

MEETING OF THE ADULT SOCIAL CARE SCRUTINY COMMISSION

DATE: TUESDAY, 4 FEBRUARY 2020

TIME: 5:30 pm

PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles

Street, Leicester, LE1 1FZ

Members of the Committee

Councillor Joshi (Chair) Councillor March (Vice-Chair)

Councillors Batool, Kaur Saini, Khote, Kitterick and Thalukdar

One unallocated non-group place

Standing Invitee (Non-voting)

Representative of Healthwatch Leicester

Members of the Committee are invited to attend the above meeting to consider the items of business listed overleaf.

For Monitoring Officer

Wo Sunth

Officer contacts:

Information for members of the public

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- ✓ to respect the right of others to view and hear debates without interruption;
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- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they
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Further information

If you have any queries about any of the above or the business to be discussed, please contact: **Angie Smith, Democratic Support Officer on 0116 454 6354**. Alternatively, email angie.smith@leicester.gov.uk, or call in at City Hall.

For Press Enquiries - please phone the Communications Unit on 0116 454 4151.

PUBLIC SESSION

AGENDA

FIRE / EMERGENCY EVACUATION

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1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed.

3. MINUTES OF THE PREVIOUS MEETING

Appendix A (Pages 1 - 16)

The minutes of the meeting of the Adult Social Care Scrutiny Commission held on 17 December 2019 are attaced and the Commission is asked to confirm them as a correct record.

4. PETITIONS

The Monitoring Officer to report on any petitions received.

5. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer to report on any questions, representations or statements of case.

6. CARER STRATEGY UPDATE & OVERVIEW OF CARER'S SUPPORT SERVICE

Appendix B (Pages 17 - 24)

The Director for Adult Social Care and Commissioning submits a report to provide the Adult Social Care Scrutiny Commission with an update on the Joint Social Care and Health Recognising, Valuing and Supporting Carers in Leicester, Leicestershire and Rutland Carer Strategy 2018 to 2021.

The Commission is recommended to note the report and provide feedback and comments to the Director for Adult Social Care and Commissioning.

7. DRAFT GENERAL FUND REVENUE BUDGET REPORT 2020-21

Appendix C (Pages 25 - 56)

The Director of Finance submits a report setting out the City Mayor's proposed budget for 2020/21 to 2021/22.

The Commission is recommended to consider and comment on the Adult Social Care of the budget. The Commission's comments will be forwarded to the Overview Select Committee as part of its consideration of the report before it is presented to the Council meeting on 19 February 2020.

8. TACKLE CARE HOME STAFF RATIOS: MANIFESTO PLEDGE

Appendix D (Pages 57 - 66)

The Director for Adult Social Care and Commissioning submits a report to the Commission to provide an update on progress against the manifesto pledge 'Tackle Care Home Staff Ratio's as part of their commitment to improve health & Care'.

The Commission is recommended to note the contents of the report and provide any comments or feedback to the Director for Adult Social Care and Commissioning.

9. ADULT SOCIAL CARE CHARGING POLICY - UPDATE FOLLOWING CONSULTATION

The Director for Adult Social Care and Safeguarding has provided the following statement:

"The 12-week consultation on the proposed changes to the Adult Social Care Charging Policy, for non-residential services, concluded on 15th November 2019. We are pleased to note that there was a very good response to this consultation, with over 1000 surveys completed in addition to feedback at public meetings. This has provided extensive information, which officers are currently analysing and considering any equalities implications, so that a fully informed decision can be made.

Whilst we had hoped that a decision would be possible in December 2019, this has not been the case due to the need to ensure all feedback is carefully evaluated. It is anticipated that a decision will be made, on whether to progress the proposal made, during February 2020. As a key decision, this would be published in the usual way, with all supporting material."

The Commission is recommended to receive the above statement and make any comments as necessary to the Director for Adult Social Care and Safeguarding.

10. WORK PROGRAMME

Appendix E (Pages 67 - 70)

The current work programme for the Commission is attached. The

Commission is asked to consider this and make comments and/or amendments as it considers necessary.

11. ANY OTHER URGENT BUSINESS

Appendix A



Minutes of the Meeting of the ADULT SOCIAL CARE SCRUTINY COMMISSION

Held: TUESDAY, 17 DECEMBER 2019 at 5:30 pm

PRESENT:

Councillor Joshi (Chair)
Councillor March (Vice Chair)

Councillor Batool

Councillor Kaur Saini

Councillor Thalukdar

In Attendance

* * * * * * * *

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Khote and Kitterick.

The Chair wished Councillor Khote a speedy recovery.

36. DECLARATIONS OF INTEREST

Councillor Joshi declared an Other Disclosable Interest in that his wife worked for the Reablement Team at Leicester City Council.

In accordance with the Council's Code of Conduct, the interest was not considered so significant that it was likely to prejudice the Councillor's judgement of the public interest. Councillor Joshi was not therefore required to withdrawn from the meeting during consideration and discussion of the agenda items.

The meeting was adjourned while issues concerning microphones at the meeting were resolved and reconvened at 5.45pm.

37. MINUTES OF THE PREVIOUS MEETING

27. Minutes of the Previous Meeting

The visit to Danbury Gardens was planned to take place January / February 2020. A selection of new dates had been circulated. Members were asked to

provide their availability to the Scrutiny Policy Officer.

30. Leicester Safeguarding Adults Board – Annual Report 2019/19
31. Learning Disability Strategy – Consultation Findings
Circulation of additional information requested at the meeting was acknowledged.

Members of the Commission were asked to form a small reference group to test the new format of the Adult Social Care Integrated Performance Report. Members who wanted to be involved were asked to notify the Scrutiny Policy Officer – Councillors Batool, Kaur Saini and Kitterick.

AGREED:

that the minutes of the meeting of Adult Social Care Scrutiny Commission held on 29 October 2019 be confirmed as a correct record.

The Chair announced the departure of the Steven Forbes, Strategic Director of Social Care and Education. Steven was thanked personally on behalf of the Commission for his exceptional work as Director.

Steven thanked Members present, and mentioned also the previous Chair of the Commission, Councillor Virginia Cleaver. He thanked Directors Ruth Lake and Tracie Rees for their support, and all staff in the department for his success based on their efforts.

38. PETITIONS

The Monitoring Officer reported that no petitions had been received.

39. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

The Monitoring Officer reported that no questions, representations or statements of case had been received.

40. SOCIAL VALUE GOOD PRACTICE - 'LEICESTER AGEING TOGETHER' PILOT

The Strategic Director, Social Care and Education, submitted a report which provided the Commission with an update on the 12-month Social Value pilot, which was being delivered by the Leicester Ageing Together programme. Commission Members were recommended to note the report and provide feedback and comments to the Strategic Director for Social Care and Education.

Councillor Russell, Deputy City Mayor, Social Care and Anti-Poverty introduced the report and informed the meeting that the pilot was well underway. Kate Galoppi (Head of Commissioning) and Ruth Rigby (Leicester Ageing Together (LAT)) delivered a presentation (attached for information) and key headlines

from the report:

- The pilot had been running in two wards in the city since July 2019 and was an opportunity to test out the Community Connector model to tackle social isolation and loneliness, which were significant factors in health and wellbeing.
- LAT had been running for several years across the city and had successful outcomes around isolation with 6,000 people supported and 1,444 active volunteers.
- Social Value was explained as 'additional benefits generated by a service beyond its primary purpose' (Public Services (Social Value) Act 2012).
- The new Social Value Charter and guidance was launched by the Council in November 2018. Tenderers for ASC contracts were now required to set out social value benefits and those were evaluated as part of wider tender evaluation. Examples of social value offered in current contracts included free use of venues and training for volunteers.
- The 12-month pilot focusses on North Evington and Thurncourt wards.
- The Community Connector element of work focussed on asset-based community development work, bringing together communities and individuals, identifying strengths, and improving opportunities and skills.
- Examples given included 'Close Encounters' arranging tea parties to bring isolated people living near to each other together; 'Listening Benches'.
 Some people who used listening benches were now volunteering.
- A small grant of £5k had been made available to enable LAT to make small grants (up to £200) to local groups to help them develop support for lonely and isolated people, for example to develop a yoga class, dominoes group and coffee mornings in mosques for women.
- It had been identified there was a clear link with the development of social prescribing which is now being implemented in GP Primary Care Networks.

In response to Members questions and observations, the following responses were given:

- The pilot was due to end on July 2020. The pilot would be evaluated and if the model worked recommendations would be made on how to extend it. It was noted the Community Connectors were funded by Lottery money to the end of the pilot, and it was the task of LAT to try and identify ongoing funding to extend. It was noted the Community Connectors were supporting Healthwatch with a series of workshops around the city.
- It was noted by Members that a lot of people under the age of 50 were isolated. It was explained that although the original city-wide LAT programme worked across the city with people over 55, the Social Value pilot in Thurncourt and North Evington is working with all adults over 18.
 Work in North Evington had started slightly later in September 2019. Groups were now being helped to get established.
- It was noted the £5k was a relatively new pot of money to be distributed and had an application process. LAT were keen to support groups that were not constituted and were just setting up, and Community Connectors would help groups find funding from a range of sources and help them become

- self-sustaining.
- The Community Connector model was small scale and was not about having large amounts of money but making local connections between isolated and lonely people.
- The Social Value pilot would be evaluated but was only just beginning to realise opportunities in the two wards as connections were being made.
- One of the main advantages of having support for the pilot from the City Council was being able to use the council's links to reach vulnerable groups, including people new to the city.

The Chair noted that the money given to smaller groups had encouraged them to find novel ideas to become sustainable, and a lot of positive things were developing to reduce social isolation. He noted the Commission fully supported the Council's commitment to creating additional social value initiatives through contracts and commissioning and wished to see more in the future.

AGREED:

1. That the report and comments made by Scrutiny Commission Members be noted.

41. VOLUNTARY & COMMUNITY SECTOR PHASE 1 & 2 SPENDING REVIEW 4 - UPDATE

The Strategic Director, Social Care and Education, submitted a report to the Commission which provided an update on the review of Voluntary and Community Sector services funded by Adult Social Care in 2018, and the outcome of the review of the Independent Living Supported Housing services. Members were recommended to note the report and provide feedback and comments to the Strategic Director for Social Care and Education.

Councillor Russell, Deputy City Mayor, Social Care and Anti-Poverty introduced the report. Kate Galoppi (Head of Commissioning) and Caroline Ryan (Lead Commissioner) informed the meeting that the review had now concluded, and a revised new service offer was outlined at Appendix A to the report. In response to Members' questions, the following points were made:

- Members asked what the knock-on impact was for people following a reduction in Independent Living Support (ILS) Supported Housing Service support hours, and if it changed the viability of the new supported housing being built. It was reported that new developments were not linked to the achieved savings. It was further noted the Supporting People funding stream had ended eight years previously, and there were people in housing developments that had some care needs but did not require supported housing. The Council had looked at the Norton Housing & Support and Creative Support contract to see what it was delivering and how it was set up. The result of the review had improved arrangements and support for those individuals in receipt.
- Members noted that more independent living schemes were being built and would a reduction in support affect those eligible to move in. Members were informed the support contract was separate from the building contracts and

- was unlikely to affect those in need of support.
- Spending on the carers support service was reduced by £100k through the
 rationalisation of five separate contracts into one to create a 'carers' hub'.
 This means that it is a more efficient use of funding, covers a wider range of
 groups of carers and clearer for carers to know where to go for support.
- Information, Advice and Guidance was noted as £0 budget. Members were
 informed the service had been scoped into the corporate welfare services
 and was no longer provided by Adult Social Care, but under one service
 with welfare advice and citizens' advice. It was stated that service users
 would not see any difference for generalised advice and guidance. ASC
 response teams would still deal with every contact first before referring
 people to welfare advice services if this was considered to be helpful.
- It was noted the lunch club funding was gradually being reduced, coming to an end in January 2022. Members were informed contracts officers were in contact with the clubs to see how they are managing the reductions. In addition, a workshop had been held for the clubs to give them advice and provide sources of support to become self-sustaining. It was further noted that Voluntary Action Leicester were assisting to provide advice on other areas of funding, or alternatives, for example, asking for contributions from attendees, or holding more affordable activities such as coffee mornings.

