

Policy Committee

Wednesday, 09 September 2015 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|---------|
| 1 | Minutes of last meeting held on 15 July 2015 | 3 - 6 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Policy and Process Guidance for Discretionary Payments Towards the Provision of Major Adaptations To Service Users' Homes | 7 - 16 |
| 5 | Direct Payments Policy | 17 - 30 |
| 6 | Performance Reporting on the Strategic Plan 2014-18 and Redefining Your Council | 31 - 36 |
| 7 | Local Government Ombudsman Annual Review Letter 2015 | 37 - 44 |
| 8 | County Councils Network Summit and Annual Conference 2015 | 45 - 46 |
| 9 | Appointment to Outside Bodies. | 47 - 48 |
| 10 | Work Programme | 49 - 52 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Paul Davies (Tel. 0115 977 3299) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting **POLICY COMMITTEE**

Date **Wednesday 15 July 2015 at 10:30am**

membership

Persons absent are marked with 'A'

COUNCILLORS

Alan Rhodes (Chairman)
Joyce Bosnjak (Vice-Chairman)

Reg Adair
Jim Creamer
Mrs Kay Cutts MBE
Glynn Gilfoyle
Kevin Greaves
Stan Heptinstall MBE
Richard Jackson
David Kirkham
John Knight

Diana Meale
Phillip Owen
Kate Foale
Ken Rigby
Martin Suthers OBE
Gail Turner
Stuart Wallace
Muriel Weisz

ALSO IN ATTENDANCE

Councillor Roy Allan
Councillor Pauline Allan
Councillor Alan Bell
Councillor Nikki Brooks
Councillor Steve Calvert

Councillor Steve Carrol
Councillor Sheila Place
Councillor Liz Plant
Councillor Yvonne Woodhead

OFFICERS IN ATTENDANCE

Anthony May Chief Executive

David Pearson Adult Social Care and Health

Carl Bilbey	}	Policy, Planning & Corporate Services
Martin Done		
Keith Ford		
Jayne Francis-Ward		
Sally Gill		
Catherine Munro		

Tim Gregory	}	Resources
Clare Winter		

MINUTES

The Minutes of the last meeting held on 17 June 2015, having been previously circulated, were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

An apology for absence had been received from Cllr Ken Rigby

The following temporary change in membership, for this meeting only, was reported to the Committee:-

- Cllr Kate Foale replaces Cllr John Peck.

DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The following officers, declared a disclosable pecuniary interest in agenda item 5 – Review of Senior Management Structure, as officers at Group Manager level or above who were therefore directly affected by the proposals, and left the meeting prior to consideration of that item:-

- Martin Done
- Jayne Francis-Ward
- Sally Gill
- Tim Gregory
- David Pearson
- Clare Winter

REDEFINING YOUR COUNCIL – A REVIEW

RESOLVED: 2015/037

- 1) That the approach set out in the report be endorsed in light of the emerging financial and policy environment.
- 2) That the addition of two new programmes, Economic Development and Combined Authority and Community Empowerment and Resilience, be approved.
- 3) That the new governance and performance management arrangements as detailed in the report be approved.
- 4) That a series of further reports be submitted as and when the situation becomes clearer about the Comprehensive Spending Review, the Care Act and/or other significant external drivers of change, to enable an ongoing dialogue in respect of the future shape and service offer of the Council, and to inform the next Strategic Plan in 2017.

REVIEW OF SENIOR MANAGEMENT STRUCTURE

Martin Done, Jayne Francis-Ward, Sally Gill, Tim Gregory, David Pearson and Clare Winter declared a disclosable pecuniary interest in this item and left the meeting for the duration of this item.

RESOLVED: 2015/038

- 1) That the proposed interim senior management structure for the Council, as set out in Appendix A to the report, be agreed with effect from 1 September 2015.
- 2) That a further report be brought back to Policy Committee in 12 months' time.

BUSINESS BROADBAND CONNECTION VOUCHER SCHEME EXTENDED COUNTYWIDE**RESOLVED: 2015/039**

That the content of this report be noted and elected members be supported and encouraged to inform their local businesses about the countywide Business Broadband Connection Voucher Scheme.

PROCUREMENT STRATEGY 2015-18**RESOLVED: 2015/040**

That the proposed Procurement Strategy 2015-18 be approved.

RURAL SERVICES NETWORK – REVIEW OF MEMBERSHIP**RESOLVED: 2015/041**

- 1) That the County Council renew its membership of the Rural Services Network special interest group.
- 2) That the Team Manager, Democratic Services (after consultation with the Business manager of the Labour Group) nominate the County Council's representative on the network for 2015/16.
- 3) That membership be reviewed again after a further twelve months.

COUNTY LIFE – EVALUATION REPORT**RESOLVED: 2015/042**

That evaluation of the County Life publication be continued with annual reports brought to Policy Committee.

APPOINTMENT TO OUTSIDE BODIES

Concern was expressed by opposition members about how nominations to outside bodies had been arrived at in this instance. A written amendment was circulated by Councillor Mrs Kay Cutts MBE and following a discussion on the amendment the meeting was adjourned at 11.55 am.

The meeting reconvened at 12.02 pm and unanimous agreement was reached.

RESOLVED: 2015/043

- 1) That the following Boards be added to the Council's Outside Bodies appointment list (with the named Members being the Council's initial appointees to these bodies):-
 - a. Bingham and Radcliffe on Trent Local Growth Board – Councillor Martin Suthers OBE.
 - b. West Bridgford Local Growth Board –Councillor Steve Calvert
- 2) That the relevant Business Managers meet with officers to discuss the appointments to Rushcliffe Borough Council Strategic Growth Board and Cotgrave Local Growth Board and a further report be brought to September's Committee on these appointments.

WORK PROGRAMME

During discussions, members requested an update on the Combined Authority and the first of the quarterly progress reports on the Redefining Your Council projects and programmes be added to the work programme for September 2015.

RESOLVED: 2015/044

That the work programme be updated as discussed.

The meeting closed at 12.08 pm.

CHAIRMAN

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S
COMMITTEE****POLICY AND PROCESS GUIDANCE FOR DISCRETIONARY PAYMENTS
TOWARDS THE PROVISION OF MAJOR ADAPTATIONS TO SERVICE
USERS' HOMES****Purpose of the Report**

1. The purpose of this report is to seek approval of the proposed policy and process guidance document, attached as **Appendix 1**, which aims to support and manage discretionary payments towards the cost of major adaptations in a service user's own home, where recommended adaptation works exceed the government's mandatory Disabled Facilities Grant (DFG) of £30,000.

