only	1 (Wiltshire)
25% of lower rate only	1
TBC	1

This analysis demonstrates that with regard to attendance allowance and disposable income Wiltshire is aligning its approach to the majority of the South West Region while ensuring the DRE allowance are updated based on the requirements set out in the Care Act.

Section 2A – People or communities that are currently **targeted or could be affected** by any change (please take note of the Protected Characteristics listed in the action table).

The proposals, if adopted have the potential to impact on people currently in receipt of care and support services or who may need care and support services in the future. A range of information was collected and reviewed so as to identify which groups of people may be affected if the proposed policy changes are adopted.

A large number of people who may be affected by these policies will be older adults and people with a disability. Groups who may be defined in the 'other' protected characteristics include carers, while many of the changes set out in the policy will not directly impact upon carers it is possible the impacts that will be experienced by those who receive care will have consequential impacts on carers. The policies have been drafted to reduce any inequities in terms of interpretation and make it clear to customers what they can expect from the Council and how decisions will be made about funding. Carers representative organisations will be involved in the consultation process and their views will be considered in this equality impact assessment. Consultation questionnaires will be widely advertised to carers organisations.

The tables below set out some of the key figures that were used to assess which groups of customers would be most affected by this policy and if there was any specific impact on any protected characteristic group.¹

The table below displays all adult care customers and their primary support need²

Primary support need	Age		Grand Total
	18 to 64	65+	
Access and mobility only	43	71	114
Asylum seeker support	2		2
Deaf		1	1
Learning disability support	853	82	935
Mental Health support	214	368	582
None entered	48	70	118
Personal care support	470	2133	2603
Substance misuse support	2	4	6
Support for dual impairment	9	18	27
Support for hearing impairment	5	6	11
Support for social isolation / other	56	17	73
Support for visual impairment	15	29	44
Support to carer	25	81	106
Support with memory and cognition	32	295	327
Grand Total	1774	3175	4949

The table below lists the ethnicities of all customers who are known to adult social care³ and the age profile of customers supported by the service area. It is important to note that the changes will predominantly although not exclusively impact upon customers who are receiving care at home services. The ethnographic profile is reflective of the entire Wiltshire Population. As noted the table does indicate that older people are particularly likely to be impacted upon by this policy if it is adopted and as such must be targeted in terms of consultation and mitigating actions.

Ethnicity			
Row Labels	18 to 64	65+	Grand Total

Asian / Brit - Bangladeshi	2		2
Asian / Brit - Indian	6	1	7
Asian / Brit - Pakistani	1		1
Asian / Brit - Other Asian	1		1
Black / Brit - African		3	3
Black / Brit - Caribbean	6	16	22
Black / Brit - Other black	3	1	4
Chinese	1	1	2
Declined to say	8	28	36
Mixed – other	3		3
Mixed - White/ Black African	2	1	3
Mixed - White/Black Carib	2	1	3
NULL	20	26	46
Other ethnic group	9	8	17
Undeclared / Not Recorded	11	11	22
White – Other	31	88	119
White British	1658	2965	4623
White Irish	10	25	35
Grand Total	1774	3175	4949

The data presented in this equalities impact assessment sets out the total number of customers who are likely to be directly impacted on by changes to adult social care policy.

All customers who pay for Care services at home will be affected by the proposed policy change if it is adopted as the Council currently only takes into account eighty percent of a customer's income. The change if adopted will predominantly impact on older people and those who have disabilities or social care needs. Customers who have social care needs but resources over the maximum threshold will not be effected immediately as they fund all of their care and support needs. The policy changes if adopted will also impact on younger people who need care and support including those with Learning disabilities, Mental health needs and physical disabilities.

The tables below set out the number of customers who pay a contribution for social care services. The numbers are indicative and can only be deemed accurate as of the 27th December 2015 based on the data recorded in Carefirst. The tables display the total number of people who make a contribution and the average amounts of contribution that is made. The information has been used to estimate indicative increase in contribution based on these policies being agreed. Without full details as to what each individual's contribution is composed of it is impossible to establish the exact impact at this time. Customers will be told the specific impact during the consultation phase and during the financial assessment. This assessment will be a further opportunity to ensure people do not pay more than they can afford based on any changes that are agreed

Total Number of customers who contribute towards care and support (care at home only)	1004
Number of customers with nil contribution (this may be because the customer's income means no contribution is required or no financial assessment has been completed) It is likely a number of these customers will be effected by the proposal to take 100% of income into account.	1421
Average weekly contribution	£15.42 per week

The proposed policy would impact customers as set out below

- The change to 100% disposable income resulted in a £12 per week increase in what a person would contribute.
- The change in attendance allowance resulted in a £27 per week increase.
- Averages for the impact of changes to DRE could not be established as every person was affected

¹ Data accurate as of 30-July 2015 based on Mable reporting data.

² This table includes intermediate care customers

³ Data accurate as of 30/07/2015
Version 1: April 2014

differently

So for a customer paying the **current average** weekly contributions the impact would be;

100% of income	£27.42 per week (average)
100% of income and full attendance allowance	£54.42 per week (average)
DRE items	Will vary based on individual circumstances

The table below identifies the number of customers who make contributions in each range and the weekly income from each group.

Range	Approximate number of customers	Total Weekly Income (current policy)	Total Annual Income (current policy)
£0-£50	2187	18937	984751
£50.01-£100	202	13213	687076
£100.01-£150	25	2829	147141
£150.01-£200	8	1394	72511
£200.01-£300	2	504	26216
£300.01-400	0		0.00
£400.01+	1	510	26562
Totals		37389	1944260

The table above was used to identify the numbers of customers who pay contributions in each of the identified ranges for care and support. The proposed policy will impact equally on all customers who pay contributions and have the potential to increase the numbers of people who pay contributions at the lowest banding. The impact on individual customers is challenging to assess due to the relativity of the increase and individuals specific circumstances in relation to DRE. As it is very challenging to assess a general impact from this perspective subsequently it was decided that no changes will take effect until after a financial assessment has been completed. This will ensure that nobody is asked to pay more than they can afford and will ensure people are paying the right amount for care and support services.

The analysis suggests that the majority of people in the first band and currently making a zero contribution, will in future have to pay between £12-£50 per week towards their care. Everyone else is likely to move up at least 1 band and pay a similar amount extra per week.

There is also the possibility that a number of people paying nearly the full amount of their care, will become full cost payers. It should be noted that this does not remove the duty the Council has to arrange care and support for these people.

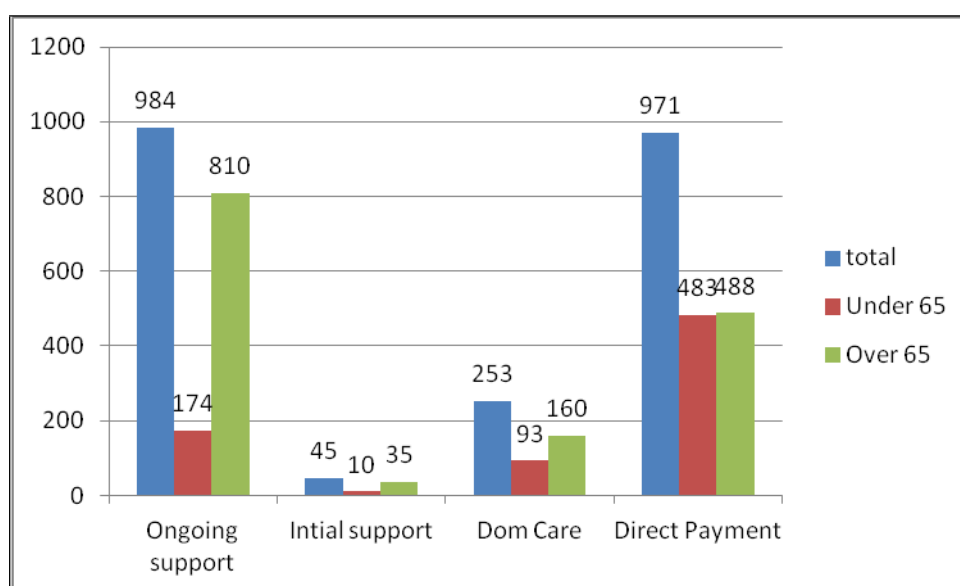
With higher financial contributions, there is a risk to be managed around operational teams not providing the support to full-cost payers legally we have a duty to continue to provide.

The changes (if adopted) will also impact in the future on people who do not need care and support now but need services in the future so the consultation will be both targeted at customers currently in receipt of care and those who may have care needs in the future.

The Council has made the proposal to revise the charging policy in the light of increasing economic challenges as a result of growing demands on social care services. The charging policy is intended to apply a fair approach to everyone in receipt of care and support that will ensure the Council has the resources to support the most vulnerable in Wiltshire's communities while also focusing on prevention activity that will reduce the likelihood people will need care and support services in the future. Any adverse impacts on customers wellbeing as a result of increased contributions will be somewhat mitigated by the Councils ability to focus on developing a range of prevention and intermediate care services that will usually be delivered free of charge and will reduce customers needs for social care support.