It was noted the new Service User Participation Services had commenced July 2019. The Chair asked that the Commission receive a future report on the impact and progress of the new service.

AGREED:

- 1. That the report and comments made by Scrutiny Commission Members be noted.
- 2. Scrutiny to receive a future report on the impact and progress of the new Service User Participation Service.

Questions from a member of the public present at the meeting would be responded to by officers following the meeting as they had not been submitted in accordance with the Council's Constitution Rule 10, Part 1(a) Scrutiny Procedure Rules.

42. COMMUNICATIONS AND INFORMATION CO-ORDINATOR - UPDATE

The Strategic Director, Social Care and Education, submitted a report to the Commission which provided an update on the role of The Strategic Director, Social Care and Education, submitted a report to the Commission which provided an update the Social Care & Education Communications and Information Co-ordinator post, and update on the outcomes and impacts of communications campaigns over the past six months, and to provide clarification of key departmental communications priorities and future priorities for the Education Communications and Information Co-ordinator post.

Councillor Russell, Deputy City Mayor, Social Care and Anti-Poverty introduced the report. It was noted that a lot of good work was achieved by the Social Care and Education Department, and that it was important to communicate the fantastic work Leicester did to audiences and the rest of the country.

The Strategic Director reported that improved external communications had been good for the recruitment of staff, with enquiries from as far as Dublin.

Poppy Johal, Communications and Information Officer (ASC) noted the communications strategy being developed for social care and education. Micheal Smith, Healthwatch, suggested a conversation be had to see if there was any cross-over in communication used by Healthwatch, the voluntary sector and partners. It was noted the council were working on and looking at how partners and stakeholders used communication tools.

The Chair noted that communication and advertising had been happening for many years, and that Ward Councillors had a vast amount of knowledge about their wards which could be shared. It was recommended that the Communications and Information Co-ordinator liaise with Ward Councillors and other community groups.

AGREED:

- 1. That the report and comments made by Scrutiny Commission Members be noted.
- 2. Scrutiny to receive an update report in six months.
- 3. The Communications and Information Co-ordinator liaise with Ward Councillors to better understand the community across the city.

43. WORK PROGRAMME

AGREED:

1. That the Commission's work programme be noted.

Councillor March gave a verbal update on the 'Adult Social Care Workforce Planning for the Future' task group work. It was noted that work would progress over six weeks to gather evidence to identify key issues and challenges, for example, views of staff and service providers. Next steps would include gathering best practice and evidence relating to jobs, skills and training options. The Task Group was also preparing a questionnaire to go out in January 2020 to care homes in Leicester to gather views and opinions. Executive Leads for Adult Social Care and Jobs and Skills would also be invited to give evidence. Councillor March would meet with other Scrutiny Commission Members to discuss the work of the task group.

44. CLOSE OF MEETING

There being no other items of urgent business, the meeting closed at 7.19pm.

Adult Social Care

Social Value and
Leicester Aging Together (LAT)
Pilot Project



Why the need?

- loneliness and social isolation are significant risk factors for people's health and wellbeing
- o
 lack of family, social or community
 connections, means people are less able
 to get support when they need it
 - negative impact on health and social care

Project Aims

- Connect isolated or lonely adults to activities and support within their communities
- Test the community connector model
- Maximise the social value offered by our contracted providers
- Work in partnership to develop and support community groups and activities in the localities.

Why Leicester Aging Together (LAT)?

- National Lottery Ageing Better Programme
- Partnership
- Community Focus
- **○•** Community Connectors
 - connect people to sources of support
 - develop and support community groups and activities
 - Successful Outcomes around isolation



Social Value

'additional benefits generated by a service beyond its primary purpose' (Public Services (Social Value) Act 2012)

- ASC tenderers are required to set out social value benefits
 - Social Value Charter launched by council Nov. 2018
 - SV includes: employing locally and responsibly; sourcing locally and responsibly; supporting and engaging local communities; improving environmental sustainability; and doing business ethically
 - Examples: free venues hire, training for volunteers



The LAT Approach

- Focus on 2 Wards, North Evington and Thurncourt
- Dedicated Community Connectors finding local 'champions'
- Asset mapping Tapping into local networks and partner organisations
- Generate community interest engagement using an Asset

 Based Community Development (ABCD) approach through:
 - Close Encounters (pop up tea parties) and the Cosy Bus
 - Listening Bench
 - Talking Tables
 - Establish new groups and activities



Summary

- 12 month pilot from 1st July 2019
- In two localities Thurncourt & North Evington
- Partnership between ASC and LAT
 - LAT Community Connectors key delivery mechanism
 - ASC providers 'social value' offer to support the pilot.
 - £5k funding pot from council to support community groups develop (max £200 per group)

Community Connectors



Any Questions?

Kate.galoppi@leicester.gov.uk

Rebecca.hayward@leicester.gov.uk

Ruth@leicesterageingtogether.org.uk



Appendix B

Adult Social Care Scrutiny Commission Report

Carer Strategy Update & Overview of Carer's Support Service

Date: 4th February 2020

Lead Member: Cllr Sarah Russell

Lead Director: Tracie Rees

Useful information

■ Ward(s) affected: All

■ Report authors: Bev White/Nic Cawrey

■ Author contact details: beverley.white@leicester.gov.uk /

Nicola.cawrey@leicester.gov.uk

■ Report version number: 1

1. Purpose of report

- 1.1. To provide the Adult Social Care Scrutiny Commission with an update on the Joint Social Care and Health Recognising, Valuing and Supporting Carers in Leicester, Leicestershire and Rutland Carer Strategy 2018 to 2021.
- 1.2. To introduce the commissioned carers support service for Leicester, provided by AgeUK.

2. Summary

- 2.1. The strategy developed in conjunction with the three local Clinical Commissioning Groups (CCG's) and the three Local Authorities (Leicester, Leicestershire and Rutland (LLR)) was signed off in October 2018.
- 2.2. The City Council has been working to develop its delivery plan with a broad range of stakeholders, including the involvement of family and informal carers to develop the supporting actions.
- 2.3. The report outlines the progress made by the City Council and plans to further develop its implementation plan.
- 2.4. As part of the City Council commitment to carers, a Carers Support Service for adult carers aged 18+ commenced on 1st April 2019 for three years. Information outlining what the service provides, which is delivered by AgeUK is detailed at paragraph 4.9. In addition, the provider will present further details at the meeting.
- 2.5. Support for young carers aged under 18 is commissioned through Barnardo's.

3. Recommendations

3.1. The ASC Scrutiny Commission is recommended to note the report and provide comments / feedback.

4. Report

Recap of Vision and Guiding Principles

- 4.1. The strategy defines a shared vision and guiding principles for recognising, valuing and supporting carers.
- 4.2. The vision is that family members and unpaid carers, including young people across Leicester, Leicestershire and Rutland will be identified early, feel valued and respected. They will receive appropriate support wherever possible to enable them to undertake their caring role, whilst maintaining their own health and wellbeing.
- 4.3. The strategy was written with a broad range of stakeholders and carers and runs from 2018 to 2022. Progress on delivering the strategy is reported to the LLR Joint Carers Delivery Group and to the Social Care and Education's Leadership Team.
- 4.4. There are eight guiding principles each with high level actions. Members of the Carers Delivery Group report their progress against those principles. The guiding principles are:
 - Carer Identification
 - Carers are valued and involved.
 - Carers are informed
 - Carer Friendly Communities
 - Carers have a life alongside caring
 - Carers and the impact of Technology Products and the living space
 - Carers can access the right support at the right time
 - Supporting Young Carers
- 4.5. The strategy can be found at

https://www.leicester.gov.uk/media/185857/joint-carers-strategy-2018-2021-recognising-valuing-and-supporting-carers-in-leicester-leicestershireand-rutland.pdf

Update on Completion of the Delivery Plan

4.6 The delivery plan is in final draft form and it is anticipated that it will be published early march 2020. It has been drafted with input from carers and stakeholders at a number of events and engagement sessions:

- 4.6.1 Co-production on the plan started during Carers Week in June 2019 with attendees representing key stakeholders from health, social care and the voluntary sector as well as a significant number of family / informal carers
- 4.6.2 A youth proofing session was held with two young carers during October 2019 half term holidays Making Priority 8 Great. Young carers fedback that the plan did not make any sense to them and subsequently the plan was amended to ensure the words of young carers were written into the plan itself in an attempt to make it more meaningful.
- 4.6.3 Following the youth proofing session, the same exercise was undertaken for the other 7 priorities within the action plan, using the feedback from informal carers that attended the event held during National Carers Week.
- 4.6.4 Feedback on the changes made to the implementation plan following National Carers Week was provided to people that attended the Carers Rights Day event held in November 2019. Further work was also undertaken at that session to support the completion of a self-assessment exercise requested by the Association of Directors of Adult Social Services (ADASS). The outcome of this session outlined the need for further slight amendments to be made and these will be completed in the near future.
- 4.6.5 Young Carers were also invited to attend a twilight session to review the amendments made to Priority 8. This section of the implementation plan has resulted in a Task and Finish group specifically looking at progressing young carer work within the City Council, which is due to meet at the end of January 2020 for the first time. The group includes representatives from education welfare, early help, adult social care, youth services and connexions.

Progress on Delivery of the Strategy

4.7. Notwithstanding the work on finalising the delivery plan, work is ongoing on the delivery of the strategy. We can report progress in the following areas:

LLR Carers Strategy Guiding Principle:	Actions:
Carers are identified early and recognised	- Carers Project group is starting to look at the way that carers work is recorded on ASC systems
Carers are valued and involved	Increase in carers actively involved in co-production activity across commissioning
Carers are informed	Work on Mychoice focusing on information from carers has started and the webpages for carer support

	has been amended on the City Council's website
Carer friendly communities	 Internal carer register now in place for carers that access the carer support service allowing us to really start to understand our caring community.
Carers have a life alongside caring	 SCE commissioning team have started a review of its flexible short break framework and links are being made with Carefree to consider how this might work locally
Carers and the impact of Technology products and the living space	 Work has begun on an AT strategy within the organisation and carers have been highlighted as a priority cohort as part of this
Carers can access the right support at the right time	The ADASS self-assessment has been undertaken which has identified areas for ASC to improve
Supporting Young Carers	- Task and finish group set up. Awareness raising session planned for designated safeguarding leads in January as well as communications across the Authority in relation to Young Carer Awareness Day on 30 th Jan

4.8. Work has also been ongoing to develop robust and representative carers partnership arrangements, i.e. a group of carers and relevant professionals whose role is to contribute to our work, oversee our progress and input strategically into our general work, making links with other Partnership Boards and groups. The group is due to meet for the first time in March 2020.

The Leicester Carers Support Service

- 4.9. Following a procurement exercise in 2018/19, a support service for carers aged 18 and over was procured for a period of three years form 1st April 2019 for an initial period of three years. Briefly, the service offers:
 - a) a Carers Hub offering a range of preventative services including signposting to other appropriate carer and universal services, information, advice and guidance, group and peer support and carer learning and outreach support for all adult carers.
 - b) strategic engagement, planning and influencing provision, representing the views and analysing the needs and outcomes of adult carers.