Information and Advice

2. Many disabled children require adaptations to their homes to make them safe and reasonably accessible. Appropriate housing for a child with a disability is a fundamental foundation for the ongoing delivery of any essential care in a safe and dignified environment, supporting family life and a child's health and emotional well-being.
3. The main route for families with disabled children to secure adaptations to make their home accessible and safe to support appropriate and necessary care is through a DFG.
4. A DFG is a statutory grant that is awarded under Part 1 of the Housing Grants, Construction and Regeneration Act (HGCRA) 1996 and is administered by the Housing Authority. The maximum grant that can be awarded towards an adaptation is currently £30,000. Where the adaptation is for a child with a disability no financial assessment is applied.
5. Children can be eligible for a DFG if they meet the definition of 'disabled' in s100 (1) of the HGCRA 1996 or they are a disabled child under part III of the Children's Act 1989.
6. The Housing Authority (HA) need to be satisfied that a DFG recommendation and application is '*necessary and appropriate*' to meet the needs of a disabled child and '*reasonable and practicable*' to carry out works with regard to the age and condition of the property.
7. The HA is not obliged to approve a DFG if they do not believe recommended works to be 'necessary or appropriate' or 'reasonable or practicable'

8. Under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 s3, the HA are obliged to give specific regard to the needs of a disabled child when meeting their responsibilities with regards housing requirements. This duty is further exemplified in 'good practice' 2006. In order to address such duties and to understand if DFG works are '*necessary and appropriate*' the HA is required to consult with the relevant County Council's Children's Occupational Therapy Services.
9. The Council's OT service is required to assess a disabled child and their family's needs to understand if they are eligible for a DFG, and what adaptations are thought to be 'necessary and appropriate'. This decision must be made on 'assessed needs' and not families' wishes.
10. If a disabled child has 'assessed needs' for adaptations that exceed the mandatory DFG of £30,000, the remainder should be met by both the HA and the Council by the exercising of discretionary powers under legislation. For the HA this discretionary power is underpinned by the Regulatory Reform Order 2002 and CDSPA. The Council is pursuant to this duty under the CSDPA (1970) and Children's Act (CA).
11. It is unlawful to refuse to make provision of adaptations that have been assessed as necessary solely by reason of cost.
12. Currently, if a recommended adaptation exceeds the mandatory DFG of £30,000 Nottinghamshire County Council offers a non-financially assessed Discretionary Top up Payment, up to a maximum of £10,000. Any Top up Payment over and above the maximum £10,000 is then considered following families evidencing that they are not in a financial position to contribute towards the cost of any works. Families are required to evidence their inability to contribute in one of two ways: (1) provision of two letters from financial establishments confirming the inability to secure a loan, or (2) Nottinghamshire County Council completing a financial assessment to determine if a family has any disposable income.
13. This process is a historical process, originally developed when OT posts were located in the structure of the Adult Social Care and Health (ASCH) department, and was introduced and amended when OTs were transferred to Children's Services in 2008.
14. Due to increased demands on the OT service and the Top Up Budget, it is felt that the current process requires formal approval to amend and update to ensure resources are targeted at those most in need.
15. The CSDPA (1970) places a duty on the Council to support families with a disabled child to ensure assessed housing needs are met, if a child is deemed eligible. Although a duty, the act does allow the Council to execute discretionary powers, allowing support to be offered in any form, such as a loan, or an outright payment.
16. Any discretionary support does not affect a child or their family's entitlement to a mandatory DFG.
17. Any policy supporting discretionary support to fund adaptations should be implemented equitably, with each individual case being considered on its individual merits.

18. The current discretionary process does not support the Council in offering support in a rational and reasonable manner. The offering of an outright non-financially assessed payment of £10,000 to all families without consideration of a family's ability to contribute financially does not support the need to ensure resources are used fairly and equitably and targeted at those who are in most need.
19. The proposed policy and guidance document was considered and recommended for approval by Children and Young People's Committee on 13 July 2015. Since then, it has been necessary to make a revision at paragraph 6.4 to make it clear that, in accordance with Financial Regulations, any loans made to individuals under the proposed policy would need the approval of Policy Committee.

Other Options Considered

20. The option to implement a financial assessment to all cases where recommended works exceed the mandatory DFG of £30,000 to assess a family's ability to make a financial contribution towards works exceeding the DFG ceiling .
21. The option of a fixed term 'interest free loan' to be offered to those families who are assessed as having disposable income.
22. Interest free loans to be offered with the option of a 'loan break', should a family's financial circumstances alter during the repayment term, for instance if a parent should lose employment status.
23. The option to place a 'charge' on the property on a sliding scale over a fixed period, for those families who are assessed as having no disposable income. This will offer the opportunity to recoup funds should a family choose to sell their property and move.

Reason/s for Recommendation/s

24. The Council's Children's Services retains a responsibility and legal duty to ensure that the housing needs of disabled children are met. This duty is detailed in the Children's Act 2004 s10 and the Housing Act 1996 s213. Furthermore the Council is obliged under the Chronically Sick and Disabled Persons Act 1970 (CSDPA) to assist and have regard to the needs of disabled children.
25. As detailed in **paragraph 15**, the CSDPA (1970) provides the Council with the opportunity to execute discretionary powers to support families in the provision of adaptations, where mandatory funding is exceeded.
26. The implementation of a policy that assesses a family's ability to contribute to works over and above the mandatory DFG ceiling, offers the opportunity for the Council to undertake its legal duties under the CSDPA (1970), whilst ensuring resources are targeted at those most in need. Furthermore the options suggested provide a cost neutral process for the Council, as parents would be required to re-pay the loan over a period of time.
27. The average cost of a Top up Payment is approximately £10,000 per case. In some instances this has been higher, with two recent cases requiring Top up Payments of £28,000 and £19,000.

28. Adult Social Care, Health & Public Protection department's OT services are progressing a formal process for managing Top up Payments for adaptations that exceed the DFG mandatory grant of £30,000. It is understood they are investigating a process where service users will need to evidence an inability to contribute towards the cost of an adaptation.
29. Taking account of **paragraph 27**, the proposed attached policy document would support transition from Children's services into Adults services, by promoting a similar process.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

31. The budget for Top up Payments currently stands at £89,609. Due to the nature of the adaptations and the DFG process it is often difficult to forecast an over or under-spend on this budget, due to the adaptation process often crossing two financial years.
32. There may be administrative costs associated with the introduction of a formalised financial assessment and loan system. It is considered that the business support officers supporting the OT Service could absorb works around the financial assessment. This would require regular review, to ensure capacity remains viable.
33. It is not possible to quantify the number of families who may qualify for an interest free loan, as no previous data is available.
34. In accordance with Financial Regulations any loans made to individuals under the proposed policy would need the approval of Policy Committee.

Human Rights Implications

35. A child's right to family life is enhanced when appropriate adaptations are provided.

Implications for Service Users

36. There should be minimal implications for service users and their families, as only those who are assessed as having a 'disposable income' would be required to contribute to the cost of works. The introduction of any such policy would need to ensure that Top up Payments previously approved on the current arrangements were honoured.

Public Sector Equality Duty implications

37. An Equality Impact assessment (EqIA) has been completed and shared with the Equality Officer and it is concluded that the proposed policy will have no negative effect on those with protected characteristics.

RECOMMENDATION/S

- 1) That the proposed policy and process guidance document, attached as **Appendix 1**, to support and manage discretionary payments towards the cost of major adaptations in a service user's own home, where recommended adaptation works exceed the government's mandatory Disabled Facilities Grant (DFG) of £30,000, be approved.

Councillor John Peck

Chairman of the Children and Young People's Committee

For any enquiries about this report please contact:

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Constitutional Comments (LM 03/08/15)

38. The recommendations in the report fall within the terms of reference of the Policy Committee.

Financial Comments (SS 03/08/15)

39. The financial implications of this report are set out in paragraphs 31-34 above.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Policy and process guidance for discretionary payments towards the provision of major adaptations to service users' homes – report to Children and Young People's Committee on 13 July 2015.

Equality Impact Assessment.

Electoral Division(s) and Member(s) Affected

All.