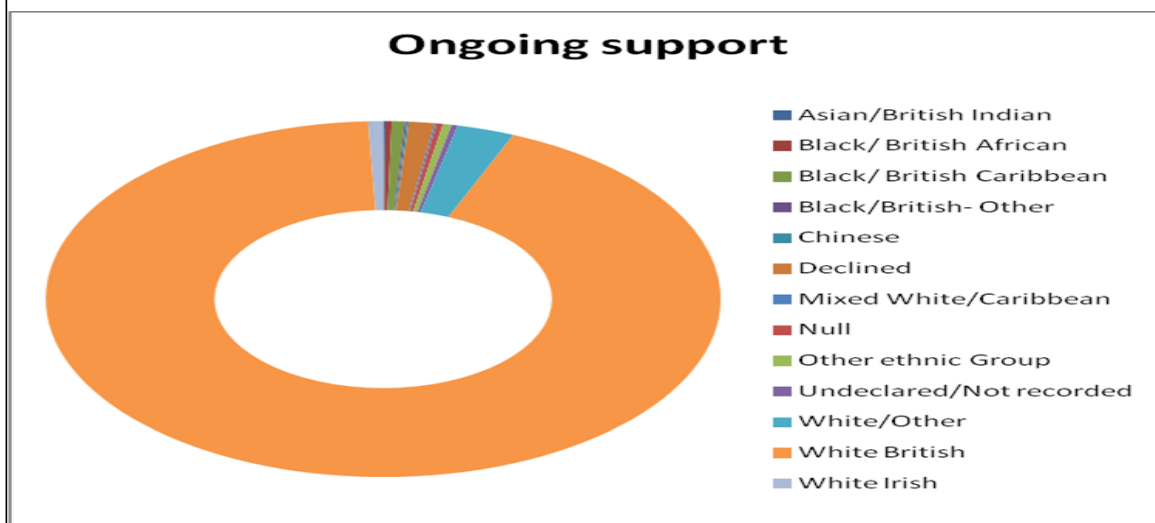
If the changes are adopted the Council will not alter the amount anyone pays for existing care and support services until after a financial assessment has been completed that will ensure customers are claiming all available and applicable benefits and are contributing the right amount for care services based on their assessed disposable income. Customers will be able to request a review or re assessment of care and support needs if they wish in order to ensure people are receiving the care and support they need to meet their identified eligible needs.

The chart below identifies customers who receive direct payments or care at home and are subsequently most likely to be affected if this policy is adopted. The age profile of the customers who are most likely to be affected is also displayed in this graph.

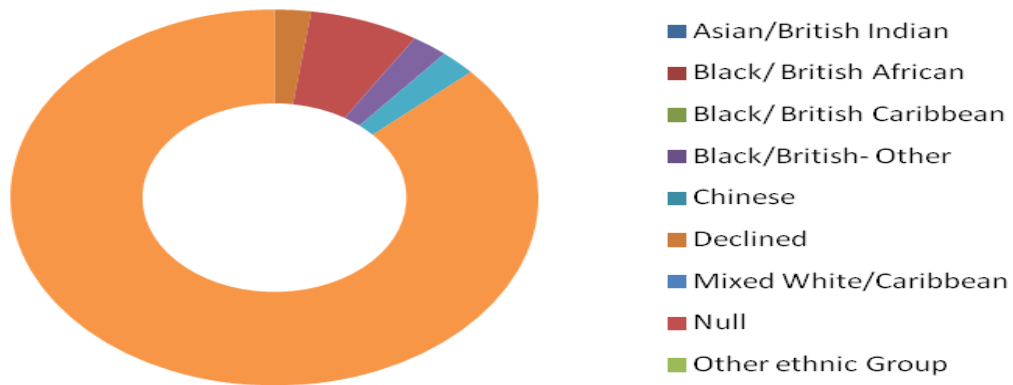


The chart was used to identify the amount of older adults and others who are likely to be affected by any changes to the policy. It was clear that while older adults represented the majority of customers, communications must not be solely aimed at older adults who will be affected.

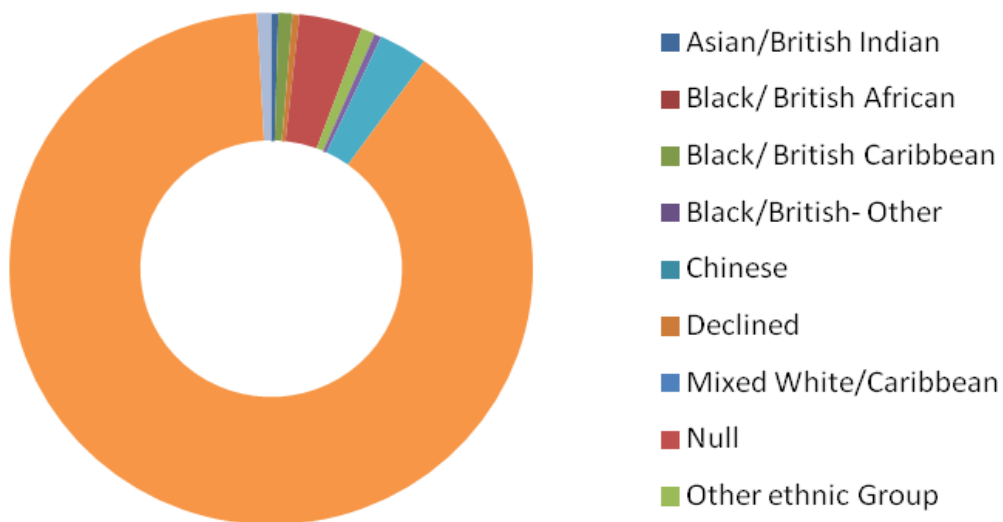
The following charts display the ethnic origin of people who receive care at home and direct payment services



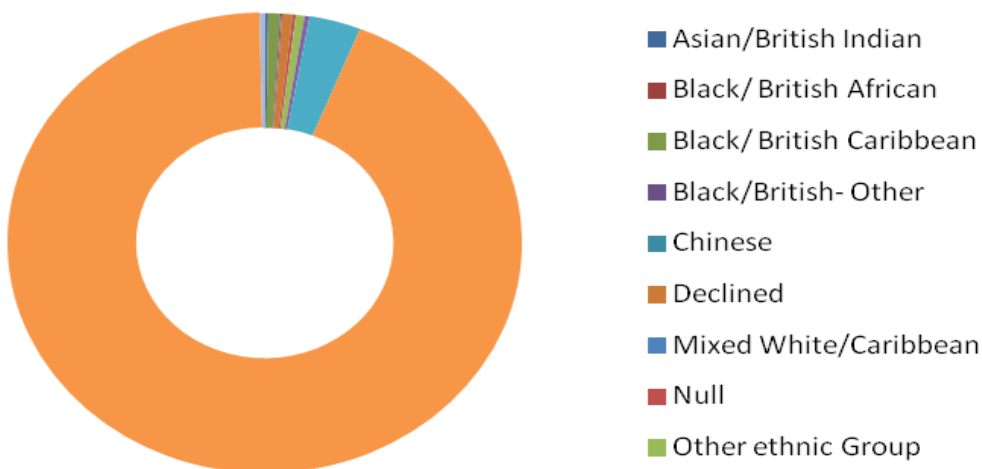
Intial support



Dom Care



Direct Payment



The charts produced confirm that in line with the demographics of Wiltshire the majority of people impacted on this proposal are White British. It was also clear that other nationalities and ethnicities might also be impacted by the policy and subsequently correspondence will need to be available in a variety of formats on request so as to ensure all groups are able to get involved in the consultation process.

The following information is taken from <http://www.poppi.org.uk> and shows the projected increase in the older age population over the coming years. This data was used to identify the fact that it is likely many more individuals than those currently in receipt of care and support are likely to be effected by the charging policy.

Show percentage change	.	2014	2015	2016	2017	2018
People aged 65-69		30,300	30,600	30,800	29,500	28,800
People aged 70-74		22,200	23,300	24,700	27,000	28,500
People aged 75-79		17,700	18,100	18,200	18,800	19,600
People aged 80-84		13,000	13,400	13,700	14,100	14,600
People aged 85-89		8,300	8,600	8,900	9,100	9,400
People aged 90 and over		5,100	5,300	5,600	5,800	6,100
Total population 65 and over		96,600	99,300	101,900	104,300	107,000

Figures may not sum due to rounding
Crown copyright 2014

Section 2B – People who are **delivering** the policy or service that are targeted or could be affected (i.e. staff, commissioned organisations, contractors)

The proposed changes have the potential to impact on staff implementing the policy. Organisations working with customers including Council officers are likely to have to support customers who are affected by this policy. This could include increased pressure on information and advice services who receive enquiries regarding the proposed change and its potential impact.

The Council has worked closely with key stakeholder groups including user led organisations throughout the process. This engagement has included a pre consultation workshop to identify how the sector can work together to gather people's views on the proposed changes and ensuring voluntary organisations were supported to facilitate effective consultation with customers. People delivering these policies including those working on behalf of Wiltshire Council through commissioned contracts will need to be aware of the changes in policy if the proposals are adopted. Organisations may experience higher than normal contacts from customers who have been affected by the changes.

The current approach in Wiltshire is that service providers collect individual contributions from customers. By increasing the amount customers have to pay for care services there is a risk more customers will refuse to pay contributions. This is an increasing problem and it is proposed over the coming year commissioners work with operational and finance teams to assess more efficient ways of collecting contribution. In the short term it will be important to brief providers regarding the importance of collecting contributions.

The majority of the proposed changes provide clarity and consistency in accordance with National legislation so from that perspective will provide operatives delivering the policy with a clear framework within which to conduct business. The policies if adopted will reduce the risk of individual interpretations of operational procedure and practice and will act as a framework to ensure social care services are delivered equitably to everyone living within Wiltshire and everyone is given the same opportunities in relation to prevention and early help.

In line with the work going on across adult social care increasingly officers working in the sector will need to focus on the provision of high quality information and advice, prevention and a focus on wellbeing so as to help people to help themselves rather than specifying what statutory services should be used.

Section 3 –The underpinning evidence and data used for the analysis (Attach documents where appropriate)

Prompts:

- What data do you collect about your customers/staff?
- What local, regional and national research is there that you could use?
- How do your Governance documents (Terms of Reference, operating procedures) reflect the need to consider the Public Sector Equality Duty?
- What are the issues that you or your partners or stakeholders already know about?
- What engagement, involvement and consultation work have you done? How was this carried out, with whom? Whose voices are missing? What does this tell you about potential take-up and satisfaction with existing services?
- Are there any gaps in your knowledge? If so, do you need to identify how you will collect data to fill the gap (feed this into the action table if necessary)

A- Overview

The core of this equality impact assessment will be based on feedback collated during the period of consultation.

In addition to general consultation facilitated by Healthwatch Wiltshire customers who will be impacted on by any changes will be contacted directly to establish their views.

B-Detailed data about the people who pay for care services:

(More Information regarding the groups of people who may be effected can be found at section 2a)

The Council is required to collect significant amounts of data on customers who pay for care and support services so as to ensure they pay the correct contribution to care services in accordance with the policy. Some of the key facts and considerations are set out below.