- 4.10. The service seeks to empower carers to meet their own needs by adopting a strength-based approach when working with carers to set goals and identify outcomes that promote their wellbeing and preventing, reducing or delaying the need for support in a timely way.
- 4.11. More information on the service is available from https://www.ageuk.org.uk/leics/our-services/support-for-carers/leicester-carers-support-service/

5. Financial, legal and other implications

5.1 Financial implications

5.1.1 There are no direct financial implications arising from this report.

Rohit Rughani, Principal Accountant, Ext 37 4003

5.2 Legal implications

There are no direct legal implications arising from the contents of this report. Pretty Patel, Head of Law- Social Care & Safeguarding. Tel. 0116 454 1457

5.3 Climate Change and Carbon Reduction implications

There are no climate change implications arising from this report.

Duncan Bell, Corporate Environmental Consultant. Ext. 37 2249

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't. Due regard to the Public Sector Equality Duty should be paid before and at the time a decision is taken, in such a way that it can influence the final decision.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Although caring responsibilities are not a protected characteristic, the Equality Act 2010 can protect carers from being treated unfairly because of their association with the person they care for (who would likely be protected under Equalities legislation in relation to their age or their disability). This is called "discrimination by association".

The report provides an update development and implementation of the Joint Social Care and Health Recognising, Valuing and Supporting Carers in Leicester, Leicestershire and Rutland Carer Strategy - 2018 to 2021. Partners involved in the development of the joint strategy are also subject to the Public Sector Equality Duty.

The report draws out some key high-level considerations around the protected characteristics of carers themselves, for example the specific issues faced by young carers (age) and the intersectionalities between caring responsibilities and other characteristics (such as race, gender, religion or belief etc), which could impact on how the Council can support carer friendly communities. For this reason, there is a commitment to understanding and considering the demographic and geographical profile of carers.

Previously, an Equality Impact Assessment was undertaken by Leicestershire County Council as the lead organisation on the joint strategy and an exercise undertaken by the City Council to consider any potential impacts on carers in the City, particularly given the difference in demographics. However, it was agreed at the time that a more specific City assessment would also be undertaken to influence and inform the development of the implementation plan in order to ensure that the City Council continue to pay appropriate consideration to meeting the aims of the Public sector Equality Duty, which is an on-going duty.

Equality impact assessment should, therefore, be undertaken on any element of the underpinning delivery/ implementation plan which will affect service users (carers) and those that they care for. An understanding of the potential impacts, the maximisation of positive impacts and the identification of appropriate mitigations where there is a disproportionate negative impact can be achieved through the ongoing engagement with the user group and stakeholders and analysis of monitoring data. In addition, as changes are implemented, it will be important to monitor for any unexpected disproportionate negative impacts or where we are unsure of the impact, in order that they can be addressed swiftly and effectively. This will be beneficial in ensuring that there are no barriers to accessing support arising from any particular protected characteristic/s.

Hannah Watkins, Equalities Manager ext. 37 5811

- 6. Background information and other papers: None
- 7. Summary of appendices: None

Appendix C



Council

Date: Draft for 19th February 2020

General Fund Revenue Budget 2020/21 to 2021/22

Report of the Director of Finance

1. Purpose

- 1.1 The purpose of this report is to ask the Council to consider the City Mayor's proposed budget for 2020/21 to 2021/22.
- 1.2 The proposed budget is described in this report, subject to any amendments the City Mayor may wish to recommend when he makes a firm proposal to the Council.
- 1.3 This draft budget has been prepared in advance of the finance settlement for 2020/21 (which has been delayed by the General Election, and the date is not yet known) and the final report will be updated to include any new information received.

2. Summary

- 2.1 Since 2010, the Council has faced the most severe period of spending cuts we have ever experienced. We know from reports of the Institute of Fiscal Studies and our own analysis that government cuts have disproportionately hit the most deprived authorities (such as Leicester).
- 2.2 The budget for this year is made more difficult because we do not know the level of funding available beyond 2020/21.
- 2.3 Since last year, the Government has made announcements about the "end of austerity" in the public finances. While there has been some additional spending announced for next year, it should be noted that this does not reverse the significant cuts since 2010, and that pressures continue in demand-led services in Children's and Adults' social care.
- 2.4 Since 2014/15, the Council's approach to achieving these substantial budget reductions has been based on the following approach:-

- (a) An in-depth review of discrete service areas (the "Spending Review Programme");
- (b) Building up reserves, in order to "buy time" to avoid crisis cuts and to manage the Spending Review Programme effectively. We have termed this the "managed reserves strategy".
- 2.5 The Spending Review Programme is a continuous process. When individual reviews conclude, an Executive decision is taken and the budget is reduced in-year, without waiting for the next annual budget report. Executive decisions are informed by consultation with the public (where appropriate) and the scrutiny function.
- 2.6 This approach has served us well. Budgets for the period 2013/14 to 2015/16 contributed over £40m to reserves, which have been used to support budgets since 2016/17 and postpone the maximum impact of government cuts. This has been extended by regular reviews of reserves and other one-off monies available. Because of this approach, the Council has sufficient reserves available to balance the budget in 2020/21, and will have some remaining for subsequent years.
- 2.7 Funding levels beyond 2020/21 are particularly uncertain, with the planned move to 75% rates retention, the Government's planned funding review, and the risk of a return to centrally-imposed cuts to funding overall (see paragraphs 8.5 8.8). There are also significant unknowns around future funding for social care services.
- 2.8 To mitigate these risks, further savings from the spending review process are being used to extend the managed reserves strategy as far as possible. However, it seems inevitable that medium term budgets cannot be balanced without additional significant cuts.
- 2.9 As a consequence, the following approach has been adopted:-
 - (a) The budget for 2020/21 has been balanced using reserves, and can be adopted as the Council's budget for that year;
 - (b) Savings from the previous rounds of spending reviews are still being sought. These will seek to minimise the call on reserves in the remainder of 2019/20 and in 2020/21, and therefore to make additional amounts available to mitigate cuts in future years. Since February 2019, savings totalling £2.7m per year have been achieved and built into budget forecasts.
- 2.10 What this means is that, in substance, the budget proposed is a one year budget. Projections of spending and income have been made beyond 2020/21, but they are uncertain and volatile.
- 2.11 In common with other authorities nationally, we continue to face growth in social care costs, and it is not impossible that these services will consume an ever greater proportion of the budget (squeezing out the traditional services provided to the whole community).

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Government intentions for social care funding beyond 2020/21 are not known; a planned Green Paper has not materialised, and it will be some time before any new proposals have an impact on the Council's financial position.

- 2.12 It should also be noted that there are some significant risks in the budget. These are described in paragraph 12, and to help mitigate these, a contingency of £1m has been included in the 2020/21 budget.
- 2.13 The budget provides for a council tax increase of 4% in 2019/20, which is the maximum available to us without a referendum. 2% of this 4% is for the "social care precept" the Government has permitted social care authorities to increase tax by more than the 2% available to other authorities, in order to help meet social care pressures. In practice, increasing our tax by an additional 2% will only meet a small proportion of the extra costs we are incurring.
- 2.14 In the exercise of its functions, the City Council (or City Mayor) must have due regard to the Council's duty to eliminate discrimination, to advance equality of opportunity for protected groups and to foster good relations between protected groups and others. The budget is, in effect, a snap-shot of the Council's current commitments and decisions taken during the course of 2019/20. There are no proposals for decisions on specific courses of action that could have an impact on different groups of people. Therefore, there are no proposals to carry out an equality impact assessment on the budget itself, apart from the proposed council tax increase (this is further explained in paragraph 11 and the legal implications at paragraph 15). Where required, the City Mayor has considered the equalities implications of decisions when they have been taken and will continue to do so for future spending review decisions.

3. **Recommendations**

- 3.1 Subject to any amendments recommended by the City Mayor, the Council will be asked to:-
 - (a) approve the budget strategy described in this report, and the formal budget resolution for 2020/21 which will be circulated separately;
 - (b) note comments received on the draft budget from scrutiny committees, trade unions and other partners (to be added for final budget report);
 - (c) approve the budget ceilings for each service, as shown at Appendix One to this report;
 - (d) approve the scheme of virement described in Appendix Two to this report;
 - (e) note my view that reserves will be adequate during 2020/21, and that estimates used to prepare the budget are robust;

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- (f) note the equality implications arising from the proposed tax increase, as described in paragraph 11 and Appendix Three;
- (h) emphasise the need for outstanding spending reviews to be delivered on time, after appropriate scrutiny;
- (i) agree that finance procedure rules applicable to trading organisations (4.9 to 4.14) shall not apply.

4. **Budget Overview**

4.1 The table below summarises the proposed budget for 2020/21, and the forecast position for 2021/22:

	2020/21	2021/22
	£m	£m
Service budget ceilings	278.3	274.3
Corporate Budgets		
Capital Financing	6.3	6.5
Miscellaneous Corporate Budgets	(2.3)	(2.1)
Corporate Contingency	1.0	
Education Funding Reform	1.0	1.0
Future Provisions		
Inflation		6.3
Planning Provision		3.0
Total forecast spending	284.3	289.0

Rates Retention		
Business rates income	64.6	
Top-up payment	47.4	
Revenue Support Grant	28.9	
Subtotal: rates retention	140.9	143.2
Less assumed future cuts		(3.0)
Council Tax	121.1	124.4
Collection Fund surplus	1.7	
Social Care grants	10.0	10.0
New Homes Bonus	5.0	4.0
Total forecast resources	278.7	278.6

Underlying gap in resources	5.6	10.3
Proposed funding from reserves:	(5.6)	
Gap in resources	NIL	

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4.2 The proposed budget for 2020/21 has an underlying budget gap of £5.6m, which represents a £3.3m decrease from the forecast in February 2019. The main changes to the budget position are summarised in the table below:

	2020/21 changes
	£m
Spending Reviews approved	2.4
Growth in local tax base (council tax & business rates)	2.4
Social care pressures (in excess of additional government resources)	(4.8)
Pay inflation	(2.7)
Reduced level of cuts to general funding	2.5
Collection fund surplus (one-off)	1.7
Other changes	1.9
Net decrease in budget gap since February 2019	3.3

- 4.3 The net decrease in the table above conceals significant additional pressures in social care services and pay costs. For 2020/21, the pressure on the budget is mitigated by increased government grant and a one-off surplus on rates and Council Tax income in the Collection Fund; but cost pressures are expected to continue to grow in future years.
- 4.4 The budget for 2021/22 is presented in broad terms only, and is particularly volatile. The current business rates retention scheme is due to be replaced from April 2021; we do not yet know the format of the new scheme, and the table above assumes that these changes are broadly neutral for the Council's finances. The position could be significantly worse than this: there are particular risks around social care cost pressures, the Government's review of local government funding formula, and/or a return to overall funding cuts for the sector. Under this scenario, the gap for 2021/22 could be as much as £40m.

5. Construction of the Budget and Council Tax

- 5.1 By law, the role of budget setting is for the Council to determine:
 - (a) The level of council tax;
 - (b) The limits on the amount the City Mayor is entitled to spend on any service ("budget ceilings"; the proposed budget ceilings are shown at Appendix One)
- 5.2 In line with Finance Procedure Rules, Council must also approve the scheme of virement that controls subsequent changes to these ceilings. The proposed scheme is shown at Appendix Two.
- 5.3 The City Council's proposed Band D tax for 2020/21 is £1,641.23, an increase of just under 4% compared to 2019/20.