C0677

Policy and Procedure Guidance - supporting Discretionary Top Up Assistance Payments

Introduction

- 1.1 The purpose of this document is to set out the procedure that should be followed when the costs for a recommended adaptation that is to be provided to a service user's home through a Disabled Facilities Grant (DFG) exceeds the current statutory ceiling of £30,000.
- 1.2 All work undertaken in relation to Disabled Facilities Grants should be compliant with the following legislation:
 - Children's Act 2004
 - Children's Act 1989
 - Disability Discrimination Act 1995 (DDA)
 - Housing Grants, Construction and Regeneration Act (HGCRA) 1996
 - National Health Service and Community Care Act 1990
 - Chronically Sick and Disabled Persons Act 1970 (CSDP)
 - Equality Act 2010

Discretionary Powers

- 2.1 If a proposed adaptation exceeds the statutory DFG of £30,000 and a family reports they are unable to contribute towards any costs and/or a Housing Authority fails to deliver the adaptations in the timeframes set out under legislation, and as a consequence difficulties and hardship are caused to the disabled child and/or their family, Children Services should consider exercising its duties under the CSDPA 1970.
- 2.2 The CSDP Act places a duty on Children's Social Care to assist in meeting unmet needs, but offers them discretionary powers to offer this support in a manner they feel fair and equitable.
- 2.3 An authority's duty to offer discretionary support to meet assessed needs can be offered in any form, such as a low interest loan, interest free loan, or an outright grant. When exercising discretionary powers to fund adaptations, the

authority should give consideration to the merits of each individual case whilst ensuring resources have been used and administered fair and equitably.

Role of the Local Authority (County Council) Children's Occupational Therapy Service

- 3.1 The role of the Children's Occupational Therapist (OT) is to assess a service user's housing needs and to consult and work in partnership with the District Council grants officers to deliver appropriate housing adaptations to meet the assessed needs.
- 3.2 It is recognised that the Children's OT has to strike a balance between the "ideal" solution from the service user's point of view and the resources available, and has a responsibility to work economically and efficiently with regard to the Council's resources. This balance is not always a matter of recommending the cheapest option, it is a concern for effective solutions for individuals, bearing in mind that other people also have a claim on the Council's resources. The most economically appropriate options must therefore be considered first. Staff will be expected to demonstrate this in their recording, particularly of recommendations for major equipment and adaptations.
- 3.3 On identifying a need for housing adaptations the Children's OT should provide families with information about the Disabled Facilities Grant process. (OT Service information leaflet details all necessary information)
- 3.4 If it is established that a proposed adaptation is likely to exceed the statutory DFG of £30,000 the OT should provide family with information on the OT Services Discretionary Top up Assistance Grant.

Eligibility for a Local Authority (County Council) Top up Assistance Payment

- 4.1 If formal approval for a DFG is given and the cost of works is in excess of the statutory DFG of £30,000, Nottinghamshire County Council will assist a service user in meeting their housing needs by exercising their discretionary powers under the Chronically Sick and Disabled Persons Act (CSDPA) 1970.
- 4.2 Nottinghamshire County Council Children's Services will offer to fund the shortfall for any adaptation in excess of the mandatory DFG of £30,000 by offer of a secured loan by way of a legal charge to the family home/property.
- 4.3 The term of the secured loan will be for no more than 10 years and the council must ensure that the charges made do not exceed the cost of providing the discretionary service.

- 4.4 The secured loan should be offered with conditions to mitigate risks of bankruptcy orders or disposal of the adapted property, by sale, lease or rent.
- 4.5 Due to the discretionary nature of the Top up Assistance Payment, Nottinghamshire County Council reserve the right to review the process for eligibility and support on a regular basis to ensure available resources are used equitably and effectively.
- 4.6 No Top up Assistance Payment can be formally agreed and signed off by Nottinghamshire County Council until the Housing Authority (District Council) have provided 'formal approval' for a DFG and they are in receipt of a copy of the 'approval letter' detailing the full costs of works to meet the assessed housing needs.
- 4.4 For those cases where recommended works have been tendered in excess of the mandatory DFG of £30,000 and a Top up Payment is requested, Nottinghamshire County Council will complete a financial assessment with the service user and/or their family to establish if their financial circumstances are such that they can afford to repay back the discretionary top up assistance payment, up to a maximum of £10,000.
- 4.5 For those families who are unable to fund any shortfall due to financial circumstances, Nottinghamshire County Council will offer financial assistance to fund the shortfall and place a legal charging order on the property for a period of no more than 10 years.
- 4.6 A charging order allows the County Council to reclaim the funding awarded should a service user and/or their family sell the property within a given time.
- 4.7 Where a financial assessment demonstrates that a family has some disposable income there will be an expectation from Nottinghamshire County Council that the service user and/or their family will contribute towards the costs of the adaptation in one of two ways.

5.0 Option 1

- 5.1 The service user and/or their family may choose to secure funds independently through a loan from a high street bank and/or financial establishment.

6.0 Option 2

- 6.1 Nottinghamshire County Council may exercise their discretionary duties under the CSDPA (1970) and offer the service user and/or their family an interest free loan toward the cost of works in excess of the mandatory £30,000.

- 6.2 The offer of a Top up Assistance Loan agreement will require the service user and/or their family to make a monthly repayment to Nottinghamshire County Council.
- 6.3 Top up Loans will be offered over a fixed period of up to a maximum 10 years.
- 6.4 The offer of any loan will need to be approved through Policy Committee prior to any payment being made.
- 6.5 Any repayment will be for no more than £10,000
- 6.6 Any Top up Loan will offer the service user/and or their family the opportunity to take a Loan Break or for the loan agreement to be terminated, should their financial circumstances alter significantly, rendering them unable to maintain repayments. This will be addressed by a review of a further of the family's current and future financial circumstances.

REPORT OF THE CHAIR OF THE ADULT SOCIAL CARE AND HEALTH COMMITTEE

DIRECT PAYMENTS POLICY

Purpose of the Report

1. To seek approval of the proposed Direct Payments policy as recommended by the Adult Social Care and Health Committee on 1 June 2015 subject to further minor changes.

Information and Advice

Context

2. A report was brought to the Adult Social Care and Health Committee in January 2015, seeking approval for a proposed Council policy on Direct Payments. Committee decided that there should be a period of public consultation. A further report on the consultation was considered by the Adult Social Care and Health Committee on 1 June 2015.
3. Direct Payments are monetary payments made by the Council to individuals who are eligible for social care and request to receive one to purchase their own care and support services. Direct Payments are the Government's preferred way of offering people personalised care and support, as they offer people high levels of flexibility, choice and control over the way in which their support needs are met. By March 2015, 45.2% of people in Nottinghamshire who use social care services and have a personal budget chose to take a Direct Payment to arrange to purchase all or some of their care.
4. Increasing the use of Direct Payments supports objectives within the Council's Strategic Plan and Adult Social Care Strategy: to promote independence and develop individual and community resources to prevent, delay and reduce the need for care and support. In working with people, the Council will always consider their needs, choice and preferences. The Council must however be able to demonstrate that the support is achieving the outcomes people need, offers value for money and provides appropriate safeguards.
5. This proposed policy builds on previous guidance available and sets out how the council will interpret its duties and responsibilities in relation to Direct Payments within the Care Act 2014. For the benefit of staff and people using services it aims to set out clearly the Council's position and the different roles and responsibilities. The proposed policy is included at **Appendix 1**.
6. The consultation process sought views on the proposed policy from the people of Nottinghamshire, staff, providers and those receiving a Direct Payment.