This table is accurate as of October 2015 and includes contribution details for customers who pay for all types of care services. The table included at section 2a contains information for care at home only.

Direct Payments			Placements		HTL@H		Dom Care		Total	
Range		Weekly Income (current policy)		Weekly Income (current policy)		Weekly Income (current policy)		Weekly Income (current policy)		Weekly Income (current policy)
£0-£50	353	£8,129.21	20	£296.80	664	£6,269.37	201	5195.49		19890.86
£50.01-£100	53	£3,629.12	381	£16,407.44	177	£5,064.05	83	5321.81		30422.42
£100.01-£150	10	£1,219.81	1182	£42,704.00	33	£1,134.25	5	554.18		45612.24
£150.01-£200	4	£663.24	426	£18,848.26	8	£376.13	2	374.56		20262.19
£200.01-£300	2	£538.94	342	£20,778.36	3	£242.95	1	226.24		21786.49
£300.01-400	0	£0.00	70	£5,839.30	0	£0.00	2	696.98		6536.28
£400.01+	0	£0.00	28	£3,273.86	2	£516.60	2	500.01		4290.47
422		14180.3192	2449	108148.02	887	13603.343	296	12869.27	4054	148801

The policy proposal was based upon a review of pertinent national guidance. The aim of this exercise is to review all disability related expenditure included within the Local Policy, National Policy and in line with the Care Act. NAFFAO- stands for National Association of Fairer Charging Finance Officers- This is a National Group to which 150 Local Authorities subscribe and receive updates. They also work closely with the Department for Health with regard to legislation in particular The Care Act. The proposals around DRE are based on the recommendations presented by this organisation.

We are aware that some customers will need to pay more per week towards their care and support costs. This may impact adversely on some customers who will not have as much disposable income as they might otherwise have had if this policy had not been implemented.

It is important to note that the increase in the amount of income taken into account shall only be based on disposable income so essential DRE expenses shall not be counted. This impact will be implemented fairly across all eligible customer groups (if agreed) based on a re assessment of an individual's financial assessment to ensure that individuals are claiming all available benefits and are contributing the right amount for their care and support needs.

Commissioners have worked with senior operational managers to consider how this change (if adopted) would impact on customer's wellbeing and subsequently have developed an individual letter that will be sent directly to every customer who will be affected if this change comes into effect. Commissioners will also work directly with key voluntary sector organisations regarding making best use of existing support networks which will mitigate the impact on vulnerable customers by ensuring they have access to high quality information and advice and help regarding effective money management and community support organisations.

Further engagement will be completed through the delivering of an accessible questionnaire asking for people's views on how the changes will affect them and what can be done to mitigate the impact of any changes. This consultation shall give due regard to the target customer group and shall be completed over a reasonable time period so as to give people the

C- Consultation Data

This section will be updated once the consultation exercise is completed and will detail the responses from communities, individuals and stakeholders. The section will detail how comments were considered and if comments led to changes in the proposed policy. If comments are not adopted reasons will be provided as to why particular comments did not lead to changes in the policy.

If the comments lead to significant changes to the draft policy cabinet will be consulted and asked to make a decision before the policy is adopted

This section will include

- Key messages from the consultation
- Key messages from customers directly affected by the proposal
- Actions taken as a result of the consultation
- Key messages from Stakeholders

Section 4 – Conclusions drawn about the impact of the proposed change or new service/policy

Prompts:

- What actions do you plan to take as a result of this equality analysis? Please state them and also feed these into the action table
- Be clear and specific about the impacts for each Protected Characteristic group (where relevant)
- Can you also identify positive actions which promote equality of opportunity and foster good relations between groups of people as well as adverse impacts?
- What are the implications for Procurement/Commissioning arrangements that may be happening as a result of your work?
- Do you plan to include equalities aspects into any service agreements and if so, how do you plan to manage these through the life of the service?
- If you have found that the policy or service change might have an adverse impact on a particular group of people and are **not** taking action to mitigate against this, you will need to fully justify your decision and evidence it in this section

This section shall be updated based on the response to the consultation.

As a result of this analysis it is clear a robust period of consultation is required to fully assess the potential impact these proposals will have on customers. The consultation process will be used to gather people's views on the policies which will be considered before the proposals are submitted to cabinet for a decision. This section of the document details some of the key actions that will be taken to fully assess the impact of the proposed changes and to ensure that people living in Wiltshire have the opportunity to have their say.

Actions

Action detail	By When	Responsible
Letter to all impacted customers setting out specific increase if policy adopted.	January 2016	Adult Care Commissioning
Cabinet Paper requesting delegated authority to proceed	January 2016	Adult Care Commissioning
Questionnaire online and in paper format available to the public	January 2016	Commissioning team and corporate support office
VCS pre consultation workshop to identify available support networks	August 17th 2015	Adult Care Commissioning
Second VCS pre consultation workshop to discuss proposed documentation	September 4 th 2015	Adult Care Commissioning
Revised documents to be 'tested' with customers to assess accessibility and impact	September 2015	VCS stakeholders
Healthwatch to facilitate a targeted engagement plan for consultation with key stakeholder groups.	February 2016	Adult Care Commissioning
Stakeholder meeting with key partners to continue discussions initiated on the 17 th of August and to agree a set of 'key changes document' that will be used to supplement the consultation phase.	September 2015	Adult Care Commissioning
Equality impact assessment updated based on consultation	March 2016	Adult Care Commissioning

Impacts on protected groups

Protected Characteristics	
Age	A high percentage of customers who pay for care and support are older people (65 or older) Reducing disposable incomes on this group can have a large impact as few older people work in paid employment and a reduction in disposable income may lead to people not being able to afford activities and items that will have an adverse impact on wellbeing.
Disability	Many customers with eligible social care needs will have a diagnosed disability or will consider themselves to be disabled. This change will increase the amount disabled customers who receives funded care and support services will have to contribute towards care and support services. As with older people this group often has low disposable incomes and reducing this income may have a negative impact on wellbeing.
Gender Reassignment	No additional Impact
Marriage and civil partnership	No additional Impact
Pregnancy and Maternity	No additional Impact
Sex	No additional Impact
Sexual Orientation	No additional Impact
Other	Other groups that are likely to be effected by the proposed changes include carers who will be included in any pre consultation engagement to understand any specific impacts and to

The proposed policy (if adopted) will promote an equitable approach to social care practice by removing any ambiguities.

This will ensure that everyone regardless of any protected characteristic contributes fairly for the social care services that they receive.

As a result of the consultation exercise the Council will be able to establish the groups that are likely to be impacted on if this policy is adopted. It may become clear that certain subgroups within cohorts of protected characteristic groups including older people or people with a disability will be particularly impacted upon by individual elements of the change. If impacts are identified targeted actions will be taken to ensure these groups are given every opportunity to comment on the proposed changes and these comments will be taken into consideration when making recommendations to cabinet.

The proposals included within the policy have the potential to impact upon large numbers of customers who receive care and support, their carers and those who may need care in the future. Subsequently the initial consultation will be broad and will comprise a combination of consultation aimed at specific groups as well as the general population. General consultation will include a questionnaire that will be available through the Councils website and in paper format if requested. A range of service providers, organisations and key stakeholders will be informed as to the details of the consultation so that they are given every opportunity to comment and are able to facilitate awareness raising amongst people who may be interested in getting involved.

An engagement workshop was held with key voluntary sector (VCS) and user led organisations (ULOs) with the objective of utilizing existing support networks and working with the Council to establish if any other support opportunities are required. These organisations will be kept fully informed of progress in relation to the policies including but not limited to informing stakeholders when the consultation is publically available so that they can work with their members to encourage people to share their views.

Subsequently a further session was held with key partners. This session generated a range of feedback about the proposed consultation documents. Based on this session further drafts of the documents and questions were produced and provided in draft format to key organisations so that they could be 'trialed' with target customer groups. This will allow commissioners to establish if the documents are accessible to customers and ensure the impact of the policies is robustly assessed through the consultation phase.

The proposed changes will inform commissioning strategy and actions but do not have direct procurement implications at this stage.

In summary this assessment has concluded that if this policy is adopted it will impact upon groups within Wiltshire Community. Mitigating actions have been put in place which will reduce the impact of this proposed change on customers. These mitigating actions will be refined based on feedback from the affected groups and the decision by cabinet to implement all or aspects of the proposed policy.

***Section 5 – How will the outcomes from this equality analysis be monitored, reviewed and communicated?**

Prompts:

- Do you need to design performance measures that identify the impact (outcomes) of your policy/strategy/change of service on different protected characteristic groups?
- What stakeholder groups and arrangements for monitoring do you have in place? Is equality a standing agenda item at meetings?
- Who will be the lead officer responsible for ensuring actions that have been identified are monitored and reviewed?
- How will you publish and communicate the outcomes from this equality analysis?
- How will you integrate the outcomes from this equality analysis in any relevant Strategies/Polices?

The specialist lead for personalization, carers and the Care Act will be accountable for the development of these policies ensuring any changes are included in future commissioning activity. Wiltshire Council engages regularly with user led organisations which represent customers from across the groups who are most likely to require care and support. During ongoing engagement officers will monitor the impact of any changes that are taken forward. Bespoke and targeted monitoring may be required based on customers response to the consultation and will be added to this equality impact assessment.

In order to specifically monitor the impact of the financial changes Customers will receive a financial review and if they request it a care and support review before any change takes place. This will ensure that nobody pays more than they can afford in accordance with any changes agreed in the proposal. Customers directly affected will be able to speak through how the change will affect them on an individual basis with a finance and benefits officer who will be able to offer expert advice amount maximizing income and ensuring people only contribute what they can afford.

The feedback collected will be used to consider changes to the polices any feedback that is considered but not adopted shall be made available to members on request and if the proposal is submitted for further cabinet consideration. Stakeholders will be informed about what has been considered and changed based on the consultation process so that the Council can work with key partners to ensure there are adequate support provisions.