- 5.4 The tax levied by the City Council constitutes only part of the tax Leicester citizens have to pay (albeit the major part around 84% in 2019/20). Separate taxes are raised by the Police & Crime Commissioner and the Combined Fire Authority. These are added to the Council's tax, to constitute the total tax charged.
- 5.5 The actual amounts people will be paying in 2020/21, however, depend upon the valuation band their property is in and their entitlement to any discounts, exemptions or benefit. Almost 80% of properties in the city are in band A or band B, so the tax will be lower than the Band D figure quoted above.
- 5.6 The Police and Crime Commissioner and Combined Fire Authority will set their precepts in February 2020. The formal resolution will set out the precepts issued for 2020/21, together with the total tax payable in the city.

6. **Departmental Budget Ceilings**

- 6.1 Budget ceilings for each service have been calculated as follows:
 - (a) The starting point is last year's budget, subject to any changes made since then which are permitted by the constitution (e.g. virement), and excluding one-off additions identified in the 2019/20 budget;
 - (b) Decisions taken by the Executive in respect of spending reviews, where the savings take effect in 2020/21, have been deducted from the ceilings;
 - (c) An allowance for non-pay inflation has been added to the budgets for independent sector adult care (2%), foster care (2%) and the waste PFI contract (RPI, in line with contract terms). Apart from these areas, no allowance has been made for non-pay inflation.
- In contrast to previous years, the budget ceilings shown at Appendix One do *not* include any allowance for pay inflation. At the time of writing, the local government pay scales for 2020/21 had not been determined, and therefore a provision (equivalent to a pay award averaging around 2.5% across all pay grades) is being held centrally to meet the cost. This will be distributed to departmental budget ceilings when the details of the pay award are known.
- 6.3 The role of the Council is to determine the financial envelopes within which the City Mayor has authority to act. In some cases, changes to past spending patterns are required to enable departments to live within their budgets. Actions taken, or proposed by the City Mayor, to live within these budgets are described below.

City Development & Neighbourhoods

6.4 The department provides a wide range of statutory and non-statutory services which contribute to the wellbeing and civic life of the city.

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- 6.5 The department's costs are not subject to the same levels of volatility as social care services, and pressures tend to be more easy to predict in advance. Nonetheless, the impact of austerity means the department (whilst expecting to live within its resources in 2019/20) may struggle to do so in 2020/21. Key pressures are:-
 - (a) Reduction in capital project work undertaken by the Estates and Building Services (EBS) division, and consequent loss of fee income. This pressure amounts to some £1m per annum;
 - (b) Pressures on budgets for property maintenance, which have recently been centralised as part of an earlier spending review (the Technical Services Review). The department is struggling to provide an appropriate level of service to meet assessed needs and a shortfall of some £0.6m has been identified;
 - (c) Lower income from Neighbourhood Services, particularly from sources such as DVD and CD rental, which for a time performed well but there is now little demand.
- 6.6 In total budget pressures of up to £2m per year are anticipated.
- 6.7 The department continues to contribute to the spending review programme, and has achieved £2.5m as part of the new Spending Review 4 Programme, with work ongoing to deliver further savings.

Adult Social Care

- 6.9 Adult Social Care services nationally are facing severe cost pressures. This is now recognised by the Government, although long-term solutions have been continually deferred (we still await proposals in the form of a green paper).
- 6.10 Consequently, the Government has been providing additional resources on a year by year basis, at inadequate levels, with no guarantee that these will be increased (or indeed maintained) in future years. Total social care grant (to deal with pressures in both adults' and children's social care) now stands at £10m. For practical purposes, the budget assumes that this level of funding forms a base from which future Government decisions on funding will be made (i.e. it is unrealistic to assume that it will not continue in some form although there are no guarantees). Additionally, Better Care Fund monies paid directly to the department now amount to some £28.5m per year.
- 6.11 The Adult Social Care Department has managed its budget well in recent years. This is a consequence of additional funding which has been provided in council budgets, and measures to contain costs (including staffing reductions of 20% and tight controls ensuring the service can only be accessed by people who are statutorily entitled). It is expected that the department will live within its resources in 2019/20.
- 6.12 In 2020/21 and beyond, the department continues to face significant demand led pressures:-

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- (a) The growth in need of our existing service users resulting in additional support being added to their existing package of care. This is expected to increase at 5.5% per annum.
- (b) Growth in service user numbers is expected to grow overall at 0.5% per annum. Growth in older service user numbers is being contained currently, but we are seeing more significant growth in working age adults with mental health conditions and learning disabilities.
- (c) The cost of meeting need is rising by more than inflation, due to the impact of continuing increases in the National Living Wage (NLW) which drives care costs. The Government's intention is that the NLW will rise to £10.50 by 2025 (or two thirds of median wages at that time): this implies an increase of some 5% per annum during the intervening period.
- 6.13 The proposed budget provides an additional £3.1m per year to the departmental budget, in addition to support from the Better Care Fund.
- 6.14 It is expected that the cost of providing statutory packages of support will increase by around £15m per year, each year, beyond 2020/21, of which two thirds is due to need and one third to wage pressures. At present we have no indication of what funding might be made available by the Government (nor indeed whether social care will continue to be paid for in the same way as currently). The corporate budget strategy is predicated on two options, one being that the Government will provide sufficient funding to meet increased need in 2021/22, and one that they will provide less than the full cost.
- 6.15 The department continues to provide support to the Spending Review 4 Programme, which is meeting the Council's overall budget savings targets. To date, £2.6m has been achieved as part of this programme and proposals are being developed to achieve a further £0.8m.

Children's Services

- 6.16 In common with authorities across the country, increasing demand for social care services is putting considerable pressure on the budget of the department (and of the Council). Anecdotally, more authorities seem to be reporting children's social care as the major source of their budget pressure than adult care. Recently, Blackpool council has reported that the children's social care service is overspending by £9m in 2019/20, and Liverpool has projected a £33m increase in its 20/21 budget gap arising from children's social care.
- 6.17 Whilst the department expects to live within its resources in 2019/20 (having received an injection of £11m in the 2019 budget on a one-off basis) it is now clear that the pressures on the system will persist. These include:-
 - (a) Social care placement costs. Pressures reported last year continue, and whilst placement numbers seem to have stabilised (but not reduced) we are seeing more

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teenagers with severe behavioural issues entering the system requiring high level support. This is despite the interventions of the new multisystemic therapy and functional family therapy teams, who have between them diverted 95 children from care in the first half of 2019/20;

- (b) Pressures in respect of transport costs for looked after children and SEN pupils. These pressures may be reduced following a review and consultation of the local transport offer.
- 6.18 Whilst the director is achieving savings to reduce the overall burden on the general fund, the budget provides a further £11m on an on-going basis from 2020/21 (and an additional £3m on a one-off basis in 2020/21 to buy time for more fundamental review).
- 6.19 Measures taken, or expected to be taken, to control costs include:-
 - (a) Continued operation of the therapeutic intervention teams (which were partially funded by one-off business rates pilot income in 2019/20). These teams are now working with over 200 children per year;
 - (b) Seeking to increase the number of internal foster carers and reduce the use of external agencies;
 - (c) Careful review of all external residential and semi-independent placements;
 - (d) Savings from internal administration budgets;
 - (e) Reductions in the cost of the Connexions and Education Welfare Services.

Health & Wellbeing

- 6.20 The Health and Wellbeing Division consists of core public health services, together with sports and leisure provision. It is partly funded from Public Health Grant and partly from the general fund. Public Health Grant has been falling in recent years, but will be maintained at current levels in 2020/21. The department expects to manage within its budget.
- 6.21 The future of Public Health Grant beyond 2020/21 is unclear it is anticipated that it will be consolidated into the new 75% business rates retention scheme (assuming this is implemented). This, however, remains uncertain as it is subject to agreement between the Ministry of Housing, Communities and Local Government; and the Department of Health the latter may wish to impose requirements on how former Public Health Grant is spent in the future. We have no indication of the equivalent amount of grant we will receive in 2021/22.
- 6. 22 The department continues to contribute to the spending review programme, and has plans in place to achieve the remaining Spending Review 4 target for the department.

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Corporate Resources & Support

- 6.23 The department primarily provides back office support services, but also some public facing services such as benefits and collection of council tax. It has made considerable savings in recent years in order to contribute to the Council's savings targets. It has nonetheless achieved a balanced budget each year.
- 6.24 The department is absorbing pressures within its overall budget envelope (including additional legal work associated with growing childcare caseloads, falling housing benefit administration grant and managing the change to Universal Credit). The department expects to live within budget in 2019/20 and 2020/21.
- 6.25 The department has achieved £2.4m towards the Council's Spending Review 4 Programme, and anticipates saving a further £0.9m principally through staffing reviews.

7. Corporately Held Budgets and Provisions

- 7.1 In addition to the service budget ceilings, some budgets are held corporately. These are described below.
- 7.2 The budget for **capital financing** represents the cost of interest and debt repayment on past years' capital spending. This budget is not controlled to a cash ceiling, and is managed by the Director of Finance. Costs which fall to be met by this budget are driven by the Council's treasury management strategy, which will also be approved by Council in February, and are affected by decisions made by the Director of Finance in implementation of this policy.
- 7.3 A one-off **corporate contingency** of £1m has been created in 2019/20 to manage significant pressures that arise during the year. This is particularly appropriate given the scale of reductions departments are having to make.
- 7.4 As set out in previous reports, **education funding reforms** have reduced the amount available to support centrally-managed services for schools and pupils, and for higher-needs pupils. These changes have a knock-on impact to general fund budgets. A provision has been made accordingly. (As well as the corporately held budget, some funding is now included in the departmental budget).
- 7.5 **Miscellaneous central budgets** include external audit fees, pensions costs of some former staff, levy payments to the Environment Agency, bank charges, monies set aside to assist council taxpayers suffering hardship and other sums it is not appropriate to include in service budgets. These budgets are offset by the effect of charges from the general fund to other statutory accounts of the Council (which exceed the miscellaneous costs, but are reducing over time).

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7.6 For 2021/22, amounts have also been included for future cost increases. These are indicative amounts – the budget for this year will be set in February 2021. A planning provision of £3m has also been included, to meet any future unavoidable cost pressures.

8. Resources

Business Rates Retention Scheme

- 8.1 Since 2013, local government has retained 50% of the business rates collected locally, with the other 50% being paid to central government. In Leicester, 1% is paid to the fire authority, and 49% has been retained by the Council. This is known as the "Business Rate Retention Scheme".
- 8.2 In recognition of the fact that different authorities' ability to raise rates does not correspond to needs, there are additional elements of the business rates retention scheme:
 - (a) a **top-up to local business rates**, paid to authorities with lower taxbases relative to needs (such as Leicester) and funded by authorities with greater numbers of higher-rated businesses.
 - (b) **Revenue Support Grant** (RSG), which has declined sharply in recent years as it is the main route for the government to deliver cuts in local government funding (and the methodology for doing this has disproportionately disadvantaged deprived authorities).
- 8.3 At the time of writing, allocations of the top-up and RSG payments have not been announced. The draft budget for 2020/21 is based on forecasts from the information announced by the government at the Spending Round, which broadly equates to an inflationary increase on all elements of the scheme for one year only.
- 8.4 Our estimates of rates income take into account the amount of income we believe we will lose as a consequence of successful appeals. A significant number of appeals against the 2017 revaluation have not yet been decided, and appeals have been a source of volatility since business rates retention was introduced. Despite Government attempts to reduce this volatility, this is likely to continue as there are still a large number of outstanding appeals from earlier years (and any successful appeals will be backdated, potentially for several years). Valuations and appeals are not within the Council's control.
- 8.5 No figures have been made available for local government funding beyond 2020/21, either nationally or locally. While there have been moves in recent months to relax austerity in public spending, there are also significant pressures on the public finances and spending commitments (including schools, the NHS and police) will need to be funded. It should not be assumed that there will be no further cuts to funding for "unprotected" departments, including local government.