7. The recommendations in this report are informed by the recent consultation, as well as those made following the slightly earlier consultation undertaken on the increased use of pre-paid debit card, as part of budget savings proposals approved by Full Council on 26 February 2015. The development of the report also takes into account all relevant advice.
8. The consultation period has given the Council time to listen to opinion and it has helped to identify some issues which have prompted some recommended changes to the draft policy.

Consultation

9. The consultation exercise ran for a 4 week period from 13th April to 15th May 2015. The strategic commissioning team has worked closely with the Council's marketing and engagement team to develop and deliver an appropriate consultation process through:
 - Survey Monkey
 - social media such as Twitter
 - face to face meetings with service users, families and carers who have a direct payment
 - face to face meetings with social care staff
 - face to face meetings with accredited Direct Payment support service providers
 - mailing of the consultation documents and survey (with prepaid envelope) to a sample group of 40 service users known to have a direct payment
 - the provision of paper copies of the documents and survey (with prepaid envelope) to people on request
 - promotion of the consultation through key groups

Care Act

10. Through the consultation process issues have been raised which relate to the Council's interpretation of its duties and responsibilities under the Care Act. These include the degree of choice and control that the Council must provide in relation to different elements of service, including pre-paid debit cards and Direct Payment Support Services. An issue was also raised in relation to the requirement for all people employed by the recipient of the direct payment to be DBS checked, in terms of the proposed process to be used. At the meeting on 1 June 2015, the Adult Social Care and Health Committee asked that the views of the Chair of the Nottinghamshire Safeguarding Adults Board be sought in relation to the proposed requirement for DBS checking of prospective employees and the provision for this to be waived in some circumstances. The Chair has subsequently stated that, while he would want assurance from the Local Authority that residents are safe and risks are mitigated, the detail of how this is best done is for the local authority to determine.
11. The Care Act came into force on 1st April 2015 and the interpretation of the statutory guidance is developing. In relation to the specific issue of Disclosure and Barring Service checking, the rationale for the proposed process is to ensure that the Council can balance freedom of choice with its own safeguarding responsibilities. The proposed process reflects current practice within Children's Services where DBS checks are

undertaken. The Council will continue to review and develop its procedures in light of relevant guidance and emerging interpretation of the new legislative framework.

Summary of proposed changes

12. The proposed policy is included at **Appendix 1**. The draft policy submitted to Adult Social Care and Health Committee in January 2015 has been further amended to reflect issues raised in subsequent consultation and advice as follows:
 - a) Changes to paragraphs 6 and 6.1, relating to the recouping by the Council of any funds in an individual's Direct Payment account in excess of six weeks' worth of Direct Payment. This has been changed to state that the amount that an individual can accrue will be agreed and recorded as part of the support, planning and review processes, based on individual circumstances
 - b) Changes to paragraphs 11-11.7 in relation to the requirement for DBS checks for all people being employed as personal assistants to carry out regulated activity. This section has been changed to provide the discretion to waive the requirement in exceptional circumstances.
 - c) Changes to paragraph 7.2 in relation to the use of pre-payment cards. This has been changed to state that the use of the pre-paid debit cards is the Council's preferred option for managing a Direct Payment. This will better reflect the Care Act requirement that pre-paid cards should not be provided as the only option.
13. Further work will be carried out to develop staff guidance to support the implementation of the Care Act as it relates to direct payments. This will include approaches to tackling the misuse of direct payments.

Reason/s for Recommendation/s

14. To provide a clear policy framework for Direct Payments in Nottinghamshire that promotes the safe and consistent use of Direct Payments and aligns with the priorities of the Council's Strategic Plan and Adult Social Care Strategy.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Safeguarding of Children and Vulnerable Adults Implications

16. The policy requirement for Direct Payment recipients who intend to employ staff to be supported to enable appropriate Disclosure and Barring Service checks to be made promotes the safeguarding of children and vulnerable adults.

RECOMMENDATION/S

- 1) That the Committee approves the proposed Direct Payments policy.
- 2) That the Committee approves work to commence on developing procedural guidance for staff including where recoupment of funds may be required in any case where there has been a misuse of funds.

Councillor Muriel Weisz
Chair of the Adult Social Care and Health Committee

For any enquiries about this report please contact:

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Constitutional Comments (HD - 20/07/15)

28. The recommendations fall within the authority of the Policy Committee.

Financial Comments (KAS 05/15)

29. There are no financial implications contained within this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Direct Payments Policy – report to Adult Social Care and Health Committee on 5 January 2015
County Council Strategic Plan 2014-18
Adult Social Care Strategy
Direct Payments Policy – report to Adult Social Care and Health Committee on 1 June 2015

Electoral Division(s) and Member(s) Affected

All.

Policy Library Pro Forma

This information will be used to add a policy, procedure, guidance or strategy to the Policy Library.

Title: Direct Payments Policy

Aim / Summary: To set out the Council's position in respect of; the way that Direct Payments are provided to service users with eligible needs; the way that Direct Payments are administered, monitored and reviewed.

Document type (please choose one)

Policy	X	Guidance	
Strategy		Procedure	

Approved by:

Version number:

Date approved:

Proposed review date:

Subject Areas (choose all relevant)

About the Council		Older people	X
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	X
Jobs		Staff	
Leisure		Travel and Transport	
libraries			

Author: Malcolm Potter

Responsible team: Strategic Commissioning Unit

Contact number: 0115 9772531

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Please include any supporting documents

1.

2.

3.

Review date

Amendments



Direct Payments Policy

Section A - national and local policy context

1. National and local policy context

1.1 Direct payments are monetary payments made by the Council to individuals and carers who request to receive one to meet some or all of their eligible care and support needs. Direct Payments are the Government's preferred payment mechanism for personalised care and support. They provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs. The aim is to encourage people to take ownership of their care planning and be free to choose how their needs are met.

1.2 Priority Four of the Council's Strategic Plan deals with providing care and promoting health. It sets out the Council's intentions to develop individual and community resources to prevent, delay and reduce the need for care and support. While the provision of quality social care and health services for children, adults and the vulnerable has always been a priority for the County Council, the provision of these services is facing the new challenge of increasing demand due to a variety of factors. At the same time the Council is facing significant financial restraints. The Plan states that;

"We will always consider the needs and preferences of the individual, but we have a responsibility to balance this against the effective and efficient use of resources."

1.3 The Council's Adult Social Care Strategy states that;

"When commissioning services for people, we will place greater emphasis on the achievement of outcomes and value for money over the level of choice available. We will always aim to maximise people's independence and take their preferences into account, but the funding made available to support an individual will be determined by the most cost effective care package, based on the local care market, the availability of local care providers and the cost of community based and residential care. All situations will have to be assessed and considered on an individual basis"

1.4 The legislative context for direct payments is set out in the Care Act, Section 117(2C) of the Mental Health Act 1983 (the 1983 Act) and the Care and Support (Direct Payments) Regulations 2014. Care and Support Statutory

Guidance 2014 sets out how the Council should go about performing its care and support responsibilities.

- 1.5 The challenge for the Council is to balance the principles of individual choice and control, which are reflected in various ways in the requirements set out in the Care Act, with the need to use resources effectively and efficiently and to be accountable for the use of public money.
- 1.6 This policy sets out how the council interprets its duties and responsibilities in relation to Direct Payments where the Care Act allows scope to do so, in line with the local strategic priority aim of ensuring the effective and efficient use of resources.