VCS partners who have been involved in the development of consultation documents and have facilitated the engagement process will be asked to continue to monitor the impact of any changes. It is proposed the dialogue maintained throughout this process is continued after the consultation period so as to establish the impact of any changes on customers. This information will then be used to ensure existing support networks are mobilized to support customers who may have been impacted by any policy changes.

***Copy and paste sections 4 & 5 into any Committee, CLT or Briefing papers as a way of summarising the equality impacts where indicated**

Completed by:		
Date		
Signed off by:		
Date		
To be reviewed by:		
Review date:		
For Corporate Equality Use only	Compliance sign off date:	

Equality Impact Issues and Action Table (for more information on protected characteristics, see [page 7](#))

Identified issue drawn from your conclusions (only use those characteristics that are relevant)	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions?	When will the action be completed?	How will it be monitored?	What is the expected outcome from the action?
Age					
A large number of people who receive social care and support are older people; subsequently large numbers of older people living in Wiltshire may be affected by the proposed changes.	A program of engagement with key stakeholders and user led organisations will be completed during the consultation. This will ensure that the maximum numbers of older people possible are supported to engage with the consultation and have their say. The views collected will be considered when making final proposals to cabinet.	Andrew Osborn	February 2016	Number of consultation responses, level of engagement during pre consultation and engagement phase.	Older people who are likely to be affected by the policy shall be given the opportunity to give their views. Feedback gathered during the consultation phase will be considered before the final policy is submitted to cabinet.
It is clear large numbers of customers will be affected by the proposed policy changes. This includes people who are not currently in receipt of care services.	Broad public consultation process aimed at understanding people's views on the policies and specifically focused on how the changes if agreed will impact on customers now and in the future	Andrew Osborn	February 2016	Number of consultation responses, level of engagement during pre consultation and engagement phase.	People who may be affected by the policies will be given the opportunity to comment and feedback. Views will be considered before final documents are sent to cabinet.

The analysis has made it clear that in addition to older people young people with a disability may also be impacted on by these proposed changes.	Groups which represent users from a range of age groups and disability groups will be involved in the consultation process in advance of the public consultation phase. Healthwatch Wiltshire will work with users from a range of backgrounds so as to help people understand the changes and engage with the consultation process.	Andrew Osborn	November 2015	Age profile of survey respondents	As many people as possible supported to engage with the consultation process including representatives of a range of age groups and disability groups.
Disability					
As above					
Gender Reassignment					
As above					
Marriage and Civil Partnership					
As above					
Pregnancy and Maternity					
Race (including ethnicity or national origin, color, nationality and Gypsies and Travellers)					
The analysis above has identified that while the demographic profile of customers who will be affected is predominantly white British there are a number of other ethnic groups who may be affected by the change.	All documents will include clear statements setting out that they are available in alternative formats at a customer's request.	Andrew Osborn	November 2015	Documents to include option to be made available in alternative formats.	People who are not able to access standard documentation will be given the opportunity to engage with the consultation and give feedback on the proposals.
Religion and Belief					
As above					
Sex					
As above					
Sexual Orientation					
Other (including caring responsibilities, rurality, low income, Military Status etc)					

Carers and the people they care for are likely to be effected by the proposed changes.	Carers support organisations will be actively involved in the consultation process so as to ensure carer's views are collated.	Andrew Osborn	November 2015	Number of responses from carers	Carer's views will be considered and included.
As a result of the fact that changes to the charging policy may increase the number of people with assets below the financial threshold who contribute one hundred percent of their care package it will be important to ensure clear messages are distributed to staff setting out the fact customers remain local authority funded even if they make a full contribution.	FAQ to be added to the care act intranet page and message to be distributed via operational senior management.	Andrew Osborn	October 2015	Number of questions raised by staff and customers- Number of full cost customers	Customers will still be treated as eligible customers despite the fact a one hundred percent contribution is made.

Appendix one**Proposed DRE list**

Expense	Maximum weekly allowance	Evidence Required	Notes
Personal care arranged privately	£0	Personal care costs to meet eligible needs form part of a personal budget, so are not included in the DRE list. Cost to meet needs not considered eligible are also excluded	Included on list only to make clear that we do not disregard costs on this area
Domestic help	Actual Cost up to 2 hours	No change to current policy – split per household if appropriate	Only included if in support of an assessed eligible need and replaces need for funded support
Day or night care that is part of supported living accommodation	Actual Cost up to £25.00 per week	Evidence that the requirement for day or night care support, included in the costs of supported living accommodation, is required to address eligible needs	
Specialist Items	N/A	Evidence of Purchase	Items of specialist equipment are listed below, but if agreed other items can be considered
a) Bed (Powered)	£4.20	Evidence of Purchase	
b) Turning Bed	£7.20	Evidence of	

		Purchase	
c) Hoist	£2.88	Evidence of Purchase	
d) Reclining chair (powered)	£3.30	Evidence of Purchase	
e) Stair lift	£5.88	Evidence of Purchase	
f) Wheelchair (Manual)	£3.75	Evidence of Purchase	
g) Wheelchair (powered)	£9.12	Evidence of Purchase	
Community Alarm system/lifeline	£4.20	Social worker confirms requirement as part of care plan, supported Care is reduced accordingly	
Laundry/ Specialist washing powder	£3.65	Care plan will have identified incontinence problem. Identify more than four loads per week	
Gardening	Actual cost up to £10.00 per household	Signed receipts for at least four weeks.	
Additional household costs related to provision of personal care	Actual costs up to £3.00 per week	Evidence of Purchase	Reasonable household expenses related to additional costs incurred due support being provided due to a person's disability, illness
Heating- extra heating for medical reasons- check average costs against heating bills	£9.10	Annual fuel bills	

Medication	Actual Cost	Letter from doctor confirming	
Food or special diet for medical reasons e.g. diabetic	Actual cost up to £8.39	Shopping receipts	
Home Maintenance	Up to £5.49	Receipts from contractors	
Additional transport costs necessitated by illness or disability	Reasonable cost	Travel Receipts	
Clothing(Heavy wear and tear)	Up to £5.60 per week	Receipt of purchase	
Metered Water- above the average for their area and house type	Actual cost above local average	One years' worth of bills from provider and related to eligible need	
Internet Access	Actual weekly cost	Bills from provider, but only included if supporting well-being and eligible outcomes	
Court of protection fee(In House)	£5.00 for appointee ship £15.00 for deputyship	In house service	only included if eligible needs identify a requirement for this support
War Pension	This is a benefit paid by Department for Work and Pensions	Customers must have an entitlement prior to 2005. Verification required from Department for Work and Pensions	

Appendix two

Summary of changes

Policy change

1. Charging

These documents set out clearly what the proposed policies will change if they come into effect. The document should be read with the full policies which provide further detail about how these proposals will work in practice.

It is important to note that these policies are **proposals only** at this stage and no changes will be made until after the consultation process has been completed, feedback has been considered and cabinet have made a decision.

1. Charging Policy

Key Proposal	How (if at all) is this different
Financial Assessments will be completed to determine contributions after an individual's eligible care and support needs have been assessed.	No Change
Carers services will not be charged for	No Change
The Council will not charge for any services it is not permitted to charge for under the Care Act or other relevant legislation.	No Change
The Council will ensure it widely publishes information about how contributions are calculated and will keep this information updated as required.	
Customers who have eligible needs will be given an indicative budget before the support planning process is completed.	Customers were previously not made aware of the likely cost of their support plans.
The Council will determine if an individual will need to make a contribution towards care services based on the threshold set nationally.	No Change
The Council will take into account one hundred percent of a customer's income when establishing contributions for customers whose eligible needs are met in a care home setting.	No Change.
The Council will apply a standard charge for customers going into residential care for a short period (up to eight weeks)	No Change
The Council will charge customers an arrangement	

fee. This service will be available to customers who have eligible needs and require care at home services but have assets above the maximum threshold.	
Deferred payments shall be offered in accordance with the deferred payment policy. Deferred payments will incur an administration fee, interest fees and valuation fees.	No interest, administration or valuation fee is charged.
The Council will take into account all capital and income when calculating contributions for customers who receive care at home services.	Currently only 80% of a customer's disposable income is taken into account when calculating contributions for customers who live at home.
The Council will continue to allow a range of disability related expenses (DRE) as essential expenditure. This expenditure will not be counted as part of your disposable income.	The list has been revised and is attached below- the following items represent significant changes.
Attendance allowance- the amount taken into account will be the amount received	Previously only the lower rate of attendance allowance was taken into account even if the higher rate was received.
Expenditure on continence products has been removed as a disability related expense	Previously included

Appendix 4

Document produced by Healthwatch Wiltshire to support engagement with customers to establish the impact of the proposed changes.



DRAFT and for discussion on 4 September 2015

Engagement to support the consultation on Wiltshire Council's Adult Social Care (ASC) policies

1. Background

Wiltshire Council is proposing to make changes to three of its ASC policies:

- Statement of policy on Adult social care and support
- Prevention policy
- Charging policy ('determining contributions to personal budgets')

Wiltshire Council has said that the decisions to update the policies '*... Have been made based on the requirement to make the best use of available resources, to ensure compliance with national legislation and so as to ensure there is clarity for customers and officers who may be effected by care and support services.*'⁴

The Council intends to consult on the revised policies through a period of formal consultation which will run from xxxx to xxxxx.

A 'pre-consultation' workshops was held with a number of voluntary sector organisations on 17 August 2015. The purpose was '*to work with key partners from the voluntary sector and user led organisations to discuss proposed changes to policy and identify how we can work together to ensure existing support networks are available to people who may be affected by the changes*'⁵. Feedback from participants included:

- Provide clear and accessible information to support the consultation
- Promote the consultation widely
- Create opportunities for people to share their views
- Explain clearly what is different about the revised policies and the implications of the changes on a Wiltshire-wide and individual basis
- The importance of ensuring that organisations which provide a service (voluntary or otherwise) are kept well informed about the consultation so that they can respond appropriately to any questions or concerns.

A second 'pre-consultation' workshop is arranged for 4 September 2017 at which a draft Equality Impact Assessment will be discussed. This draft engagement plan will also be discussed.