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- 8.6 Significant reforms to the funding system are planned from April 2021 (delayed from 2021), including increasing the proportion of rates retained locally to 75%. In itself, the change should be financially neutral, as other funding elements will be reduced to offset the additional retained rates. There may also be reforms to the system to cushion the impact of appeals.
- 8.7 There is likely to be a more substantial effect on the Council's finances from the "fair funding review" planned for the same date, which will redistribute resources between councils. At the time of writing, it is unclear what the impact will be on individual authorities. We should benefit from the new formula fully reflecting the differences in council taxbase between different areas of the country; however, there are other pressures on the funding available, including intensive lobbying from some authorities over perceived extra costs in rural areas.
- 8.8 For planning purposes, the budget figures for 2021/22 assume additional real-terms cuts of £3 million per year. This represents a significantly slower rate of cuts than we have seen in the period from 2013 to 2020. If the fair funding review and overall funding position are less favourable, these cuts could be significantly higher.

Council Tax

- 8.9 Council tax income is estimated at £121.2m in 2020/21, based on a tax increase of just below 4% (the maximum allowed without a referendum). For planning purposes, a tax increase of 2% has been assumed in 2021/22.
- 8.10 The proposed tax increase in 2020/21 includes the additional "social care levy" allowed since 2016/17, and designed to help social care authorities mitigate the growing costs of social care; the Government will expect us to demonstrate that the money is being used for this purpose.
- 8.11 Council tax income includes the additional revenue raised from the Empty Homes Premium, which doubles the charge for a property left empty for more than two years. Following the Council decision in November 2018, an additional rate will be introduced from April 2020 so properties left empty for more than five years pay a higher rate. It is assumed in this report that the additional income from this higher rate will be minimal, as the higher charge increases the probability that properties will be brought back into use.

Other grants

- 8.12 The Government also controls a range of other grants. The majority of these are not shown in the table at paragraph 4.1, as they are treated as income to departments (departmental budgets are consequently lower than they would have been). Those held corporately are described below:
 - a) **New Homes Bonus (NHB)**. This is a grant which roughly matches the council tax payable on new homes, and homes which have ceased to be empty on a long

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term basis. The future of NHB is in doubt, and it may be rolled into the new business rates retention scheme from 2021/22. The projection for 2021/22 assumes that any replacement for NHB will reduce over time.

b) Additional funding to support **Social Care** has been made available each year since 2017/18, although this has been as a series of one-off allocations rather than a stable funding stream. For 2020/21, the total funding nationally will be £1.65 billion (a £1 billion increase from 2019/20). Our estimated share of this is over £10 million; for comparison, this budget proposes increases to Adults' and Children's budgets totalling over £17 million in 2020/21.

Collection Fund surplus / deficit

- 8.13 Collection fund surpluses arise when more tax is collected than assumed in previous budgets.

 Deficits arise when the converse is true.
- 8.14 The Council has an estimated **council tax collection fund surplus** of £0.8m, after allowing for shares paid to the police and fire authorities. This has arisen because of growth in the number of homes liable to pay tax (which has been greater than was assumed when the budget was set) and a reduction in the costs of the council tax support scheme, linked to improvements in the local economy.
- 8.15 The Council has an estimated **business rates collection fund surplus** of £0.9m. This is largely due to a reduction in the forecast cost of appeals, following updated information from external advisers.

9. Managed Reserves Strategy

- 9.1 In the current climate, it is essential that the Council maintains reserves to deal with the unexpected. This might include continued spending pressures in demand led services, or further unexpected Government grant cuts.
- 9.2 The Council has agreed to maintain a minimum balance of £15m of reserves. The Council also has a number of earmarked reserves, which are further discussed in section 10 below.
- 9.3 In 2013, the Council approved the adoption of a managed reserves strategy. This involved contributing money to reserves in the early years of the strategy, and drawing down reserves in later years. This policy has bought time to more fully consider how to make the substantial cuts which are necessary.
- 9.4 The managed reserves strategy is being extended by using in-year savings arising from spending reviews, and future reviews should enable a further extension of the strategy. Given the forecast funding gaps from 2021/22 onwards, and the level of uncertainty around future funding, it is essential that these reviews are implemented promptly to ensure that managed reserves are available to mitigate the medium-term funding risks.

- 9.5 As at the end of the 2018/19 financial year, some £35m was available to support future budgets, a significant increase on the forecast when the 2019/20 budget was set. This increase is the result of savings in corporate budgets (as reported in the 2018/19 outturn) and a review of the accounting treatment of grant funding from previous years.
- 9.6 This report only covers the Council's General Fund budget. The schools budget (which is separately funded via Dedicated Schools Grant) is also under significant cost pressure with increasing costs on the High Needs Block, which provides support to pupils with special needs and disabilities. Proposals to manage these costs will be brought forward in due course; however, this may involve the use of General Fund reserves in the short term, which would reduce the amount available for budgets beyond 2020/21. [It should also be noted that the Department for Education is currently consulting on proposals which, if they go ahead, will prevent General Fund reserves being used to support DSG pressures].
- 9.7 The table below shows the forecast reserves available to support the managed reserves strategy:-

	£m
Brought forward 1st April 2019	33.6
Use planned in budget	(1.9)
Additional savings in-year	1.7
Forecast carry forward 1st April 2020	33.4
Required in 2020/21	(5.6)
Uncommitted balance	27.8

10. Earmarked Reserves

- 10.1 In addition to the general reserves, the Council also holds earmarked reserves which are set aside for specific purposes. These include ring-fenced funds which are held by the Council but for which we have obligations to other partners or organisations; departmental reserves, which are held for specific services; and corporate reserves, which are held for purposes applicable to the organisation as a whole.
- 10.2 Earmarked reserves are kept under review, and amounts which are no longer needed for their original purpose can be released for other uses, including the managed reserves strategy. At the time of preparing the draft budget, this review process is ongoing.

11. Budget and Equalities

11.1 The Council is committed to promoting equality of opportunity for its residents; both through its policies aimed at reducing inequality of outcomes, and through its practices aimed at ensuring fair treatment for all and the provision of appropriate and culturally sensitive services that meet local people's needs.

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- 11.2 In accordance with section 149 of the Equality Act 2010, the Council must "have due regard", when making decisions, to the need to meet the following aims of our Public Sector Equality Duty:-
 - (a) eliminate unlawful discrimination;
 - (b) advance equality of opportunity between those who share a protected characteristic and those who do not;
 - (c) foster good relations between those who share a protected characteristic and those who do not.
- 11.3 Protected groups under the public sector equality duty are characterised by age, disability, gender reassignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation.
- 11.4 When making decisions, the Council (or decision maker, in this case the City Mayor) must be clear about any equalities implications of the course of action proposed. In doing so, it must consider the likely impact on those likely to be affected by the recommendation; their protected characteristics; and (where negative impacts are anticipated) mitigating actions that can be taken to reduce or remove that negative impact.
- 11.5 This report seeks approval to the proposed budget strategy. The report sets out financial ceilings for each service which act as maxima above which the City Mayor cannot spend (subject to his power of virement). However, decisions on services to be provided within the budget ceilings are taken by managers or the City Mayor separately from the decision regarding the budget strategy. Where appropriate, an individual Equalities Impact Assessment for these changes will be undertaken when these decisions are developed.
- 11.6 While this report does not contain details of specific service proposals, it does recommend a proposed council tax increase for the city's residents. The City Council's proposed tax for 2020/21 is £1,614.23, an increase of just below 4% compared to 2019/20. As the recommended increase could have an impact on those required to pay it, an assessment has been carried out to inform decision makers of the potential equalities implications. This analysis is provided at Appendix Three.

12. Risk Assessment and Adequacy of Estimates

- 12.1 Best practice requires me to identify any risks associated with the budget, and section 25 of the Local Government Act 2003 requires me to report on the adequacy of reserves and the robustness of estimates.
- 12.2 In the current climate, it is inevitable that the budget carries significant risk. In my view, although very difficult, the budget for 2020/21 is achievable subject to the risks and issues described below.

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- 12.3 The most significant risks in the 2020/21 budget arise from:
 - (a) Social care spending pressures, specifically the risks of further growth in the cost of care packages and inability to contain the costs of looked after children;
 - (b) Ensuring spending reviews which have already been approved, but not yet implemented, deliver the required savings;
 - (c) Achievability of estimated rates income (although technically any shortfall will appear as a collection fund deficit in the 2020/21 budget), and particularly the extent of successful appeals against the 2017 revaluations. There is a further risk relating to a national legal challenge on NHS properties claiming charitable relief, where an appeal is likely. If successful, this would result in a major transfer of resources away from local authorities across the country;
 - (d) Increases in pay costs, over and above the 2.5% average pay award included in the proposed budget.
- 12.4 For 2021/22 and beyond, the budget projections are particularly uncertain. Risks to a balanced budget in these years include:-
 - (a) Non-achievement, or delayed achievement, of the remaining spending review savings; and/or further budget pressures within service departments meaning that any savings achieved cannot be used to reduce the overall budget gap;
 - (b) Loss of future resources. The funding landscape after 2020/21 is largely unknown, with the move to 75% business rates retention and the planned needs review (which could result in a gain or loss to the Council). Despite the Government's announcements of "the end of austerity", the risk of further cuts to funding from 2021/22 remains significant;
 - (c) Longer-term reforms to social care funding and expectations on local authorities, and the need to manage ongoing demographic pressures;
 - (d) Government policy includes above-inflation increases to the National Living Wage. This will put additional pressure on contract costs (particularly for independent sector care packages in Adults' Social Care).
- 12.5 A further risk is economic downturn, nationally or locally. This could result in new cuts to grant; falling business rate income; and increased cost of council tax reductions for taxpayers on low incomes. It could also lead to a growing need for council services and an increase in bad debts. The effect of Brexit remains to be seen.
- 12.6 The budget seeks to manage these risks as follows:-
 - (a) A minimum balance of £15m reserves will be maintained;

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- (b) A one-off corporate contingency of £1m is included in the budget for 2020/21;
- (c) A planning contingency is included in the budget from 2021/22 onwards (£3m per annum);
- (d) Spending Review savings are being implemented as soon as possible, and the resulting savings "banked" to support future budgets.
- 12.7 Subject to the above comments, I believe the Council's general and earmarked reserves to be adequate. I also believe estimates made in preparing the budget are robust. (Whilst no inflation is provided for the generality of running costs in 2020/21, some exceptions are made, and it is believed that services will be able to manage without an allocation).

13. Consultation on the Draft Budget

- 13.1 Comments on the draft budget will be sought from:-
 - (a) The Council's scrutiny function;
 - (b) Key partners and other representatives of communities of interest;
 - (c) Business community representatives (a statutory consultee);
 - (d) The Council's trade unions.
- 13.2 Comments will be incorporated into the final version of this report.

14. <u>Financial Implications</u>

- 14.1 This report is exclusively concerned with financial issues.
- 14.2 Section 106 of the Local Government Finance Act 1992 makes it a criminal offence for any member with arrears of council tax which have been outstanding for two months or more to attend any meeting at which a decision affecting the budget is to be made unless the member concerned declares the arrears at the outset of the meeting and that as a result s/he will not be voting. The member can, however, still speak. The rules are more circumscribed for the City Mayor and Executive. Any executive member who has arrears outstanding for 2 months or more cannot take part at all.