2. Scope of this policy

- 2.1 This policy covers:
 - a) The agreement to receive a Direct Payment.
 - b) The amount of Direct Payment that an individual can hold at one time
 - c) The use of pre-paid debit card accounts to manage the Direct Payment.
 - d) Self-employed Personal Assistants
 - e) The employment by a Direct Payment recipient of close family members to provide assistance with the management and administration of Direct Payments.
 - f) The employment of people who are also acting in another capacity in relation to the Service User's finances
 - g) The use of Disclosure and Barring Service and Right to Work checks for Personal Assistants.
 - h) The use of Direct Payments to purchase residential care.
 - i) The use of Direct Payments to purchase health services.
 - j) Using a direct payment to buy general equipment or appliances
 - k) Using Direct Payments to purchase local authority services or contracted services
 - l) The use of Direct Payment Support Services

Section B – Principles and Commitments

3. Principles and Commitments

- 3.1 This policy upholds the following principles:
 - a) Direct Payments will enable people to experience choice and control over how their care and support needs are met.
 - b) Service users and any children and/or vulnerable adults who are part of their households will be safeguarded from abuse.
 - c) People receiving Direct Payments who choose to become employers will meet all of their legal responsibilities.

The Council may impose conditions on the receipt of a direct payments to ensure that the arrangements made are safe to the service user and others, and may require the disclosure of information in order to determine this.

- d) Arrangements that are made to manage and use Direct Payments will avoid any potential conflicts between the best interests of the service user and those of others who are party to the arrangements.
- e) The use of Direct Payments and any arrangements made to support people to manage Direct Payments will represent an effective and efficient use of resources.
- f) Service users will be encouraged and supported to be as independent as possible in managing their Direct Payments.
- g) People will be enabled to manage the risks inherent in independent living.
- h) The Council will share responsibility with individuals, families and communities to maintain their health and independence.
- i) Personal assistants will be well trained and supported.

4. Key actions to meet the commitments set out in the policy

4.1 The Council will:

- a) Carry out assessments of need, and produce support plans for individuals that identify the outcomes of care and support services that are to be provided.
- b) Set the personal budget that is to be made available as the Direct Payment.
- c) Provide information about Direct Payments and ensure that service users who choose to receive a Direct Payment understand their roles and responsibilities.
- d) Help service users to obtain any support that they need to manage the Direct Payment safely and effectively.
- e) Review service users' needs and the way that Direct Payments are used to meet assessed need.
- f) Monitor the status of Service User accounts
- g) Carry out financial audits of Service User accounts.
- h) Take steps to recoup money paid out as a Direct Payment as determined in the individual support plan.

- i) Take steps to recoup money if the Direct Payment is misused or if the Direct Payment is ended.
- j) Act as the “Registered Body” through which checks on prospective employees must be carried out using the Disclosure and Barring Service.
- k) Commission, monitor and review Direct Payment Support Services.
- l) Provide information, advice and guidance to operational teams on policy and practice issues relating to Direct Payments.
- m) Ensure that service users, carers and provider organisations are actively involved in work to develop and improve the Direct Payment “offer” in Nottinghamshire.
- n) Work with partner organisations providing other forms of state support to service users to develop approaches to harmonising the Direct Payments so that people do not have multiple payments.

Section C - The Direct Payment Agreement

5. Agreement to receive a Direct Payment

- 5.1 In order to receive a Direct Payment, service users must sign an agreement with the Council. This agreement sets out the conditions under which Direct Payments can be made by Nottinghamshire County Council and includes details of what the service user and the Council must do. The agreement reflects the Council’s policy and requires that, although service users will use the Direct Payment to purchase and contract for services in their own right, they will do so within parameters set by the Council to ensure that arrangements are legal and safe and that public money is properly accounted for.
- 5.2 In circumstances where the terms and conditions of the agreement are not met, the Council will take reasonable steps to address the situation. In the event that the situation remains unresolved the Council will consider whether the Direct Payment is still an appropriate way to meet the service users assessed needs. If necessary, and subject to appropriate alternative services being put in place, the Council will discontinue the Direct Payment.

Section D – How much money can be held at any time

6. The amount of Direct Payment that an individual can hold at one time

- 6.1 The amount that is included in a Direct Payment must be sufficient to meet the assessed needs that the Council has a duty or power to meet. This may include an amount that is not needed on a week by week basis, but is required to meet additional costs that arise periodically, for example to employ alternative staff, to cover for periods when regular staff are using their statutory leave entitlements. People who receive direct payments may accrue money in their direct payment accounts up to an amount that will be agreed as part of the individual support planning process and recorded in their support plan. The Council will recoup any funds that are in addition to this amount and are not required to meet assessed needs, in line with the support plan.
- 6.2 Any legitimate costs that cannot be paid for from the amount held in the service user's Direct Payment account will normally be met through the provision of a one-off payment. Such one-off payments must be authorised by a Team Manager and recorded in the support plan.

Section E – Using a pre-paid debit card account

7. The use of pre-paid debit card accounts to manage the Direct Payment

- 7.1 Care and Support Statutory Guidance states that the use of pre-paid cards should not be provided as "the only option to take a direct payment. The offer of a "traditional" direct payment paid into a bank account should always be available if this is what the person requests and this is appropriate to meet needs. Consideration should be given to the benefit gained from this arrangement as opposed to receiving the payment via a pre-paid card."
- 7.2 The use of a pre-paid debit card account is Nottinghamshire County Council's preferred option for managing direct payments. However, service users will have the opportunity to request that the payment is made into a conventional bank account and will be made aware of this during the support planning stage of the assessment and support planning process. The Council will make available the option of advocacy support to any individual who requests that the Council considers other arrangements.
- 7.3 Service users can use the pre-paid debit card to withdraw cash if it is demonstrated that there are no reasonable alternative ways to purchase an appropriate service.

Section F - Using a direct payment to employ someone

8. Self-employed Personal Assistants

- 8.1 The Council will not make Direct Payments available in cases where the prospective recipient proposes to employ an individual who claims to be self-employed without evidence being supplied to demonstrate that the self-employed status is authentic in relation to the specific job role in question.
- 8.2 In order to demonstrate the employment status of the proposed working relationship, the individual must complete the HMRC Employment Status Indicator (ESI) Tool with the Council's assessment worker. The answers given must accurately reflect the job description and the terms and conditions under which it is proposed the services are to be provided at the relevant time of the contract, therefore these must be provided to the assessment worker at the time of completing the ESI tool. HMRC will be bound by the ESI outcome where the employer or their authorised representative provides copies of the printer-friendly version of the ESI Result screen, bearing the 14 digit ESI reference number, and the Enquiry Details screen.

9. The employment of people who are also acting in another capacity in relation to the service user's finances

- 9.1 People who are acting in the capacity of nominated or authorised person for the purpose of the Direct Payment, or who otherwise have formalised control or influence over the recipient's financial affairs (for example property and financial affairs lasting power of attorney) may not also be employed to provide care and support services that are paid for through the Direct Payment.

10. The employment by a Direct Payment recipient of close family members to provide assistance with the management and administration of Direct Payments.

- 10.1 The Council will consider allowing Direct Payments recipients to pay close family members living in the same household to provide support to manage and/or administer the Direct Payment on a case by case basis.