2. Healthwatch Wiltshire's (HWW) role

⁴ Equality Impact Assessment, Wiltshire Council

⁵ Taken from agenda for meeting

HWW is an independent organisation which has a statutory role in speaking up for local people on health and social care issues. HWW is committed to making sure that local people have the information they need to form a view on any proposed changes to health or social care. HWW is also committed to making sure that people have the opportunity to have their say. HWW does not have a corporate view on the proposed changes to the ASC policies. HWW's role, in respect to the consultation, is to:

- Make suggestions about the process to ensure it represents good practice
- Promote the consultation to local people
- Facilitate opportunities for local people to have their say on the proposed changes
- Reflect what people say to HWW (about the consultation) to Wiltshire Council⁶

Wiltshire Council will maintain overall responsibility for the consultation and for the final decision making process.

3. Desired outcome

The desired outcome is that as many people as possible have the opportunity to have their say during the consultation and that Wiltshire Council takes into account what people say when it formulates the final policies.

The effectiveness of the consultation depends on:

- The availability of good quality accessible information.
- Appropriate time for people to give their views (minimum of 12 weeks taking into account any holiday periods)
- The consultation questions must be carefully designed so as not to introduce any bias

HWW expects Wiltshire Council to take responsibility for delivering the elements described above. However, HWW hopes that Wiltshire Council will consult with it (and other voluntary sector partners) on them.

4. Approach

It is important that current and future users of adult social care services have the opportunity to have their say. On this basis it is proposed that HWW convenes and facilitates a number of meetings which are open to the wider public as well as current service users (say 4-6 meetings held in different parts of Wiltshire). Wiltshire Council will need to send an appropriate representative to explain the policies and answer any questions. HWW will facilitate the discussions and record what people say so that this can be reflected in its final report.

Local voluntary sector organisations and user led organisations may want to give their members or service users the opportunity to have their say. These organisations may want to coordinate their own engagement opportunities and make their own responses to the Council on the consultation. However, if a local organisation would like HWW to facilitate a separate opportunity for its members or service users then HWW will do its best to accommodate this.

HWW will, through its regular scheduled engagement, ask people to answer the consultation questions.

The draft Equality Impact Assessment identifies current adult social care customers and their primary support need as well as age (18-64 and over 65s). Current ASC

⁶ HWW has full editorial and publishing rights for the reports it prepares. Its reports are based on what local people say about their experiences of, and views about, health and care in Wiltshire. All reports are in the public domain.

customers can be reached as they are known to Wiltshire Council. The Council is proposing to write to these customers. It is important that the letters are easy to understand and that people have the option to speak to someone directly if they have questions and that they are advised about how they can share their views.

It is important that people who are typically harder to reach have the chance to be informed about the consultation and to have their say. People who are often harder to reach include:

- People who provide unpaid care to family members or friends
- People who fund their own care and support
- People who do not use social care services
- Working people
- Black and minority ethnic people

HWW will promote the consultation through its usual communication channels. There will be a need for Wiltshire Council, and other organisations, to consider how it will promote the consultation.

5. Timeframe

To be completed and dependent on Council's formal consultation 'window'

ng the Equalities Risk Score

You will need to calculate a risk score twice:

1. On the inherent risk of the proposal itself (without taking into account any mitigating actions you may identify at the end of the Equality Analysis (EA) process)
2. On the risk that remains (the residual risk) after mitigating actions have been identified

This is necessary at both points to:

- Firstly, identify whether an EA needs to be completed for the proposal and;
- Secondly, to understand what risk would be left if the actions identified to mitigate against any adverse impact are implemented

Stage 1 - to get the inherent risk rating:

1. Use the [Equalities Risk Criteria Table](#) below and score each criteria on a scale of 1 - 4 for the impact and their likelihood of occurrence. Multiply these 2 scores together (Likelihood x Impact) to get an overall score (this will range from 1 – 16)
2. Consider the scores and if any one aspect scores a 4 then this is likely to outweigh all others. On this basis determine the appropriate score for the risk. (Do not average scores since this will almost always produce a low – average scored risk)
3. Assess whether you need to carry out an EA using the guidance box below (stage 2)
4. If an EA is needed (i.e. your score is above 3) make a note of your inherent score using the red, amber, green color rating on the [first page](#) of the EA template

Stage 2 - to identify whether an EA needs to be carried out:

If your inherent risk score is:

12 – 16 or Red = High Risk. **An Equality Analysis must be completed.** Significant risks which have to be actively managed; reduce the likelihood and/or impact through control measures.

6 – 9 or Amber = Medium Risk. **An Equality Analysis must be completed.** Manageable risks, controls to be put in place; managers should consider the cost of implementing controls against the benefit in the reduction of risk exposure.

3 – 4 or Green = Low Risk. **An Equality Analysis must be completed**

1 – 2 or Green = Low Risk. **An Equality Analysis does not have to be completed**

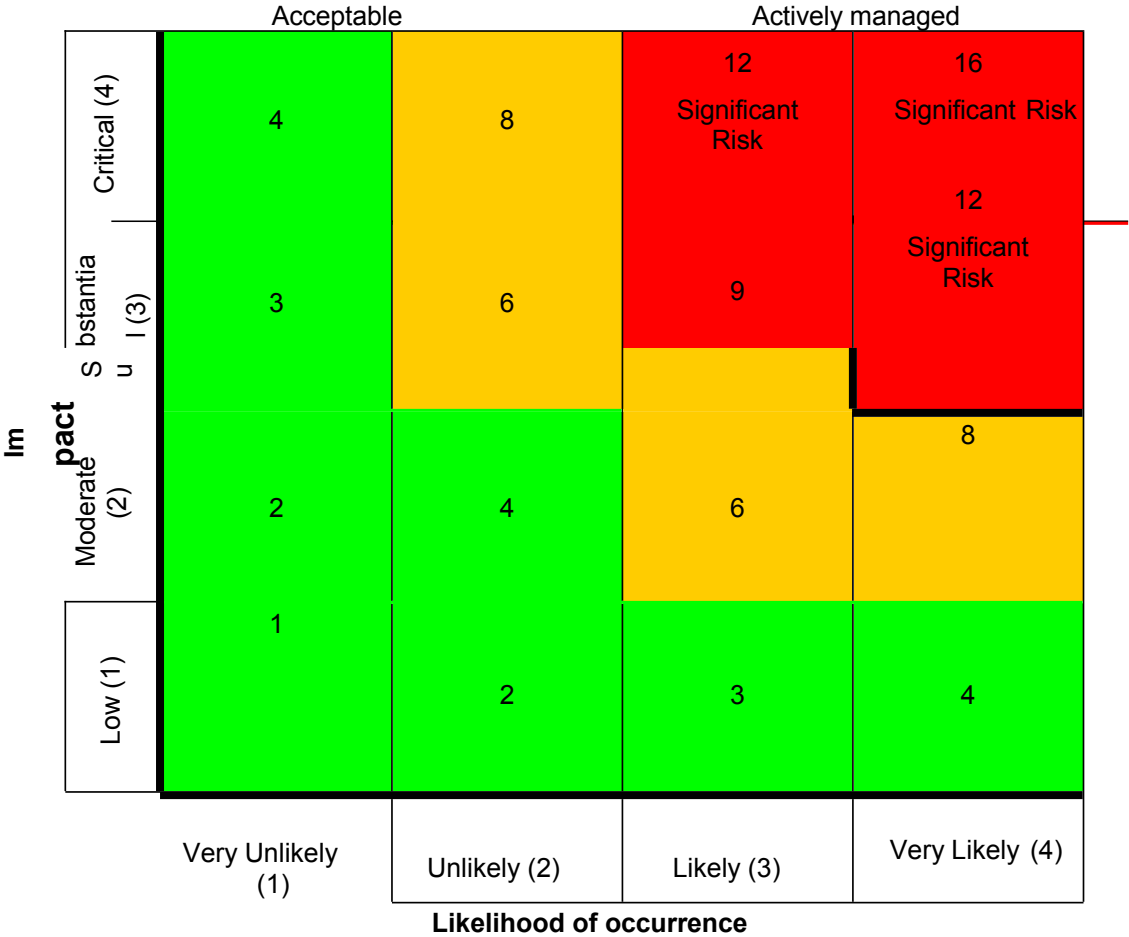
Stage 3 - to get the residual risk rating:

1. Repeat the process above when mitigating actions have been identified and evidenced in the [table](#) on page 3 to calculate the **residual risk**
2. Make a note of the residual risk score using the red, amber, green colour rating on the [first page](#) of the EA template

Equalities Risk Criteria Table

Impact	Low	Moderate	Substantial 3	Critical
Criteria	1	2		4
Legal challenge to the Authority under the Public Sector Equality Duty	Complaint/initial challenge may easily be resolved	Internal investigation following a number of complaints or challenges	Ombudsman complaint following unresolved complaints or challenges	Risk of high level challenge resulting in Judicial Review
Financial costs/implications	Little or no additional financial implication as a result of this decision or proposal	Medium level implication with internal legal costs and internal resources	High financial impact - External legal advice and internal resources	Severe financial impact - legal costs and internal resources
People impacts	No or Low or level of impact on isolation, quality of life, achievement, access to services. Unlikely to result in harm or injury. Mitigating actions are sufficient	Significant quality of life issues i.e. Achievement, access to services. Minor to significant levels of harm, injury, mistreatment or abuse OR, low level of impact that is possible or likely to occur with over 500 people potentially affected	Serious Quality of Life issues i.e. Where isolation increases or vulnerability is greatly affected as a result. Injury and/or serious mistreatment or abuse of an individual for whom the Council has a responsibility OR, a medium level of impact that is likely to occur with over 500 people potentially affected	Death of an individual for whom the Council has a responsibility or serious mistreatment or abuse resulting in criminal charges OR High level of impact that is likely to occur, with potentially over 500 people potentially affected
Reputational damage	Little or no impact outside of the Council	Some negative local media reporting	Significant to high levels of negative front page reports/editorial comment in	National attention and media coverage

Equalities Risk Matrix



The protected characteristics:

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds). This includes all ages, including children and young people and older people.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - The process of transitioning from one gender to another.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships' and from 29th March 2014, same-sex couples can also get married at certain religious venues. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity - Pregnancy is the condition of being pregnant.