15. Legal Implications (Kamal Adatia, City Barrister)

- 15.1 The budget preparations have been in accordance with the Council's Budget and Policy Framework Procedure Rules Council's Constitution Part 4C. The decision with regard to the setting of the Council's budget is a function under the constitution which is the responsibility of the full Council.
- 15.2 At the budget-setting stage, Council is estimating, not determining, what will happen as a means to the end of setting the budget and therefore the council tax. Setting a budget is not the same as deciding what expenditure will be incurred. The Local Government Finance Act,

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1992, requires an authority, through the full Council, to calculate the aggregate of various estimated amounts, in order to find the shortfall to which its council tax base has to be applied. The Council can allocate greater or fewer funds than are requested by the Mayor in his proposed budget.

- 15.3 As well as detailing the recommended council tax increase for 2020/21, the report also complies with the following statutory requirements:-
 - (a) Robustness of the estimates made for the purposes of the calculations;
 - (b) Adequacy of reserves;
 - (c) The requirement to set a balanced budget.
- 15.4 Section 65 of the Local Government Finance Act, 1992, places upon local authorities a duty to consult representatives of non-domestic ratepayers before setting a budget. There are no specific statutory requirements to consult residents, although in the preparation of this budget the Council has undertaken tailored consultation exercises with wider stakeholders.
- 15.5 The discharge of the 'function' of setting a budget triggers the duty in s.149 of the Equality Act, 2010, for the Council to have "due regard" to its public sector equality duties. These are set out in paragraph 11. There are considered to be no specific proposals within this year's budget that could result in new changes of provision that could affect different groups of people sharing protected characteristics. As a consequence, there are no service-specific 'impact assessments' that accompany the budget. There is no requirement in law to undertake equality impact assessments as the only means to discharge the s.149 duty to have "due regard". The discharge of the duty is not achieved by pointing to one document looking at a snapshot in time, and the report evidences that the Council treats the duty as a live and enduring one. Indeed case law is clear that undertaking an EIA on an 'envelope-setting' budget is of limited value, and that it is at the point in time when policies are developed which reconfigure services to live within the budgetary constraint when impact is best assessed. However, an analysis of equality impacts has been prepared in respect of the proposed increase in council tax, and this is set out in Appendix Three.
- 15.6 Judicial review is the mechanism by which the lawfulness of Council budget-setting exercises are most likely to be challenged. There is no sensible way to provide an assurance that a process of budget setting has been undertaken in a manner which is immune from challenge. Nevertheless the approach taken with regard to due process and equality impacts is regarded by the City Barrister to be robust in law.

17. Report Authors

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Budget ceilings

1. City Development & Neighbourhoods	Adjusted 19/20 budget £000s	Spending Reviews approved £000s	Non- pay inflation £000s	Other changes £000s	2020/21 budget ceiling £000s
1.1 Neighbourhood & Environmental Servio	ces				
Divisional Management	 358.8	0.0			358.8
Regulatory Services	3,025.0	(55.0)			2,970.0
Waste Management	17,323.9	0.0	458.0		17,781.9
Parks & Open Spaces	3,731.9	0.0			3,731.9
Neighbourhood Services	5,410.0	(255.0)			5,155.0
Standards & Development	1,611.6	0.0			1,611.6
Divisional sub-total	31,461.2	(310.0)	458.0	0.0	31,609.2
1.2 Tourism, Culture & Inward Investment					
Arts & Museums	4,168.1	(78.0)			4,090.1
De Montfort Hall	540.4	0.0			540.4
City Centre	175.9	0.0			175.9
Place Marketing Organisation	375.3	0.0			375.3
Economic Development	89.1	0.0			89.1
Markets	(296.8)	(80.0)			(376.8)
Adult Skills	(870.4)	0.0			(870.4)
Divisional Management	208.5	0.0			208.5
Divisional sub-total	4,390.1	(158.0)	0.0	0.0	4,232.1
1.3 Planning, Development & Transportation	.				
Transport Strategy	10,024.0	(150.0)			9,874.0
Highways	4,018.3	(100.0)			3,918.3
Planning	4,016.3 974.4	0.0			974.4
	207.9	0.0			207.9
Divisional Management Divisional sub-total			0.0	0.0	
Divisional sub-total	15,224.6	(250.0)	0.0	0.0	14,974.6
1.4 Estates & Building Services	4,330.1	(150.0)	0.0	0.0	4,180.1
1.5 Housing Services	2,860.7	0.0	0.0	0.0	2,860.7
1.6 Departmental Overheads					
School Organisation & Admissions	454.3	0.0			454.3
Overheads	566.6	50.0			616.6
Divisional sub-total	1,020.9	50.0	0.0	0.0	1,070.9
DEPARTMENTAL TOTAL	59,287.6	(818.0)	458.0	0.0	58,927.6

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Budget ceilings

	Adjusted 19/20 budget £000s	Spending Reviews approved £000s	Non- pay inflation £000s	Other changes £000s	2020/21 budget ceiling £000s
2.Adults					
2.1 Adult Social Care & Safeguarding					
Other Management & support	656.9	0.0			656.9
Safeguarding	172.4	0.0			172.4
Preventative Services	6,418.1	0.0			6,418.1
Independent Sector Care Package Costs	95,843.0	(70.0)	2,035.7	12,393.0	110,201.7
Care Management (Localities)	6,677.8	0.0			6,677.8
Divisional sub-total	109,768.2	(70.0)	2,035.7	12,393.0	124,126.9
2.2 Adult Social Care & Commissioning					
Enablement & Day Care	2,972.2	0.0			2,972.2
Care Management (LD & AMH)	4,945.1	0.0			4,945.1
Preventative Services	2,062.1	0.0			2,062.1
Contracts, Commissioning & Other Support	4,814.0	0.0			4,814.0
Substance Misuse	5,559.7	0.0			5,559.7
Departmental	(21,512.3)	0.0		(9,308.0)	(30,820.3)
Divisional sub-total	(1,159.2)	0.0	0.0	(9,308.0)	(10,467.2)
DEPARTMENTAL TOTAL	108,609.0	(70.0)	2,035.7	3,085.0	113,659.7
3. Education & Children's Services					
3. Ludcation & Ciliuren 3 Services					
3.1 Strategic Commissioning & Business					
Support	1,039.4	0.0	0.0	0.0	1,039.4
2.2 Leaving Quality & Berformore					
3.2 Learning Quality & Performance Raising Achievement	308.3	0.0			308.3
Learning & Inclusion	1,926.3	0.0			1,926.3
Special Education Needs and Disabilities	8,316.6	0.0			8,316.6
Divisional sub-total	10,551.2	0.0	0.0	0.0	10,551.2
Divisional sub-total	10,331.2	0.0	0.0	0.0	10,551.2
3.3 Children, Young People and Families					
Children In Need	11,185.7	0.0			11,185.7
Looked After Children	38,772.0	0.0	188.3		38,960.3
Safeguarding & QA	2,620.2	0.0			2,620.2
Early Help Targeted Services	5,251.1	0.0			5,251.1
Early Help Specialist Services	2,334.5	0.0			2,334.5
Divisional sub-total	60,163.5	0.0	188.3	0.0	60,351.8

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3.4 Departmental Resources	(8,766.8)	0.0		14,000.0	5,233.2
DEPARTMENTAL TOTAL	62.987.3	0.0	188.3	14.000.0	77.175.6



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Budget ceilings

	Adjusted 19/20 budget £000s	Spending Reviews approved £000s	Non-pay inflation £000s	Other changes £000s	2020/21 budget ceiling £000s
4. Health & Wellbeing					
4.1 Health and Wellbeing					
Adults' Services	4,250.6	0.0			4,250.6
Children's 0-19 Services	8,967.5	0.0			8,967.5
Lifestyle Services	1,259.2	(45.0)			1,214.2
Staffing, Infrastructure & Other	1,359.0	0.0			1,359.0
Sports Services	2,794.3	(300.0)			2,494.3
DEPARTMENTAL TOTAL	18,630.6	(345.0)	0.0	0.0	18,285.6
					,
5. Corporate Resources Department					
5.1 Delivery, Communications & Political	F 650 F	0.0			F 650 F
Governance	5,659.5	0.0			5,659.5
5.2 Financial Services					
Financial Support	4,773.1	0.0			4,773.1
Revenues & Benefits	6,315.1	0.0			6,315.1
Divisional sub-total	11,088.2	0.0	0.0	0.0	11,088.2
5.3 Human Resources	3,857.6	0.0			3,857.6
5.4 Information Services	9,254.0	(132.0)			9,122.0
5.5 Legal Services	2,674.4	0.0			2,674.4
DED A DESAFRITAL TOTAL	22 522 7	(422.0)	0.0	0.0	22 404 7
DEPARTMENTAL TOTAL	32,533.7	(132.0)	0.0	0.0	32,401.7
TOTAL -Service Budget Ceilings	282,048.2	(1,365.0)	2,682.0	17,085.0	300,450.2
	. ,	()	,	, , , , , ,	,
less public health grant	(26,103.0)			(496.0)	(26,599.0)
NET TOTAL	255,945.2	(1,365.0)	2,682.0	16,589.0	273,851.2

Scheme of Virement

1. This appendix explains the scheme of virement which will apply to the budget, if it is approved by the Council.

Budget Ceilings

- 2. Strategic directors are authorised to vire sums within budget ceilings without limit, providing such virement does not give rise to a change of Council policy.
- 3. Strategic directors are authorised to vire money between any two budget ceilings within their departmental budgets, provided such virement does not give rise to a change of Council policy. The maximum amount by which any budget ceiling can be increased or reduced during the course of a year is £500,000. This money can be vired on a one-off or permanent basis.
- 4. Strategic directors are responsible, in consultation with the appropriate Assistant Mayor if necessary, for determining whether a proposed virement would give rise to a change of Council policy.
- 5. Movement of money between budget ceilings is not virement to the extent that it reflects changes in management responsibility for the delivery of services.
- 6. The City Mayor is authorised to increase or reduce any budget ceiling. The maximum amount by which any budget ceiling can be increased during the course of a year is £5m. Increases or reductions can be carried out on a one-off or permanent basis.
- 7. The Director of Finance may vire money between budget ceilings where such movements represent changes in accounting policy, or other changes which do not affect the amounts available for service provision.
- 8. Nothing above requires the City Mayor or any director to spend up to the budget ceiling for any service.

Corporate Budgets

- 9. The following authorities are granted in respect of corporate budgets:
 - (a) the Director of Finance may incur costs for which there is provision in miscellaneous corporate budgets, except that any policy decision requires the approval of the City Mayor;
 - (b) the Director of Finance may allocate the provision for the 2020/21 pay award;
 - (c) the City Mayor may determine the use of the corporate contingency;

(d) the City Mayor may determine the use of the provision for Education Funding reform.

Earmarked Reserves

- 10. Earmarked reserves may be created or dissolved by the City Mayor. In creating a reserve, the purpose of the reserve must be clear.
- 11. Strategic directors may add sums to an earmarked reserve, from:
 - (a) a budget ceiling, if the purposes of the reserve are within the scope of the service budget;
 - (b) a carry forward reserve, subject to the usual requirement for a business case.
- 12. Strategic directors may spend earmarked reserves on the purpose for which they have been created.
- 13. When an earmarked reserve is dissolved, the City Mayor shall determine the use of any remaining balance.

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Appendix Three

Equality Impact Assessment

1. Purpose

1.1 The purpose of this appendix is to present the equalities impact of the proposed 3.99% council tax increase. This is the maximum increase that the Government will allow us without a referendum.