Section G - Using Disclosure and Barring Service (DBS) Checks

11. The use of Right to Work, and Disclosure and Barring Service checks for Personal Assistants.

- 11.1 For service users intending to use their direct payment to employ a Personal Assistant (PA) for the first time, the provision of the direct payment will be subject to;

- a) The requirement to carry out a “right to work” check and an “enhanced check with adults barred list check” on the prospective employee by the Disclosure and Barring Service (DBS) using the County Council as the a “Registered Body” for the purposes of submitting applications for checks.
 - b) In cases where a check reveals information, a nominated Council Officer within the Adult Social Care and Health Department will make a “suitability decision” in relation to whether the proposed contract of employment is a safe and appropriate way to meet the individual’s care and support needs. This will involve consultation with the prospective employee and (with the prospective employees’ permission) the service user, to discuss the concerns identified and the service users views about such issues.
 - c) The sharing of any disclosed information included on certificates issued to prospective employees by the DBS with nominated Council Officers.
- 11.2 In order to use a Direct Payment to employ people to provide their care and support, prospective recipients must sign a form of agreement with the Council, which includes details of the Council’s requirements in relation to DBS and “right to work checks”.
- 11.3 Where service users are already in receipt of a direct payment and employing a PA, the status of any DBS check will be established at the annual review of the care and support plan. Service users will be required to sign the agreement relating to Council requirements for DBS checking. Subject to sight of the certificate by a nominated Council Officer, service users with existing PAs for whom checks were made in relation to their current job role within the last 3 years will not be required to take any further action, but may request that a new DBS check is carried out.
- 11.4 Existing service users whose PAs do not have a relevant DBS certificate or whose certificate is more than 3 years old will be required to undertake DBS checks for these PAs.
- 11.5 Service users who start to employ a PA who already has a DBS certificate that was applied for through the Council’s Environment and Resources Department within the previous three years will not be required to apply for a new check, but may request that a new DBS check is carried out.
- 11.6 DBS checks for all PAs must be renewed after 3 years at most.
- 11.7 The Council will maintain a record of all people who are employed by Direct Payment recipients for the purpose of ensuring that current DBS checks are in place and are renewed as necessary.
- 11.8 The requirement for DBS checks to be carried out can be waived in exceptional circumstances.

Section H – What direct payments can be used to buy.

12. The use of Direct Payments to purchase residential care

- 12.1 Nottinghamshire County Council is participating in a government pilot project to test the use of direct payments in long term residential care. All staff dealing with service users entering residential care must offer them a direct payment.

13. The use of Direct Payments to purchase health services

- 13.1 Local authorities must not meet needs by providing or arranging any health service or facility which is required to be provided by the NHS. However, local authorities can commission health services on behalf of clinical commissioning groups (CCGs), therefore, where CCGs provide funding for this purpose for individuals as part of a joint funding agreement to provide health and social care services, the health element will always be funded by the CCG.

14. Using a Direct Payment to buy general equipment or appliances

- 14.1 A direct payment can be used to purchase general equipment/appliances, for example, a computer or washing machine, if;
- a) All alternative funding streams have been explored first.
 - b) It has been identified that the equipment will meet an identified outcome in the most cost effective way and reduces the need for long term support.

15 Using Direct Payments to purchase local authority services or contracted services

- 15.1 Direct payments may be used to purchase services provided directly by the County Council:
- a) If the use of such services is an appropriate way to meet an individual's needs and;
 - b) The need to use such services arises on a one off or irregular and infrequent basis.
 - c) It is less burdensome for the Council to accept the direct payment amount, rather than providing the service and then reducing the personal budget and direct payment accordingly.
- 15.2 Otherwise, where an in-house service has been chosen these will be provided via a managed personal budget.

Section I – Direct Payment Support Services

16. The use of Direct Payment Support Services

- 16.1 Direct Payment Support Services are organisations that are paid to provide help to the Service User or the nominated or authorised person, to manage the Direct Payment. Support should only be made available after an assessment of an individual's capability to manage the various tasks associated with managing the Direct Payment has been completed and it has been established that help is necessary. The support that is provided should be the minimum that is required to enable the Direct Payment to be managed effectively and the level of support must be reviewed at least annually.
- 16.2 The Council will maintain a list of accredited providers of Direct Payment Support Services. The accreditation process will establish standards in relation to service provision and the working relationships between providers, service users and the Council.
- 16.3 Service users can use any support provider organisation they choose, unless a managed account is to be provided (see 16.4 below). The costs associated with support must be agreed in advance, be affordable from the personal budget and be recorded in the support plan.
- 16.4 Service users who need a Direct Payment Support Provider to manage the money on their behalf (to act in the capacity of a nominated person) must use one of the Council's accredited providers for this purpose.

REPORT OF THE LEADER OF THE COUNCIL**PERFORMANCE REPORTING ON THE STRATEGIC PLAN 2014–18 AND
REDEFINING YOUR COUNCIL****Purpose of the Report**

1. The purpose of this report is to seek approval to changes to the current arrangements for performance reporting on the Strategic Plan 2014-18 and new arrangements for performance reporting on the programmes and projects within Redefining Your Council.

Information and Advice

2. The Council's Strategic Plan 2014-18 was agreed by Policy Committee in September 2013 and outlines the strategic priorities of the Council. As part of the Council's Strategic Management Framework it was agreed that an Annual Delivery Plan be produced detailing how we measure and assess our progress in achieving the outcomes set out in the Strategic Plan 2014–18. Policy Committee currently receives a quarterly performance report on the Annual Delivery Plan. In addition at last Policy Committee in July a report reviewing Redefining Your Council was considered and agreement given to quarterly progress reports to Policy Committee on the programmes and projects within Redefining Your Council.
3. Members will appreciate that the Strategic Plan was developed at a different time than Redefining Your Council and the portfolios within it. It is acknowledged that different language and references are used and the reporting framework set out in this report will be supported by revisions to the Strategic Plan which are necessary to ensure a consistent use of language allowing a complete “read across” from the Strategic Plan to Redefining Your Council Framework and its Portfolios, Programmes and Projects and back again.
4. This report therefore proposes changes to the existing arrangements for performance reporting on the Strategic Plan and any necessary revisions to the Strategic Plan to ensure consistency of language; and outlines new arrangements for quarterly reporting on the Portfolio's and Programmes within Redefining Your Council. If agreed, the new arrangements will ensure that Policy Committee has an overview of organisational performance both in terms of day-to-day service delivery and in terms of delivering the Council-wide transformational change set out in Redefining Your Council.

Reporting to Policy Committee

5. It is proposed to adopt a Dashboard approach to report on progress on the Strategic Plan rather than the production of a detailed Annual Delivery Plan. This will outline progress on key

measures for each of the five Strategic Plan priorities and of risks. In addition a summary of the actions being taken to deliver each strategic priority will be given. **Appendix A** gives an example of the proposed approach for one of the priorities in the Strategic Plan. This contains draft data for the purposes of demonstrating what the report could look like and is not the suggested content for Priority 2.