Maternity refers to the period of 26 weeks after the birth, which reflects the period of a woman's ordinary maternity leave entitlement in the employment context.

Sex (this was previously called 'gender') - A man or a woman.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

You are also protected if you are discriminated against because you are **perceived** to have, or are **associated** with someone who has, a protected characteristic. For example, the Equality Act will protect people who are caring for a disabled child or relative. They will be protected by virtue of their association to that person (e.g. if the Carer is refused a service because of the person they are caring for, this would amount to discrimination by association and they would be protected under the Equality Act)

Wiltshire Council

**Environment Select Committee
12 January 2016**

**Cabinet
19 January 2016**

Subject: New Highways Contract Award

Cabinet Member: Councillor Philip Whitehead – Highways and Transport

Key Decision: Yes

Executive Summary

Following the decision by Cabinet in July 2015 on the early termination of the existing Highways and Streetscene contract with Balfour Beatty Living Places (BBLP), a procurement exercise has been undertaken for a new highways contract.

The new contract will include the provision of routine highways maintenance, Parish Stewards, pothole repairs, winter gritting and the implementation of safety and Community Area Transport Group (CATG) schemes. The new contract will start on 1 April 2016, and the opportunity has been taken to undertake a joint procurement with Swindon Borough Council. It is anticipated that annual expenditure through the contract is likely to be in the region of £15,000,000.

The Procurement of the new contract has followed a two stage process. Following the publishing of the Official Journal of the European Union (OJEU) notice, 54 firms (made up of both smaller and larger companies), expressed an interest via the supplying southwest portal, and subsequently seven firms submitted documents requesting to be on the tender list. One was eliminated due to non-compliance and the remaining six were evaluated. One submission was eliminated by the finance team because of turnover and financial considerations.

Based on the evaluations by a team comprising service managers and representatives of the finance team, with the Corporate Procurement team acting as moderators, a list of five potential tenderers was prepared. One of the companies subsequently advised that they would not be submitting a bid because of timescales and conflicting workloads.

Four of the contractors submitted tenders, which have been assessed in terms of cost and quality, using Price/Quality considerations of 60/40 described in the tender documentation.

The detailed scoring and financial information is contained in a confidential report to be considered in Part 2 of this meeting.

Proposal

The proposal is to be considered as a Part 2 Item at this meeting.

Reason for Proposal

- (i) There is a need for a specialist contractor to deliver the Council's highways and related services when the existing contract ends on 1 April 2016.
- (ii) Following a procurement exercise in accordance with the 'Restricted Procedure' tenders were submitted by four companies, which were assessed in terms of price and quality.
- (iii) The most advantageous tender for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures. The detailed scoring and financial information is contained in a confidential report to be considered in Part 2 of this meeting.

Dr. Carlton Brand
Corporate Director

Wiltshire Council

Environment Select Committee
12 January 2016

Cabinet
19 January 2016

Subject: New Highways Contract Award

Cabinet Member: Councillor Philip Whitehead – Highways and Transport

Key Decision: Yes

Purpose of Report

1. To consider the award of the Wiltshire and Swindon Borough Councils' Highways Contract.

Relevance to the Council's Business Plan

2. The Council's highways contract helps meet the priorities of the Council's Business Plan, including:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them
 - Outcome 6 – People are as protected from harm as possible and feel safe

Background

3. The Council's highways service has been primarily delivered through the Highways and Streetscene Contract, which was awarded to Balfour Beatty Living Places (BBLP) on 18 December 2012. The contract started on 1 June 2013 and brought together the previous highways, street lighting and streetscene contracts and operations into one contract.
4. On 21 July 2015 Cabinet approved the early termination of the BBLP contract, the early transfer of some key BBLP sub-contracts, and the procurement of a replacement highways contract. An outline of the highways services to be provided under the new highways contract is included in **Appendix 1**.
5. The new contract will include the provision of routine highways maintenance, Parish Stewards, pothole repairs, winter gritting and the implementation of safety and Community Area Transport Group (CATG) schemes.
6. Lessons learnt from the existing contract with BBLP have been included in the new contract to reduce the risk of similar problems with the new contract. The removal of the streetscene functions from the contract will make it a more 'traditional' highways contract which suppliers should find easier to understand and deliver.

7. It is proposed that the new contract will come into operation on 1 April 2016 in order to achieve the programme agreed with regard to the termination of the BBLP contract. A summary of the main provisions of the new contract is included in **Appendix 2**.
8. The opportunity has been taken to include Swindon Borough Council in the procurement process so that it can obtain work through the contract. This has the benefit of increasing the scale of the contract, making it more attractive to bidders, and meets the Department for Transport requirements for collaborative working with other highway authorities. It is anticipated that annual expenditure through the new contract is likely to be in the region of £15,000,000.

Main Considerations for the Council

9. The Procurement of the new contract has followed the 'Restricted Procedure' which is a two stage process. The first stage was for bidders to submit information to enable them to be considered for inclusion on a list to be invited to tender.
10. The second stage was for the short listed tenderers to be issued the Invitation to Tender (ITT) documents, which had to be completed and returned by the closing date of 18 December 2015. The tender documents included both price and quality elements which are taken into account in awarding the contract.
11. An open invitation was made to potential providers to attend an 'Industry Open Day'. This was held on the afternoon of Tuesday 6 October 2015 in the Council Chamber at County Hall and was well attended. A presentation was delivered to attendees to enable them to understand the scope of the contract and the timescale for procurement.
12. The programme for the procurement of the new contract is:

Event	Date
Publish OJEU PIN	3 September 2015
Publish PQQ	20 October 2015
Deadline for submission of PQQ clarification question	16 November 2015
PQQ submission deadline	19 November 2015
Evaluation of PQQ Submissions	19 November – 25 November 2015
Issue Invitations To Tender	30 November 2015
Tender Submission Deadline	18 December 2015
Contractor Interviews	22 – 23 December 2015
Award, Standstill Period start, Appointment	19 January 2016
Contract Commencement	1 April 2016

Pre Qualification Questionnaire

13. Following the issue of a Prior Information Notice (PIN), the Pre-Qualification Questionnaire (PQQ) was made available to potential bidders. The PQQ requested information about the bidder, including financial information, business and professional standing, health and safety, equal opportunities and diversity, environmental management, quality management and previous experience.
14. The returned PQQs were assessed in accordance with the process set out in the document, and were scored by a panel of Council officers to identify a list of organisations to be invited to tender.
15. Following the publishing of the Official Journal of the European Union (OJEU) notice, 54 firms (made up of both smaller and larger companies), expressed an interest via the supplying southwest portal. The PQQ document was issued to all of the firms which had expressed interest.
16. In compliance with the new Public Contract Regulation 2015, all the documents (the PQQ and the Draft Tender Documents) were made available on the same day. This was to allow all the potential bidders to view the documents, and the requirements of the Council, to allow an informed decision on whether to submit a completed PQQ.
17. By 19 November 2015, which was the deadline to receive completed PQQs, seven firms had submitted documents. One was eliminated due to non-compliance and the remaining six were evaluated. One submission was eliminated by the finance team because of turnover and financial considerations.
18. Based on the evaluations by a team comprising service managers and representatives of the finance team, with the Corporate Procurement team acting as moderators, a list of five potential tenderers was developed. One of the companies subsequently advised that it would not be submitting a bid because of timescales and conflicting workloads.
19. It is considered that the four companies invited to tender represented a good tender list of firms with the capacity and capability to deliver the contract. Although it did not form part of the considerations, three of the four companies have had successful contracts with Wiltshire previously. Swindon Borough Council has been involved in the procurement process and kept informed of progress.

Invitation to Tender

20. The updated tender documents were issued to the selected list of bidders on 30 November 2015 for return by 18 December 2015. The tender documents include a Price List and a Quality Questionnaire. The Quality Questionnaire has questions in connection with:
 - The Management Arrangements
 - Systems and Processes
 - Operations and Methods

- Customer Care
 - Performance, Innovation and Efficiency
21. The tenderers also had to complete the Price List of items which reflected the range of work to be procured through the contract.
 22. The tenders were returned by 18 December 2015. The tenderers were invited to attend individual interviews on 22 or 23 December 2015. This comprised a short presentation by the tenderer, and the opportunity to respond to a series of questions in connection with the contract. The presentation and responses to the questions contributed to the scoring of the quality assessment.

Tender Assessment

23. As well as submitting prices the tenderers were required to answer specific questions regarding how they would deliver the required services. The Quality Questionnaire covered five main aspects:
 - Management Arrangements
 - Systems and Processes
 - Operations and Methods
 - Customer Care
 - Performance, Innovation and Efficiency
24. The Quality Questionnaires were assessed and scored by a panel comprising Heads of Service and other staff who have extensive experience of the type of work being undertaken through the contract. The weightings given to each aspect of the Quality Questionnaire are described in **Appendix 3**.
25. The Quality Scores were calculated for each tenderer by dividing their initial quality scores awarded by the panel by the highest initial quality score. Thus the tenderer with the highest initial quality score from the Quality evaluation was awarded a score of 100.00% and all the others are awarded Quality Scores pro rata to their *initial quality scores* (rounded to two decimal places).
26. The outcome of the tender quality assessment is reported in the Part 2 item to be considered at this meeting.

Tenderer Interviews

27. As part of the tender assessment process the tenderers were required to attend an interview at County Hall on 22 and 23 December 2015. They were required to make a short presentation to introduce their teams and their approach to the contract.
28. The panel consisted of the Associate Director for Highways and Transport, Parvis Khansari, relevant Heads of service, the Cabinet Member for Highways and Transport, Cllr. Philip Whitehead, the Chair of the Audit Committee, Cllr Tony Deane, and the Chair of the Contracts Task Group established by the Environment Select Committee, Cllr. Jeff Osborn. The interviews were monitored by a member of the Procurement Team.