2. Who is affected by the proposal?

- 2.1 As at September 2019, there are 128,112 properties liable for Council Tax in the city (excluding those registered as exempt, such as student households).
- 2.2 Since April 2013, as a consequence of the Government's welfare reforms, all working age households in Leicester have been required to contribute towards their council tax bill. Our current council tax support scheme (CTSS) requires working age households to pay at least 20% of their council tax bill and sets out to ensure that the most vulnerable householders are given some relief in response to financial hardship they may experience.
- 2.3 Council tax relief for pensioner households follows different rules. Low-income pensioners are eligible for up to 100% relief.

3. **How are they affected?**

- 3.1 The table below sets out the financial impact of the proposed council tax increase on different properties, before any discounts or reliefs are applied. It shows the weekly increase in each band, and the minimum weekly increase for those in receipt of a reduction under the CTSS for working-age households.
- 3.2 For band B properties (almost 80% of the city's properties are in bands A or B), the proposed annual increase in council tax is £48.27; the minimum annual increase for households eligible under the CTSS would be £9.65 (for a working-age household, and excluding the impact of any other discounts).

Band	No. of Properties	Weekly increase	Minimum Weekly Increase under CTSS
A-	287	£0.66	£0.13
Α	76,201	£0.79	£0.16
В	25,466	£0.93	£0.19
С	14,580	£1.06	£0.32
D	6,131	£1.19	£0.45
E	3,326	£1.45	£0.71
F	1,499	£1.72	£0.98

G	589	£1.98	£1.24
Н	33	£2.38	£1.64
Total	128,112		

Notes: "A-" properties refer to band A properties receiving an extra reduction for Disabled Relief. Households may be entitled to other discounts on their council tax bill, which are not shown in the table above.

- 3.3 In most cases, the change in council tax (£0.93/week for a band B property with no discounts) is a small proportion of disposable income, and a small contributor to any squeeze on household budgets. A Council Tax increase would be applicable to all properties the increase would not target any one protected group, rather it would be an increase that is applied across the board. However, it is recognised that this may have a more significant impact among households with a low disposable income.
- 3.4 Some households reliant on social security benefits <u>are</u> likely to be adversely affected due to the cumulative impact of further implementation of the Government's welfare reforms, in particular the rollout of Universal Credit full service which was implemented in Leicester in June 2018.
- 3.5 The ASDA income tracker for August 2019¹ shows relatively strong growth in disposable incomes over the past year, reflecting low unemployment, real-terms wage growth, and falling inflation rates. However, this is not evenly spread, with the lowest-income fifth of households seeing a 2.6% *fall* in discretionary spending power over the year.
- 3.6 Research by the Joseph Rowntree Foundation (JRF) has identified certain groups who are particularly likely to be on a low income² and may therefore see a disproportionate effect from a small (in absolute terms) increase in council tax. These include lone parents, single-earner couples and larger families (with 3 or more children).
- 3.7 The JRF report also highlights ongoing inflationary pressures on the household budgets of low-income groups. While overall CPI inflation has fallen recently, there have been higher increases in the costs of domestic fuel and public transport, which have a disproportionate effect on many low-income households. Increasing childcare costs, which are not fully met by tax credits or Universal Credit, are also identified as a particular pressure.

4. Alternative options

4.1 Within the current financial context, the alternative options of a lower (or no) increase would inevitably require even greater cuts to services. It is not possible to say where these cuts

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¹ The ASDA income tracker is an indicator of the economic prosperity of 'middle Britain', taking into account income, tax and all basic expenditure. ASDA's customer base matches the UK demographic more closely than that of other supermarkets.

² A Minimum Income Standard for the United Kingdom in 2019, JRF, July 2019. The JRF report is based around a different measure of "low income" to the ASDA income tracker, based on the ability to afford an assessed minimum living standard.

would fall; however, certain protected groups (e.g. older people; families with children; and people with disabilities) could face disproportionate impacts from reductions to services.

5. **Mitigating actions**

5.1 For residents likely to experience short term financial crises as a result of the cumulative impacts of the above risks, the Council has a range of mitigating actions as described in the report. These include: funding through Discretionary Housing Payments; the council's work with voluntary and community sector organisations to provide food to local people where it is required – through the council's or partners' food banks; through schemes which support people getting into work (and include cost reducing initiatives that address high transport costs such as providing recycled bicycles); and through support to social welfare advice services. The Council is also running a welfare benefits take-up campaign, to raise awareness of entitlements and boost incomes among vulnerable groups.

6. What protected characteristics are affected?

- 6.1 The table below describes how each protected characteristic is likely to be affected by the proposed council tax increase. The chart sets out known trends, anticipated impacts and risks; along with mitigating actions available to reduce negative impacts.
- 6.2 Some protected characteristics are not, as far as we can tell, disproportionately affected (as will be seen from the table) because there is no evidence to suggest they are affected differently from the population at large. They may, of course, be disadvantaged if they also have other protected characteristics that are likely to be affected, as indicated in the following analysis of impact based on protected characteristic.

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Analysis of impact based on protected characteristic

Protected characteristic	Impact of proposal:	Risk of negative impact:	Mitigating actions:
Age	Older people are least affected by a potential increase in council tax. Older people (pension age & older) have been relatively protected from the impacts of the recession & welfare cuts, as they receive protection from inflation in the uprating of state pensions. Lowincome pensioners also have more generous (up to 100%) council tax relief. However, in the current financial climate, a lower council tax increase would require even greater cuts to services. While it is not possible to say where these cuts would fall exactly, there are potential negative impacts for this group as older people are the primary service users of Adult Social Care. Working age people bear the brunt of the impacts of welfare reform reductions – particularly those with children. Whilst an increasing proportion of working age residents are in work, national research indicates that those on low wages are failing to get the anticipated uplift of the National Living Wage.	Working age households and families with children – incomes squeezed through low wages and reducing levels of benefit income.	Access to council discretionary funds for individual financial crises; access to council and partner support for food; and advice on managing household budgets.
Disability	Disability benefits have been reduced over time as thresholds for support have increased. The tax increase could have an impact on such household incomes.	Further erode quality of life being experienced by disabled people as their household incomes are	Disability benefits are disregarded in the assessment of need for CTSS purposes. Access to council discretionary
	However, in the current financial climate, a lower council tax increase would require even greater cuts to services. While it is not possible to	squeezed further as a	funds for individual financial crises; access to council and

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	say where these cuts would fall exactly, there are potential negative impacts for this group as disabled people are more likely to be service users of Adult Social Care.	result of reduced benefits.	partner support for food; and advice on better managing budgets.
Gender Reassignment	No disproportionate impact is attributable specifically to this characteristic.		
Pregnancy and Maternity	Maternity benefits have not been frozen and therefore kept in line with inflation. However, other social security benefits have been frozen, but without disproportionate impact arising for this specific protected characteristic.		
Glace	Those with white backgrounds are disproportionately on low incomes (indices of multiple deprivation) and in receipt of social security benefits. Some BME people are also low income and on benefits. Nationally, one-earner couples have seen particular falls in real income and are disproportionately of Asian background – which suggests an increasing impact on this group.	Household income being further squeezed through low wages and reducing levels of benefit income.	Access to council discretionary funds for individual financial crises, access to council and partner support for food and advice on managing household budgets. Where required, interpretation and translation will be provided in line with the Council's policy to remove barriers to accessing the support identified.
Religion or Belief	No disproportionate impact is attributable specifically to this characteristic.		

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Sex	Disproportionate impact on women who tend to manage household budgets and are responsible for childcare costs. Women are disproportionately lone parents. Analysis has identified lone parents as a group particularly likely to lose income from welfare reforms.	Incomes squeezed through low wages and reducing levels of benefit income. Increased risk for women as they are more likely to be lone parents.	If in receipt of Universal Credit or tax credits, a significant proportion of childcare costs are met by these sources. Access to council discretionary funds for individual financial crises, access to council and partner support for food and advice on managing household
Sexual Orientation	No disproportionate impact is attributable specifically to this characteristic.		budgets.

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Appendix Four

Consultation Responses

[To be added once consultation is complete]



Adult Social Care Scrutiny Commission Report

Tackle Care Home Staff Ratios:

Manifesto Pledge

Lead Member: Cllr Sarah Russell

Lead Director: Tracie Rees

Date: 4th February 2020

Useful information

■ Ward(s) affected: All

■ Report author: Annette Forbes / Kate Galoppi

■ Author contact details: Annette.forbes@leicester.gov.uk /

kate.galoppi@leicester.gov.uk

■ Report version number: Version v1

1. Purpose

1.1 To provide an update on progress against the manifesto pledge: 'Tackle Care Home Staff Ratio's as part of their commitment to improve Health & Care'.

2. Summary

- 2.1 Whilst legislation under the Health and Social Care Act 2008 (*Regulated Activities 2014: Regulation 18*) requires providers to deploy 'enough' staff, it does not give a specific directive regarding actual numbers.
- 2.2 Therefore, the City Council does not have any legal leverage to force a provider to employ or deploy an arbitrary number of staff to deliver care.
- 2.3 However, the Care Quality Commission (CQC) which is regulatory body for all care homes can take legal action to de-register a home if the quality of care is below the required standard, which can be attributed to inadequate staff numbers.
- 2.4 In addition, the authority has several means through its Quality Assurance Framework (QAF) as detailed at paragraph 4.4 to 4.12, to ensure that care homes are delivering good quality care, which includes staff coverage.
- 2.5 Also, the fee setting process for care homes providers takes into consideration staffing levels and ensures that a fair fee is set that supports care homes to employ appropriate staff levels.
- 2.6 Leicester City compares well against the national average and the comparator group for numbers of nursing and residential homes which are graded by CQC as Outstanding or Good overall. This suggests that whilst the City Council cannot enforce care home providers to employ a certain number of staff, the quality of care they are delivering is improving.

3. Recommendation

3.1 The Adult Social Care Scrutiny Commission are asked to note the contents of this report and to provide comment/feedback.

4. Report/Background

4.1 The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 18, states:

The intention of this regulation is to make sure that <u>providers deploy enough suitably qualified</u>, <u>competent and experienced staff</u> to enable them to meet all other regulatory requirements described in this part of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. To meet the regulation, <u>providers must provide sufficient numbers</u> of suitably qualified, competent, skilled and experienced staff to meet the needs of the people using the service at all times and the other regulatory requirements set out in this part of the above regulations. Staff must receive the support, training, professional development, supervision and appraisals that are necessary for them to carry out their role and responsibilities.

- 4.2 To establish that the regulations are met the Care Quality Commission (CQC) check for adequate staff numbers to meet the needs of those placed. This including evaluation of the complexity of care needs for those placed and whether the numbers of staff are adequate to meet the needs of those placed.
- 4.3 In addition, all care home providers in the city supporting social care clients have agreed to the Terms & Conditions of the Leicester City Council Core Agreement. The Core Agreement requires providers to:

employ an adequate number of sufficiently qualified and experienced Staff for the proper performance of its obligations under this Core Agreement and give notice to the Contracts & Assurance Service of the Council within next Working Day of the occurrence of the prolonged absence (in excess of one Month) or the resignation or dismissal of the Registered Manager or a change to the ownership or directors of the Care Home;

The contract specification requires that providers:

In order for the Service Provider to meet the complex care needs of the Service User, a level of staff support shall be required that ensures that individual care needs are met through a person centred sensitive, enabling and supportive approach at all times so as to promote personal dignity. The Service Provider should be able to demonstrate and evidence how this level has been determined.

The Service Provider shall recruit staff in sufficient numbers and deploy staff of a level of competence, with experience and qualifications to ensure and maintain service delivery of a quality consistent with this Specification and shall provide an appropriate level of continuing training and professional support in the pursuit of best practice and national standards of competence.