6. The Performance Dashboard will be considered by Policy Committee on a quarterly basis, with the measures within it reviewed on an annual basis to ensure that consideration is being given by Committee to the most appropriate indicators.
7. With regard to reporting performance on Redefining Your Council a high level programme performance overview by Portfolio (Adult & Health; Children's & Culture; Place and Resources) will be reported quarterly. The reporting will consider progress in achieving the qualitative & quantitative transformation outcomes and benefits required from the programmes. It will also include information on risks, issues and actions being taken to mitigate against underperformance. Performance on individual projects within Programmes will only be reported by exception.
8. Policy Committee agreed to establish a cross-party Project Steering Group to guide and advise the Chief Executive and Corporate Leadership Team on the implementation of Redefining Your Council. For instance, more in-depth exploration of programmes at key delivery points, including the addition of new programmes of work and decommissioning complete programmes. It is proposed that the Steering Group is established with 8 members – 4 Labour, 2 Conservative, 1 Liberal Democrat and 1 Independent Group with nominations sought from the Group's Business Managers.

Reporting to Service Committees

9. The quarterly performance reports that Service Committees currently receive will be revised to incorporate additional information that is pertinent to that Committee on progress against the relevant Strategic Plan priorities
10. In addition, more detailed status updates for the programmes and projects that comprise Redefining Your Council will be considered by the appropriate Service Committee on a quarterly cycle.

Review of Strategic Plan 2014-18

11. It is the Council's practice to review/refresh the Strategic Plan within two years of approval to take account of any changes to the political and financial circumstances in which the council is operating. It is proposed that a review of the Strategic Plan 2014-18 is now undertaken to take account of the Redefining Your Council implementation framework and consideration given to the continued appropriateness of key outcomes and achievements sought. The outcome of the review will be brought to a future meeting of Policy Committee for its consideration.

Other Options Considered

12. None.

Reason/s for Recommendation/s

13.To ensure that effective and proportionate performance reporting on the Strategic Plan and Redefining Your Council can be provided to members through Policy Committee and Service Committees.

Statutory and Policy Implications

14.This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required

RECOMMENDATION/S

It is recommended that the Policy Committee approves:

1. The arrangements for performance reporting and the consequential changes required to the Strategic Plan.
2. The establishment of a Cross Party Project Steering Group with an agreed membership of 8; being made up of 4 Labour, 2 Conservative, 1 Liberal Democrat and 1 Independent Group with nominations to the Steering Group being sought from the Group's Business Managers.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact:

Celia Morris, Group Manager Corporate Strategy
Tel: 0115 9772043

Constitutional Comments (SLB 24/08/2015)

Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (NDR 26/08/2015)

There are no financial implications arising directly from the report

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All

STRATEGIC PLAN Priority 2 - Protecting the Environment

APPENDIX A

Key Indicators

Outcome	Indicator	Target	Latest	Good is	Direction of Travel
2.1	Number of visitors to Country Parks and Green Estates	820,000	tbc	high	-
2.2	Percentage of household waste reused, recycled or composted	44.0%	42.8%	High	↔
2.2	Percentage of LA collected waste sent to landfill	38.0%	26.0%	Low	↓
2.4	Percentage of principal roads where maintenance should be considered	4.0%	1.5%	Low	↓
2.4	Average number of days taken to repair a street light fault	7 days	4.76 days	Low	↓

Summary

Priorities this year are to look at making services more sustainable by moving to alternative delivery models as well as reducing costs by working more closely with partners in provision. Along side this we will be looking for improved efficiency through the use of new technology and to reduce the Council's carbon footprint by becoming more energy efficient.

Key Actions and Milestones

Outcome	Milestone	Target Date	Progress
2.1	Deliver the agreed operating model for Sherwood Forest Visitor Centre	Quarter 2	RSPB consortium selected to run visitor facilities
2.3	Continue roll-out of low energy LEDs to 7,000 street lights and dimming of 4,500 to cut energy costs by 50%	Quarter 4	tbc
2.4	Highway public joint venture to start	Quarter 2	Approval for new model for highways agreed and preferred partner selected
2.5	Secure DfT funding to assess options to integrate transport services with other organisations e.g. NHS, City Council and Schools	Quarter 2	£300k funding secured

Pressures / Challenges

Key challenges and risks?

Using new operating models previously untested by the Council

Ensuring integrated services meet the different needs and strategies of all organisations involved

Ensuring there is a return on investment into new energy saving measures

Protecting service quality as much as possible in the face of reduced budgets

REPORT OF THE LEADER OF THE COUNCIL**LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2015****Purpose of the Report**

1. The purpose of this report is to inform Policy Committee about the Local Government Ombudsman's (LGO) Annual Letter, and decisions made by the LGO, relating to the Council, in the year ending 31 March 2015.

Information and Advice

2. The Local Government Ombudsman (LGO) provides a free, independent and impartial service to members of the public it looks at complaints about councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the LGO finds that something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the LGO aims to get the Council to put it right by recommending a suitable remedy.
3. The LGO publishes its decisions on its website (www.lgo.org.uk/) the decisions are anonymous but the website can be searched by Council name or subject area.
4. The LGO's letter is attached to this report as Appendix A. As members will see from the attached information 94 complaints and enquiries were received by the LGO relating to Nottinghamshire County Council for the year ending March 2015 with decisions made on 101. This discrepancy is because investigations can take some time and cross over different years.
5. Of the complaints and enquiries received by the LGO, 40 detailed investigations were undertaken. Of these, 28 complaints were not upheld and 12 complaints were upheld by the LGO during the year. Of the 12 upheld, 3 related to school admissions and appeals, 4 to adult social care and 5 to children families and cultural services (in this latter category 3 were education issues and 2 about social care).

Adult social care

6. In adult social care the four complaints upheld related to:
 - a. Residential care costs where the Council did not properly inform the complainant of the cost that would be incurred whilst in residential care

- b. The failure to properly record issues in a service user's assessment
 - c. Incorrect billing at a care home
 - d. A safeguarding issue and delays between two meetings.
7. These complaints were all one off incidents where the issues were raised with staff so they could improve practice.

Children Families and Cultural Service

8. Of the five complaints upheld, three complaints were on education related issues:
- a. One related to the support provided to the family of a child with autism where an apology was given and staff advised on changing practice.
 - b. The home to school transport policy wrongly limited appeal rights and the policy has now been amended.
 - c. The Council should have offered more information about transport when a place at an alternative school was offered. The fact sheet that is sent with offer letters has been revised.
9. In addition, two complaints related to children's social care:
- a. A refusal to treat a matter as a complaint which was eventually resolved.
 - b. Issues about classification of care where the council was found to be in error but there was no injustice.

School Admissions and Appeals

10. Three complaints were upheld with regard to school admissions and appeal cases , these related to:
- a. An inconsistency between the record of the appeal hearing and the post-appeal decision letter - the Council therefore agreed to a fresh appeal.
 - b. An Infant Class size appeal - the LGO said that a child should have been recognised as an "excepted" pupil (and therefore not considered in the limit to the numbers), and so the Council gave the child a place at the school.
 - c. Issues regarding information in an admissions letter on siblings - the letter has now been amended.

LGO support for councillors

11. The LGO's letter also gives information about how the Ombudsman works with elected members, and a workbook it has produced for Councillors that explains how they can support local people with their complaints. This can be found via the following link:-

<http://www.local.gov.uk/documents/10180/6869714/publications+-+L15-118+ID.+280+Handling+complaints+for+service+improvement+13.pdf/c0ed3a43-a857-48cc-b77a-b7d09fc48a06>

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) Policy Committee is asked to note the contents of this report.