29. The tenderers were each asked 10 set questions. They had been given an indication of the subject areas relating to the contract, but did not have advance warning of the specific questions. The scores awarded in connection with the presentation and the responses to the questions were included in the quality assessment.
30. Information on the scores awarded for the Tenderer Interviews is included in the Part 2 report.

Price Assessments

31. Tenderers completed and submitted a Price List which contained a schedule of rates and items for the work most likely to be required under the contract. This included a mixture of rates for different types of measured work, fixed sums for particular identified elements of work, and on-costs and multipliers to be applied in certain circumstances. These rates were used to price a basket of items which represented the typical annual expenditure anticipated through the contract.
32. The lowest annual value calculated from the price assessment was awarded 100%. The cost scores for all the other tenderers were calculated by dividing the lowest annual value by each tenderer's annual value in turn.
33. The outcome of the price assessment is reported in the Part 2 item to be considered at this meeting.

Comparison of bids

34. The tender assessment process has recognised the vital importance of obtaining cost-effective services, but has also recognised the importance of the quality of the services provided by the contractor. Consequently, bids have been evaluated on a 60/40 Price/Quality basis in order to reflect the relative importance of these two aspects.
35. The quality and price scores of the tenderers were combined to determine the preferred bidder. The full details of the assessment are described in the Part 2 item to be considered at this meeting.

Benefits of the New Contract

36. The new contract offers the opportunity to establish a new long term relationship with a contractor to work in partnership with the Council to deliver the highway service.
37. The contract would be for five years, with extensions up to two years subject to performance, which would be monitored continuously and assessed annually. This will act as an incentive for consistent good performance.
38. The new highways contractor would be an established company with a proven track record in highways maintenance, and the capacity and capability to deliver the service.
39. The new contract includes the reintroduction of the Parish Steward scheme, which will be welcomed by local communities.

- 40. The contract will be for highways operations, and will not include the streetscene and grass cutting elements which caused issues with the previous contract.
- 41. The new contractor will make full use of the My Wiltshire app in identifying and monitoring work, which would be developed to provide improved responses to reports.
- 42. The joint working with Swindon Borough Council will allow for better co-ordination of works and resources. It will provide a better workload for the contractor, with potentially greater flexibility and reduced costs. It also meets the Department for Transport aspiration for collaborative working between highway authorities.

Next Stages

- 43. Following a decision to award the contract there will be a ten day standstill period during which other tenderers may make a legal challenge to the award of the contract.
- 44. Subject to the outcome of the decision by Cabinet, and assuming no legal challenge is received, the intention is to enter into the contract as soon as possible in order to provide the maximum lead in time before the contract starts on 1 April 2016.
- 45. There will be a significant amount of preparatory work for the successful bidder in arranging the necessary plant and equipment, communications systems and infrastructure. There are also likely to be significant numbers of employees transferring from existing service suppliers to the new contractor. It will be important to establish a consistent culture and processes for meeting the employment obligations, especially in connection with the TUPE regulations.
- 46. The new contract will make a number of changes to the way services are delivered, including the reintroduction of the Parish Steward scheme, and these arrangements will have to be developed by the new supplier and agreed with the Council officers.

Overview and Scrutiny Engagement

- 47. The Environment Select Committee has been actively involved in the termination of the existing contract and the procurement of its replacement. A Contract Task Group was established for the previous contract, which has also monitored the procurement of the new contract. At its meeting on 15 December 2015 the Contract Task Group received a report on the procurement processes being followed.
- 48. The Chairs of the Contract Task Group established by the Environment Select Committee - Cllr. Jeff Osborn Audit Committee, and the Chair of the Audit Committee - Cllr Tony Deane, were at the Tenderer Interviews in December and have been involved in the process.

Safeguarding Implications

- 49. None.
- CM09699/3

Public Health Implications

50. The condition of roads and related infrastructure can have serious safety implications, especially with regard to skid resistance and condition of highways and the contribution they can make to reducing accidents and public safety. The arrangements for the new contract should ensure continuing delivery of services in these key areas, and help to improve road safety.

Procurement Implications

51. The new contract will deliver routine maintenance operations, pothole repairs and winter maintenance. The procurement has followed the Restricted Procedure, which is a two stage process, with the relevant OJEU notices and procedures.
52. The scope and details of the new contract take into account a number of factors, including revenue funding pressures, public expectations, winter maintenance requirements and legal obligations to maintain the highways network. The development of the package of works for tender has been undertaken in parallel with the transfer of other parts of the service by agreement.
53. The Council's Procurement Team has been actively involved in the process and has monitored the procurement and tender assessment processes to ensure they are carried out properly and to reduce the risk of a legal challenge. The detailed scoring and financial information on the tender assessment is contained in a confidential report to be considered in Part 2 of this meeting.

Equalities Impact of the Proposal

54. The new highways contract will result in existing employees of current contractors and sub-contractors having rights under TUPE legislation. The Council will work with the contractors and sub-contractors to determine whether TUPE is applicable and to make the appropriate arrangement to meet any legal obligations.
55. The successful tenderer has been required to demonstrate good practice in terms of employment policies and practices, and conform to the Council's standards and behaviours framework. The tenderers' employment policies have been taken into account in assessing the tenders.

Environmental and Climate Change Considerations

56. The effects of climate change are likely to have significant effects on the highways network as was seen in the flooding of 2014, and the consequent damage to the roads, footways and drainage systems. Having a suitable highways contractor in place will enable robust responses to be made to immediate problems, and will assist in delivering strategies and investment to improve the condition of the network to help build resilience into the infrastructure.
57. Some winters in recent years have been particularly severe, and have emphasised the importance of the precautionary salting and snow clearing which would be carried out by the new highways contractor.

58. The maintenance of highways, verges, landscaped areas and watercourses carried out by the highways service can have an important influence on the local ecology and environment in Wiltshire, and this has been taken into account in assessing the quality questionnaires.
59. The new contract includes the maintenance of the Council's street lighting. In recent years this has proved to be an area where significant cost savings have been made through invest to save initiatives, and where positive steps have been taken to reduce the Council's carbon footprint. The new contract has provided the opportunity to obtain prices for energy efficient equipment for potential installation to replace aging and inefficient infrastructure as funding permits.
60. The duties of the Council, as Lead Local Flood Authority, have increased the importance of responding to flooding. The new contract will provide for an immediate response to flooding and other incidents in the county, with resources being increased in response to events. It is likely that flood alleviation and community protection works will increase in importance during the life of the new contract.
61. The tender assessment process for the new highways contract has taken into account the environmental policies of the tenderers in the quality assessments.

Risk Assessment

62. There are significant risks associated with the Council's highways operations, especially in terms of health and safety, and in financial and reputational risks to the Council. The appointment of a suitable contractor for the highways service is important in reducing and managing these risks.

Risks that may arise if the proposed decision and related work is not taken

63. It is important that a suitable contractor is appointed to enable the contract to start on 1 April 2016 when the existing contract ends. In the event of the contract not being awarded it should be possible to make temporary arrangements with existing suppliers, and this possibility has been discussed with them. However, there would be risks associated with this as resource levels would be likely to be reduced, which could result in delays in dealing with potholes and other issues on the highway.
64. There could be a risk of increased accidents, claims and public dissatisfaction if highway maintenance is not delivered effectively, or is delayed as a result of procurement issues. These may arise if suppliers are unwilling to continue to provide the services to the level required by the Council. At present, with the current progress on procurement, this seems unlikely, but the situation will continue to be monitored.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

65. There is a risk that despite the stringent procurement procedure and assessment processes that the selected contractor does not meet expectations and performance is not as good as anticipated. The problems with urban grass

cutting with the BBLP contract were widely reported. These problems have been resolved with the current service supplier, and do not form part of the new highway contract, but they do illustrate the issues that can arise.

66. Careful consideration was given to the scope of the new contract when the decision was taken to terminate the current contract. The new contract will be managed through established and clearly defined processes, with reports on performance being made on a regular basis to the Environment Select Committee, or as required.
67. There is a risk that there could be a legal challenge to the contract award. There is a ten day standstill period following award during which this could happen. The processes followed in procuring the contract have followed the required procedure in order to reduce this risk.

Financial Implications

68. Highways budgets nationally have been under severe pressure for many years. This has been especially the case recently for revenue funding which funds routine maintenance, including grass cutting, gully emptying, litter collection and day-to-day operations on the network. It is especially important that value for money is obtained for these items through the current procurement process.
69. There has been significant capital funding for highways maintenance and improvements in Wiltshire in recent years, despite the difficult financial situation. However, the increasing workloads in the public and private sectors are causing concerns about future cost pressures across the industry.
70. The assessment of the tenders for the new contract has included consideration of the financial aspects. A weighting of 60% has been given to the cost elements, compared to 40% for quality, which reflects the importance of achieving value for money through the contract. A representative basket of goods of anticipated work expected to be ordered through the contract has been used in order to carry out an assessment of the financial implications of the tenders.
71. The financial implications of the award of the new contract are discussed in the Part 2 report which will be considered at this meeting.

Legal Implications

72. The Council has a duty to maintain the highways network and related infrastructure. The new highways contract will deliver important aspects of the highways service, and help ensure that the Council meets its obligations under the Highways Act and other legislation. The new contract, and the appointment of a suitable supplier, will help ensure that the services are provided to the standard necessary for the Council to fulfil its statutory duties.
73. The transfer of staff under TUPE from the existing service suppliers to the new supplier will be managed, with appropriate legal advice, as part of the contract transition process. This will include the protection of pension rights of transferring staff through either access to the Local Government Pension Scheme or other appropriate scheme, details of which will be negotiated with the new supplier.

74. It is important that the procurement process and contract award follow the correct processes in order to avoid legal challenges during the process which could delay or prevent the start of any new arrangements.

Options Considered

75. It is necessary for the Council to award a new contract because of the importance of the highway service to the Council and the communities in Wiltshire. There are safety, legal, reputational and financial risks associated with not having a suitable contractor for the highways service.
76. The tenders submitted for the new contract have been assessed in terms of price and quality in accordance with the agreed procedure, and the most suitable tenderer has been identified.