Quality Assurance

- 4.4 The Contracts and Assurance Service (CaAS) which is part of the social care department undertake a Quality Assurance Framework (QAF) Assessment of the quality of care on a regular basis. If this assessment demonstrates that there are concerns about the number, quality or abilities of staff employed within the service then an action plan will be issued, and ongoing evaluation of the actions taken will be undertaken by the allocated officer.
- 4.5 If the provider fails to take the required actions, then CaAs will use the terms of the Core Agreement to impose sanctions on the provider. This can include suspension of all new placements to the service, issuing a Notice to Remedy a Breach (NTRB) of the Core Agreement and ultimately termination of the Core Agreement.
- 4.6 The QAF also includes an assessment of Health & Safety at the service undertaken by the Corporate Health & Safety Team. This considers a number of areas covered by the Health & Safety at Work Act and issues related to Fire Safety. If the assessment of Fire Safety procedures at the service raise concerns in relation to staff numbers, this will be raised with the provider and an action plan issued. Staffing in relation to Health & Safety would be judged as a Major or Moderate concern and as such a NTRB would be issued impelling the provider to take actions to address the concerns.
- 4.7 In addition to the regular planned monitoring of providers intelligence is received into the section from a range of sources. This can be concerns or commendations raised by care management officers, whistle blowing concerns raised to CQC, issued raised with Healthwatch or concerns raised by members of the public directly to CaAS.
- 4.8 On receipt of information relating to the quality of care delivery, which may include staffing levels within a service, the allocated Officer will consider all available information and take a decision as to how this should be addressed. This could result in an unannounced visit to the service at any time of the day or night or requesting information from the manager of the service to further investigate the concerns.
- 4.9 An example of this is where officers from CaAs visited a service in response to concerns raised anonymously about the level of support available to residents in the early morning. Officers visited the service at 6am and found that there were a number of residents already dressed and in the lounge area without a member of staff available to support and monitor them. The service is registered to accommodate 19 people and 2 members of staff were deployed between 9pm and 7.30am and 3 people needed 2 members of staff to help them move safely. An immediate request was made for the night staffing levels to be increased to 3 and this was implemented with immediate effect. Officers from CaAS followed this up with a further unannounced visit in the early morning to ensure that this increase

- remained in place and was sufficient to meet the needs of the resident group
- 4.10 If the evidence provided demonstrates that the concerns have been substantiated the provider will be issued with an action plan detailing what concerns have been identified, what the provider needs to do to remedy these and the timescale allowed for these to be actioned.
- 4.11 Officers will monitor the progress and ensure that any actions required to ensure the health, safety and wellbeing of residents in placement are taken as a matter of urgency.
- 4.12 If the provider does not make the required improvements following a responsive visit, then CaAs may consider whether the service is in breach of contract and a Notice to Remedy a Breach will be issued. In addition, new placements to the service may be suspended until it has been evidenced that the delivery of care has reached the required level.

Information Sharing and Intensive Support

- 4.13 CaAS meet bi-monthly with other stakeholder organisations to share information on providers who are of concern and to agree a multi-agency approach to issues that need to be addressed with the provider. In addition, there is a sub-regional (Leicester, Leicestershire and Rutland) information sharing meeting, that reports to a Regional Quality Surveillance Group.
- 4.14 Where it is evident that a contracted provider is failing to meet its obligations under the Core Agreement a Multi-Agency Improvement Planning (MAIP) approach can be implemented. Delivery of the MAIP process is via a small team who works intensively with the failing provider to deliver focussed and extensive support to help them address the identified concerns. Visits will be made at least weekly and on occasion may be undertaken every day to ensure that service users are receiving safe and effective care.
- 4.15 MAIP will arrange regular meetings for other statutory bodies who use the service to discuss progress or additional concerns and a joint action plan will be developed to ensure that all required actions are addressed during the time that the MAIP team are working with the provider. Attendance at these meeting may include representatives from other Local Authorities, CQC, Clinical Commissioning Group's within Leicester & Leicestershire, Police, Environmental health, the Infection Control and Prevention team employed by Public Health England to work across Leicester, Leicestershire & Rutland.

Leicester City Council Fees for Care Homes

4.16 The fees paid for the delivery of care under the Core Agreement are effective from April each year and approved through the appropriate governance processes within the Council. The Core Agreement requires that the standard price is reviewed annually by the Council and the

- implementation of any amended fee rate(s) shall only apply following consultation with the Independent Sector.
- 4.17 The current rates payable (as of April 2019) are set out in the table below. These rates were increased by 5.25% from the equivalent rates in place during 2018/19. The overall increase in care home fees over the last years is shown in the second table.

Residential & Nursing Bands	Weekly Banded Rate 2019/20
Mental Illness/Drug or Alcohol Dependency	£456
Dependent Older People	£508
Learning Disability	£517
Highly Dependent People/Physical Disability	£572
Nursing Band – Accommodation & Personal Elements	£540

	Locality Rates	
Year	Banded Rates	Additional Needs Allowances
2017/18	7.67% (Ave)	4.17%
2018/19	4.82%	4.43%
2019/20	5.25%	4.79%
Total Increase (3 years - compounded)	18.78%	14.0%

- 4.18 A fundamental review of residential and nursing care banded structures was carried out by the Council in 2017/18. The existing fee model and underlying rationale were reviewed and the supporting metrics which drive the calculation of a fair price for care were reassessed using local market data and other independent third-party data sources. The latter allowed for extensive benchmarking of evidence collected from providers within the Independent Sector to support (and quantify) evidence of the drivers of cost. The resultant proposed changes to fee rates were subject to a full consultation with the care home providers.
- 4.19 As part of the detailed reassessment of fee rates, the review methodology included a review of example staffing rotas for typical sized homes (and occupancy rates) that the Council contracts with across the differing placements within the fee banding system. Proposed hours of direct care funded within banded payments also reflected minimum requirements to be compliant with the Council's Quality Assurance Framework (as set out in paragraph 4.4 of this report). The assumptions used for this assessment were not challenged by East Midlands Care the representative body for care home providers in Leicester.

4.20 Ultimately, a care home will deploy the resources available to them to employ appropriate numbers of staff who are sufficiently qualified to deliver the hours of care required. The Council (through its Care Management Division) periodically review a service user's care to ensure that the required level of personal support is being delivered. Where a service user's personal care needs exceed the level of care inherent in the banded fee payments, additional needs payments are agreed with the provider to fund the additional hours of 1:1 support.

Concluding Comments and Next Steps

- 4.21 Given the limits in the legislation governing staffing numbers in Care Homes, this paper has outlined the contractual requirements and the quality assurance processes that are in place in LCC to ensure that there are adequate numbers and appropriately trained staff to deliver safe and effective services.
- 4.22 In addition, the fee setting process provides enough resource for providers to be able to employ adequate and appropriately trained staff.
- 4.23 The quality of care home provision within Leicester City as assessed by CQC the ASC regulator, compares well with the percentage of services assessed as Outstanding or Good within both comparator authority areas and against the national averages.
- 4.24 There is no evidence within Leicester City that the quality of care home provision is adversely affected by staffing numbers currently in place.
- 4.25 Families or carers who wish to raise concerns about quality of care or the staffing levels in any care home have the opportunity to talk to CQC on Tel: 03000616161 or via the website on www.cqc.org.uk or can contact Leicester City Council on Tel: 0116 4541004.

5 Financial, legal and other implications

5.1 Financial implications

5.1 There are no direct financial implications arising from this report. As explained in paras 4.18 onwards a sufficiently robust process is in place to set banded rates at amounts which are commensurate with the appropriate staffing required for service users. The bespoke additional needs allowances will cater for any further requirements over and above the banded rate. *Martin Judson, Head of Finance*

5.2 Legal implications

5.2 All relevant legal matters are covered within the body of the report.

Emma Jackman, Head of Law (Commercial, Property & Planning)

5.3 Climate Change and Carbon Reduction implications

There are no significant climate change implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

There are no direct equality implications arising from this update report. The more frequent users of health and adult social care services will be older and disabled people. Equality issues should be a basic consideration in the regulation of service providers, ensuring that people's rights are protected, that they are not discriminated against and that all their diverse needs are met.

Surinder Singh, Equalities officer tel. 37 4148

6 Summary of appendices: None

7 Is this a private Report: No

Appendix E

Adult Social Care Scrutiny Commission

Draft Work Programme 2019 – 2020

Meeting Date	Topic	Lead Officer	Actions Arising	Progress
16 July 2019	An Overview of the Adult Social Care Services (to be held as a pre-meet session prior to the main meeting - for the benefit of new members).	SF		
	Dementia Strategy: Action Plans	TR	The additional information requested at this meeting by members has been circulated.	
	Extra Care Housing Update inc. planned schemes, detail on full wheelchair access	TR		
	Brokerage Team – Monitoring Report	SF		
	Adult Social Care Performance monitoring: Quarter 4 report	SF		
10 Sept 2019	Carers Strategy: Update following Amendment of the Strategy (to invite CYPS Scrutiny Commission members for joint scrutiny of this item)	TR		
	Better Care Fund (BCF) Annual Report including work with NHS and Over 85s (to invite Health & Wellbeing Scrutiny Commission members for joint scrutiny of this item).	RL		
	Consultation on Revisions to the ASC Non- Residential Charging Policy	RL		
	Work Programme update (to include new review proposal 'ASC Workforce Planning: challenges and looking to the future – tbc)	AP/Vice Chair		

Meeting Date	Topic	Lead Officer	Actions Arising	Progress
29 Oct 2019	Leicester Safeguarding Adult Board (LSAB) Annual Report	Chair of LSAB		
	Refresh of the Learning Disability Strategy: Consultation findings			
	Contracts and Assurance 2018 Annual Quality Report			
17 Dec 2019	VCS Review Phase 1 and 2: Progress Report, including information on Accommodation Based Support, DPSS/SUPS and relevant EIAs	TR		
	Update on ASC Communications Coordination	TR		
	Social Value good practice re: 'Ageing Together' pilot	TR		
4 Feb	Carers Strategy: 6-month Progress Update	TR		
2020	Draft General Fund Revenue Budget 2020/21 – members to scrutinise / comments on ASC service impacts	TR		
	Manifesto update: tackle care home staff ratio Charging Policy re: Attendance Allowance	TR		
	Consultation – Update following consultation	RL		

Meeting Date	Topic	Lead Officer	Actions Arising	Progress
31 March 2020	End of Life Case File/Records Audit (Review) ICRS Review Annual Operating Plan 2019/20 End of Year Report Learning and Development Task Group Review Report of Finding into 'Adult Social Care Workforce Planning: Looking to the Future' – led by Cllr Melissa March, Vice Chair of the commission.	Head of Service		

Forward Plan/Suggested Items

Topic	Detail	Proposed Date
FORWARD PLAN OF KEY DECISIONS	Commission members to be kept updated on items impacting on Adult Social Care service areas. Watching brief, as required	Watching brief, as required.
CONSULTATIONS	Commission to contribute to planned and live consultations impacting on Adult Social Care service areas. Watching brief, as required	Watching brief, as required
BUDGET REVIEWS AND ANNUAL BUDGET	Commission members to be kept updated on budget impacts on Adult Social Care service areas. Watching brief, as required.	Watching brief, as required
Green Paper Task Group Response: Sustainable Funding for Social Care		
Test of Assurance – Joint Service: Internal Review		
Managing our Workforce Report	Task group review established in October 2019	
Carers support		
Looked after children leaving care: a) support for housing e.g. council tax and rent b) living wage c) NEETs		
Housing adaptations programme (private and council) for people with disabilities		
Review of contracting out social care services		
Care homes - staffing		
Ethical Care Charter (unison)		
Tackling isolation		