Councillor Alan Rhodes
Leader of the Council

For any enquiries about this report please contact: Jo Kirkby, Team Manager
Complaints and Information telephone 0115 97772821

Constitutional Comments (SLB 25/08/2015)

Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (NDR 26/08/2015)

There are no financial implications arising directly from the report

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

18 June 2015

By email

Mr Anthony May
Chief Executive
Nottinghamshire County Council

Dear Mr May

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Nottinghamshire County Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Notts CC	23	0	3	48	3	14	1	2	94

Decisions made

	<u>Detailed investigations carried out</u>						
Local Authority	Upheld	Not Upheld	Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
Notts CC	12	28	1	30	6	24	101

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**COUNTY COUNCILS NETWORK SUMMIT AND ANNUAL CONFERENCE
2015****Purpose of the Report**

1. The purpose of the report is to seek approval for relevant Member and officer attendance at the County Councils Network (CCN) Summit and Annual Conference to be held in Guildford, Surrey from 15-17 November 2015.

Information and Advice

2. This Committee's terms of reference include approving councillors' attendance at conferences for which fees are payable. It is proposed that approval be given for the Leader, Deputy Leader and Leader of the Main Opposition Group to attend the annual CCN Conference, along with the Chief Executive.
3. The conference is organised by the CCN which is a cross-party special interest group of the Local Government Association which speaks, develops policy and shares best practice for the County family of local authorities.
4. The benefits of attending the Conference are that it is a key forum for county councils and county unitary authorities to share good practice and to hear from Government Ministers and sector leaders.

Reason/s for Recommendation/s

6. It is recommended that approval is given for attendance at the conference so that the County Council's representatives can continue to share best practice and network with colleagues, MPs and other partners in related fields.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. The cost of attending the conference is £620 plus VAT per delegate, including accommodation at the venue on the 15 & 16 November. There will also be costs relating to travel to and from the event.
9. The costs of conference attendance, accommodation and travel for the Leader, Deputy Leader and Leader of the Main Opposition Group will be met from the relevant Member Support budgets.

RECOMMENDATION/S

That approval is given for the Leader, Deputy Leader and Leader of the Main Opposition Group and the Chief Executive to attend the County Councils Network Summit and Annual Conference in Guildford, Surrey from 15-17 November 2015, together with any necessary travel and accommodation arrangements.

**JAYNE FRANCIS-WARD
CORPORATE DIRECTOR
RESOURCES**

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel 0115 9772590

Constitutional Comments (SLB 21/08/15)

10. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (CB 21/08/15)

11. The financial implications of the report are set out in paragraphs 8 and 9 above.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- CCN Annual Conference Brochure 2015

Electoral Division(s) and Member(s) Affected

All.

REPORT OF THE LEADER OF THE COUNTY COUNCIL**APPOINTMENT TO OUTSIDE BODIES****Purpose of the Report**

1. To seek approval to add Rushcliffe Borough Council's Strategic Growth Board and Cotgrave Local Growth Boards to the Council's Outside Body appointment list and to appoint Members accordingly.

Information and Advice

2. A report was brought to Policy Committee on 15th July regarding a request from Rushcliffe Borough Council for the County Council to appoint members to four strategic Boards the Borough Council has established to consider Economic growth.
3. The recommendations in respect of two of the Boards were agreed and it was agreed that further discussions should be undertaken in respect of the Rushcliffe Borough Council Strategic Growth Board and the Cotgrave Local Growth Board.
4. Discussions have taken place between the relevant Group Business Managers and agreement was reached on the appointment to the Cotgrave Local Growth Board. Unfortunately however no agreement could be reached on the appointment to the Rushcliffe Borough Strategic Growth Board. Further enquires have been made of Rushcliffe Borough Council to clarify what they see as the purpose of the County Council representative on this Strategic Board. The Leader of Rushcliffe Borough Council is clear that he is seeking a representative who can explain the County's position on and vision in respect of Economic Growth and Development in Nottinghamshire and discuss in detail activities and actions taking place at County level. As a result of the clarification of the request and the agreement reached on the appointment to the Cotgrave Local Growth Board it is proposed that the following members be appointed:
 - a. Rushcliffe Borough Council Strategic Growth Board – Cllr Diana Meale to be appointed.
 - b. Cotgrave Local Growth Board – Cllr Richard Butler to be appointed.

Other Options Considered

5. Policy Committee could decide not to add these bodies to the Council's list of Outside Bodies.

Reason/s for Recommendation/s

6. To enable the County Council to link in to the work of these Bodies as appropriate.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. None arising from the report.

RECOMMENDATIONS

That the following Boards be added to the Council's Outside Bodies appointment list (with the named Members being the Council's initial appointees to these bodies):-

- a) Rushcliffe Borough Council Strategic Growth Board – Cllr Diana Meale to be appointed.
- b) Cotgrave Local Growth Board – Cllr Richard Butler to be appointed

COUNCILLOR ALAN RHODES LEADER OF THE COUNCIL

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services

Constitutional Comments (SLB 27/8/15)

9. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (CSBB 27/8/15)

10. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Letter from Rushcliffe Borough Council dated 10 June 2015

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**WORK PROGRAMME****Purpose of the Report**

1. To review the Committee's work programme for 2015/16.

Information and Advice

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
4. As part of the transparency introduced by the new committee arrangements, committees are expected to review day to day operational decisions made by officers using their delegated powers. Such decisions will be included in the work programme on an annual basis and as specific decisions of interest arise.
5. The Policy Committee will be asked to determine policies, strategies and statutory plans developed or reviewed by other Committees of the Council. Committee Chairmen are invited to advise the Policy Committee of any additional policy reviews that are being considered.

Other Options Considered

6. None.

Reason/s for Recommendation/s

7. To assist the committee in preparing and managing its work programme.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, ways of working, sustainability and the environment and those using the service and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That the Committee's work programme be noted, and consideration be given to any changes which the Committee wishes to make.

Jayne Francis-Ward
Corporate Director - Resources

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services Tel: (0115) 9772590 E-mail: keith.ford@nottscc.gov.uk

Constitutional Comments (SLB)

The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

There are no financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 1 SEPTEMBER 2015)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
7 October 2015			
Shared Lives Scheme	To consider potential revisions to this Scheme.	David Pearson	Ian Masson
Healthwatch contract	Consideration of extension of the Council's contract with Healthwatch..	Sally Gill	Cathy Harvey
The Nottingham and Nottinghamshire Combined Authority and the D2N2 Devolution Prospectus	Further update report on the Combined Authority status application (as per decision of Policy Committee on 22 April 2015).	Celia Morris	Matthew Lockley
Social Media Policy	To seek approval for the revised Social Media Policy, updated to reflect the new strategy.	Martin Done	Martin Done
11 November 2015			
Hate Crime Policy	Approval of policy.		
Accessibility Strategy	Approval of strategy.	Derek Higon	
9 December 2015			
Boundary Review update	Consideration of final recommendations from Boundary Commission	Jayne Francis-Ward	Keith Ford
6 January 2016			
10 February 2016			
9 March 2016			
Nottinghamshire Child and Family Poverty Strategy	Approval of revised strategy.	Laurence Jones	Irene Kakoullis
20 April 2016			
18 May 2016			
	Page 51 of 52		

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
15 June 2016			
13 July 2016			
Review of Senior Management Structure	Review following interim structure agreed by Policy Committee on 15 July 2015.	Anthony May	Anthony May
Rural Services Network – Review of Membership	Following the initial review by Policy Committee on 15 July 2016.	Sally Gill	Heather Stokes
County Life – Evaluation Report	Annual evaluation report – as agreed by Policy Committee on 15 July 2015.	Martin Done	Martin Done