Conclusions

77. The result of the assessment to identify the preferred bidder is described in the Part 2 item to be considered at this meeting. The most advantageous tender for the Council, taking into account quality and price, has been identified in accordance with the procurement procedures.

Parvis Khansari
Associate Director Highways and Transport

Report Author:

Peter Binley

Head of Highways Asset Management and Commissioning

The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

Appendix 1 – Scope of new Contract
Appendix 2 - Summary of main features of contract
Appendix 3 – Quality Questionnaire Scoring Weightings

Scope of the Wiltshire Highways Contract

The information below is indicative only and does not necessarily cover the full list of works included in the contract:

Local Highways – Parish Stewards, Pothole and carriageway defect repairs, masonry gangs, footway, kerb and ironwork maintenance, weed spraying, drainage cleansing and gully emptying, reactive grass cutting, road marking and sign maintenance, mechanical sweeping.

Street Lighting – lighting and illuminated sign maintenance and renewal work, column replacement, damage repairs and renewals, energy saving and lighting improvement schemes.

Drainage surveys and investigations – CCTV surveys, recording, cleansing, repairs and renewal.

Weather and Emergencies – Winter gritting, grit bins, weather emergency, flooding response, wind damage, out of hours service, emergency response service attending and responding to incidents on the highway on a 24 hours a day basis, escalating the response, and increasing and deploying resources as required. The Council is the Lead Local Flood Authority for Wiltshire and the selected Contractor will operate the Council's response service to flooding incidents.

Traffic Management – Temporary traffic signals, stop-go control, diversion routes for works in connection with the contract, and work by other contractors, organisations and events.

Integrated Transport Schemes – Local safety, pedestrian, cycle and public transport infrastructure schemes, traffic calming, signing and road marking improvements, residents parking, Community Area Transport Group (CATG) schemes.

Bridge Repairs and maintenance – Routine bridge maintenance and repairs, minor bridge schemes.

Highway Maintenance – Pothole repairs, machine lining and cat's eyes, safety fencing, velocity patcher, footway repairs and renewal, carriageway resurfacing and in-situ recycling.

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**Wiltshire and Swindon Borough Council Highways Contract
Summary of main features**

There will be separate contracts between each of the Councils and the contractor, with a partnering agreement between the parties.

The contract uses the NEC3 form of contract.

The contract will be for five years, and can be extended for a further two years subject to performance.

There is a Price List of items, which will be the basis of payment to the contractor. It includes items for measured work paid for by item, linear or square metre etc. There are also items paid for on a time basis where work may not be specified by particular work, such as for Parish Stewards.

The prices will be adjusted annually based on price indices applied to a representative basket of goods.

There is a description of the works to be carried out by the contractor, including specifications and methods of measurement, generally based on nationally accepted standards, including Department for Transport, British Standards and other industry guidance.

In some cases, bespoke items and specifications have been developed, for example for Parish Stewards.

The operation of the contract will be managed by Contract Management Meetings, which will take place monthly and involve senior representatives of the Council, consultant and contractor.

Service Delivery Teams are established for individual service areas such as major maintenance, local highways, structures, integrated transport and street lighting. These teams comprising representatives of the Council, consultant and contractor will manage the day to day operations.

The Council issues task orders to the contractor on the basis of the Price List. On completion of the works, or on a monthly basis, the contractor submits a payment application.

The payment application is reviewed by the Council and an approved sum paid to the contractor.

Either party can issue Early Warning Notices (EWNs) in connection with the works to give advance notice of changes or potential issues.

Where appropriate a Change Event Notification (CEN) is issued, particularly if there are financial implications in connection with the event, and additional or changes to payments are made accordingly.

In the event of any disagreement the matter would be initially be considered by the Service Delivery Team, and if necessary referred to the Contract Management Meeting.

If it is still not resolved it may be referred to an independent adjudicator appointed by the Institution of Civil Engineers.

Where there are no appropriate items in the Price List the contractor will be requested to provide a price for consideration.

The contractor's performance will be monitored on a month by month basis so that prompt action can be taken to address any issues.

The contractor's performance is assessed against the contract objectives annually in accordance with the procedure set out in the contract. The responses to the quality questions at tender stage and agreed key performance indicators will be taken into account in considering the contractors performance.

Good performance will be rewarded by the award of an extension of up to six months each year, up to a total of 2 years. Poor performance could result in removal of awarded extensions or other action.

The assessment of contractor's performance will be reported annually to the Environment Select Committee or as necessary.

Quality Questionnaire and Interview score weightings

Quality Questionnaire

Section	Question	Weighting
A. Management Arrangements	Q1. Local Organisation and Management	5%
	Q2. Mobilisation and Demobilisation	5%
	Q3. IT Mobilisation	5%
	Q4 Personnel Training and Development	5%
	Q5. Depot Proposals	5%
B. Systems and Processes	Q6. Reactive Works Management Process	5%
	Q7. Mobile IT	5%
	Q8. Administration of Financial Processes	10%
C. Operations and Methods	Q9. Parish Stewards	5%
	Q10. Management of Programmed Works	5%
	Q11. Winter, Weather and Emergency	5%
D. Customer Care	Q12 Customer Care	5%
	Q13. Data Protection	5%
	Q14. Pensions	5%

E. Performance, Innovation and Efficiency	Q15. Performance and Innovation	15%
	Q16. Operational Efficiency	10%
TOTAL		100%

Tenderer Interviews

Section	Scope	Weighting
Presentation	Introduction to team and outline	20%
Management Arrangements	Partnership working, dispute resolution, Project Manager	20%
Systems and Process	New technology, staff areas and resource management	10%
Operations and Methods	Management of planned and reactive works, new techniques and regulations. Parish Stewards	20%
Customer Care	Communications with others	10%
Performance, Innovation and Efficiency	Efficient and effective services, innovation and best value.	20%
Total		100%

APPENDIX 4 HIGHWAYS AND STREET SCENE CONTRACT (BBLP) TASK GROUP

DRAFT NOTES OF THE HIGHWAYS AND STREET SCENE CONTRACT (BBLP) TASK GROUP MEETING HELD ON 15 DECEMBER 2015 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Bob Jones MBE, Cllr Gordon King, Cllr Jeff Osborn and Cllr Linda Packard

Also Present:

Theo Biney, Peter Binley, Adam Brown, Adrian Hampton, Parvis Khansari and Henry Powell

1 **Apologies**

Apologies received from Cllrs Tony Trotman, John Walsh and Philip Whitehead.

2 **Notes of the previous meeting**

The report of the task group's meeting held on 15 October 2015 was approved as a correct record. This was endorsed by Environment Select Committee on 27 October 2015.

3 **New highways contract**

Key discussion points:

The following attended to answer questions on the report and appendices setting out the process for tendering for the new highways contract:

Peter Binley Head of Highways Asset Management
Theo Biney, Senior Purchasing Group Leader
Adrian Hampton, Head of Local Highways, Weather and Emergency Services
Parvis Khansari, Associate Director for Highways and Transport

Key discussion points:

Parish Stewards

- The contract includes the provision of the parish steward service and a specification for the role. The council held an open day and showed a

DVD on the Parish Steward Scheme to ensure bidders understand what is required.

- ICT issues experienced under the previous contract are being addressed. It is hoped operators will use the My Wiltshire app resulting in no loss of data on logged issues. Operators will be empowered to respond directly to logged issues, rather simply than 'close', 'complete' or 'reject', which caused communication issues previously. In the short terms a 'workaround' has been implemented to reduce the known ICT problems.

Workflow

- Gullies in high- risk areas are cleared as a priority , but those not causing house flooding or road safety issues are addressed when resources allow.
- Work is being done to ensure that the new contractor can commence work on day one and that the council has a full programme of work to pass to them.
- Masonry issues (e.g. loose paving slabs) are being addressed where they meet the council's stated intervention levels. There four reactive masonry gangs. Work that does not meet the council's intervention levels are completed as resources allow, or left as low priority work. There are two additional capital masonry gangs that undertaken scheduled maintenance and larger schemes. The number of gangs available in the new contract will be decided when rates and the budget is known.

Joint tender with Swindon Borough Council

- Wiltshire and Swindon are undertaking a joint procurement process with a single set of prices and specifications. However, each council will sign contract separately to retain separate liabilities. Procuring and managing the contract together will create efficiencies. Swindon BC has its own in-house highways provision, but the new contract will give them capacity for additional relatively small-scale works. Wiltshire benefits from the joint arrangement by being able to demonstrate that it is working collaboratively with other councils, which is a factor when central government determines local authority funding levels.

Contract extensions

- Under the new contract the council can award the provider a six month extension for every year that a suite of KPI targets are delivered, with a maximum total extension of 2 years. However the council can also remove these extensions if performance is not satisfactory.

Adjustments to the new contract

- Small amendments to the contract have been made since the previous version in order to close small loopholes and ensure clarity about terms and expectations. These include defining precisely what a 'season' is and the specification for the parish steward role.
- Much of the value of the new contract goes on materials and technology. The successful bidder is expected to be aware of the latest technological developments and use these to create efficiencies.

Next steps

- The pricing information submitted by bidders will allow calculations to be done assessing the impact of the new contract on the council's 2016/17 financial plan.
- On 12 January 2016 Environment Select Committee will receive a report describing the strengths and weakness of the various tenders bids, but the actual providers won't be named. On 19 January Cabinet will make the final decision.
- Task Group members were invited to form one of the focus groups contributing to the LGA Peer Review of the council's highways service.
- Officers were asked to provide the following information:
 - a) Parish Steward role specification
 - b) A Members Briefing Note in January reporting the successful provider and detailing the services to be provided under the contract.
 - c) Urban grass cutting maps.
 - d) "BBLP" to be removed from the task group's name.

4 Next steps

Please see the item above.

(Duration of meeting: 3.00 - 4.00 pm)

The Officer who has produced these minutes is Henry Powell, Senior Scrutiny Officer, of Democratic Services, direct line 01225 718 052, e-mail henry.powell@wiltshire.gov.uk

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